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Women Human Rights Defenders are crucial allies for Dutch foreign policy and need proactive support

Women human rights defenders (WHRDs) are central to making human rights a reality in their own countries and communities, hence they are unmissable partners for Dutch foreign policy. This is also acknowledged in the 'Mensenrechten, Democratie & Internationale Rechtsorde' beleidsnota (p. 35). At the same time WHRDs are at high risk of discrimination and attacks, particularly gender-based violence. Their voice is heard too little in the corridors of power. In this position paper, Amnesty International underlines the importance of the work of WHRDs, including in conflict affected areas, the challenges that they face, and policy recommendations to the Dutch government.

What do Women Human Rights Defenders do?

Women human rights defenders (WHRDs) are all women who engage in the defence of any human right, and people of all genders who defend women's rights or work on a range of gender-related issues and sexuality.ⁱ They can be activists, journalists, lawyers, trade unionists, whistle-blowers, victims or relatives of victims of human rights violations and abuses, members of human rights organizations, teachers, etcetera. WHRDs play a crucial role in expanding human rights, such as, for instance, the access to safe and legal abortion services, the abolition of male guardianship, and the autonomy to choose to wear or not to wear a veil. In Saudi Arabia for example, it is thanks to the brave activism of WHRDs like Loujain al-Hathloul that women now have the right to drive.ⁱⁱ In Iran, women and girls were at the forefront of the popular #WomanLifeFreedom uprising in 2022, challenging decades of gender-based discrimination and violence, and defying discriminatory and degrading compulsory veiling laws.ⁱⁱⁱ

What challenges do Women Human Rights Defenders face?

Many human rights defenders across the globe have faced harassment, intimidation, ill-treatment, undue restrictions, unjust prosecution and arbitrary detention. Thousands of them have been killed or forcibly disappeared by state and non-state actors, or portrayed as criminals, undesirables, "foreign agents", "anti-nationals", "terrorists" or threats to "development" or "traditional values". Many states have introduced restrictive laws to silence and repress HRDs and attack the civic space in which they work, such as curtailing their mobility and their rights to freedom of expression, association and peaceful assembly.^{iv} This has led to restrictions on sources of funding for HRDs, denial of visas, hampering the registration of NGOs, and banning peaceful demonstrations.^v

WHRDs face a double burden. On top of the abovementioned repressive tactics, they are further exposed to multiple and intersecting forms of discrimination and specific forms of violence for who they are or what they do. WHRDs all too often must contend with gender-based forms of

stigmatization and hostility including misogynistic attacks in the private, community and in the digital sphere, targeting of family members, and sexist verbal and physical violence (including sexual violence as a form of torture).^{vi} Restrictive measures are often first directed against women-led and LGBTI groups because of their open challenge to the status quo through their defence of women's rights, gender equality, and sexual and reproductive rights. WHRDs are often seen as a threat to "traditional" or "family" values. Therefore conservative regimes and those with power may perceive them as opponents. For example, across the world, sexual and reproductive rights activists, health providers, and their organizations are stigmatized, ostracized and criminalized.

The fight for gender equality has started to face increased, well-funded, and well-resourced opposition.^{vii} This is undermining hard-won progress in national and international human rights law and practice. We have seen the effects in USA and Poland for example, where the right to abortion has been compromised. In Africa, despite the recognition of sexual and reproductive rights with the Maputo Protocol, Amnesty International has collected testimonies from WHRDs about well-resourced anti-abortion campaigns leading to the harassment and criminalization of patients and healthcare staff in both west and east Africa, including Kenya, Senegal, and Nigeria.^{viii} Moreover, legislation targeting LGBTI people and their right to defend rights has been enacted. For example in Russia^{ix}, the LGBTI movement is now labelled as extremist.^x In Uganda, the Anti-Homosexuality Act of 2023 outlaws the "promotion of homosexuality" amongst other measures.^{xi}

Women Human Rights Defenders in conflict and crisis affected situations

Situations of armed conflict, and/or political, humanitarian and governance crises intensify and exacerbate the risks for WHRDs. WHRDs working on peace and demilitarisation are often labelled as traitors to national security, accused of working for foreign interests and targeted by both state actors and armed groups. Violence, or the threat of violence, is used to intimidate and silence them.^{xii} For example, during the 2018 protests in Sudan, many WHRDs were specifically targeted with arbitrary detentions, and many women protesters were sexually harassed, raped and killed. Since the start of new fighting in April 2023, there have been reports of women killed and sexually assaulted, as well as a deepening humanitarian crisis, affecting all WHRDs who are trying to document abuses and support victims. Many have been forced into exile.^{xiii} Despite the UN policy framework on Women, Peace and Security (WPS) recognizing the disproportionate impacts of war on women and the pivotal role they should play in conflict prevention, conflict management and sustainable peace efforts, WHRDs continue to be excluded from key spaces and are often persecuted for speaking up. There remains a yawning gap between rhetorical commitments and action in the implementation of the WPS agenda.^{xiv}

How can the Netherlands support WHRDs globally?

1. Provide strong public and diplomatic support for all WHRDs at risk and particularly those that are marginalized and persecuted or experiencing conflict and crisis. Take concrete action at both bilateral and multilateral levels to protect WHRDs, their organizations and collectives, including by implementing the EU Guidelines on Human Rights Defenders^{xv} which should be applied equally in each country regardless of the economic or strategic interests at stake. For example, diplomats should show their support by attending trials, publicly recognising WHRDs and their work through public events and social media messaging, using diplomatic visits to conduct outreach to WHRDs in remote regions, promoting wider spaces and participation for WHRDs in human rights mechanisms, and supporting international initiatives and legal reform that protect WHRDs and hold those who attack or arbitrarily restrict them to account. The Dutch Government should also be guided by the EU Action Plan on Human Rights and Democracy (1.3b)^{xvi}, which states that individual the EU and its member states should "condemn and take appropriate actions against legislation that unduly

restricts the work of human rights defenders, journalists, media workers, and civil society, including arbitrary procedures or restrictions, in particular regarding foreign funding.”

2. Offer safe and legal pathways for the mobility and international protection for WHRDs at grave risk. When WHRDs are at immediate risk and cannot guarantee their own safety and that of their family, they need to have access to safe and legal pathways to international protection and to long-term multiple-entry Schengen visas. Ensure that visa applications by WHRDs are prioritised and processed in a timely, reliable and consistent manner, guaranteeing their privacy and dignity. When required, visas should also be issued for family members of WHRDs. The flexibility embedded in the Schengen Visa Code should be fully applied and operationalised for visa applications by WHRDs. Consider creating a specific visa procedure for WHRDs at national level, allowing longer stay of WHRDs when needed. Ensure that relocation initiatives also include longer stay possibilities, recognizing that three-months long rest and respite relocation are often insufficient for the needs of WHRDs.

3. Provide accessible and flexible funding to support WHRDs at the grassroots level, in particular for those who are most marginalized and affected by intersecting and multiple forms of discrimination and in conflict or crisis affected areas. It is key to ensure that funding is responsive to the specific needs and context of WHRDs, and that it supports the expertise, struggles and agendas of local WHRDs, their groups and communities. The funding should be flexible, sustainable and accessible in quickly changing conflict affected and crisis contexts. Sustained, core funding for WHRDs, their organizations and movements is essential to ensure they can carry out their work in favour of human rights and peace.^{xvii}

ⁱ See: Promotion of the Declaration of the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights, General Assembly Resolution A/RES/68/181, 18 December 2013, www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181; OHCHR, WHRDs infosheet, https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO_WHRD_WEB.pdf; WHRD International Coalition webpage, <https://www.defendingwomen-defendingrights.org/>; Amnesty International, *Challenging power, fighting discrimination*, 2019, www.amnesty.org/en/documents/act30/1139/2019/en;

ⁱⁱ Amnesty International, “The driving ban and women’s rights in Saudi Arabia”, 25 May 2018, <https://www.amnesty.org/en/latest/news/2018/05/the-driving-ban-and-rights-in-saudi-arabia/>; Amnesty International, “Saudi Arabia: Verdict upholding Loujain al-Hathloul’s conviction an appalling injustice”, 10 March 2021, <https://www.amnesty.org/en/latest/press-release/2021/03/saudi-arabia-verdict-upholding-loujain-al-hathloul-s-conviction-an-appalling-injustice/>

ⁱⁱⁱ Amnesty International Canada, “Iran: Free women human rights defenders Narges Mohammadi and Zeynab Jalalian”, January 2024, <https://amnesty.ca/blog/iran-free-women-human-rights-defenders-narges-mohammadi-and-zeynab-jalalian/>

^{iv} See: Kvinna till Kvinna, *Hope and resistance go together. The state of women human rights defenders 2023*, <https://kvinna.tillkvinna.org/wp-content/uploads/2023/11/The-Kvinna-till-Kvinna-Foundation-The-state-of-women-human-rights-defenders-2023.pdf>; AWID/Observatory on the Universality of Rights, *Rights at risk. Time for action*, 2021, <https://www.awid.org/ours-2021>;

^v See: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/75/184, 2020.

^{vi} Amnesty International, *Defending Defenders? An assessment of EU action on EU Human Rights Defenders*, 2019, <https://www.amnesty.org/en/documents/ior60/0995/2019/en/>

^{vii} See: UN Special Rapporteur on the situation of human rights defenders, *Situation of women human rights defenders*, 2019, UN Doc. A/HRC/40/60; Amnesty International, *Challenging power, fighting discrimination*, 2019, www.amnesty.org/en/documents/act30/1139/2019/en; ALIGN, *Facing the backlash: what is fuelling anti-feminist and anti-democratic forces?* 2023, <https://www.alignplatform.org/sites/default/files/2024-03/align-framingpaper-backlash-mar24-es.pdf>; European Parliamentary Forum for Sexual and Reproductive Rights, *Tip of the Iceberg: Religious Extremist Funders against Human Rights for Sexuality and Reproductive Health in Europe 2009 – 2018*, 2021, <https://www.epfweb.org/sites/default/files/2021-08/Tip%20of%20the%20Iceberg%20August%202021%20Final.pdf>

^{viii} Amnesty International, *An unstoppable movement: A global call to recognize and protect those who defend the right to abortion - Amnesty International, November 2023*, <https://www.amnesty.org/en/documents/pol40/7420/2023/en/>

^{ix} Russia's so called "gay propaganda law" in place since 2013 was expanded in December 2022 to all age groups. See: Amnesty International, *First approval of anti-LGBTI bill ramps up state-sanctioned homophobia*, October 2022, www.amnesty.org/en/latest/news/2022/10/first-approval-of-anti-lgbti-bill-ramps-up-state-sanctioned-homophobia/

^x *Amnesty International*, "Russia: Judgment labelling "LGBT movement" as "extremist" will have catastrophic consequences", November 2023, <https://www.amnesty.org/en/latest/news/2023/11/russia-judgment-labelling-lgbt-movement-as-extremist-will-have-catastrophic-consequences/>

^{xi} Uganda's Anti-homosexuality Act 2023 outlaws the "promotion of homosexuality" amongst other measures. The law came after months of increasing hostile rhetoric by government officials, politicians, church leaders and senior police and military officers. The government cracked down on LGBTI groups through the closure of Sexual Minorities Uganda (SMUG) in August 2022 and the listing of about 30 NGOs operating in Uganda suspected of promoting homosexuality by the NGO Bureau in February 2023. See: Amnesty International, *We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries*, January 2024, www.amnesty.org/en/documents/afr01/7533/2024/en/

^{xii} Amnesty International, *Challenges faced by women human rights defenders working in conflict, post-conflict or crisis-affected settings: Submission to the Special Rapporteur on the situation of human rights defenders*, June 2023, www.amnesty.org/en/documents/ior40/6853/2023/en/

^{xiii} *UN Special Representative of the Secretary-General on Sexual Violence in Conflict expresses grave concern over alleged acts of sexual violence in Sudan during the ongoing violence*, 24 May 2023, <https://www.un.org/sexualviolenceinconflict/press-release/un-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-expresses-grave-concern-over-alleged-acts-of-sexual-violence-in-sudan-during-the-ongoing-violence/>; SUWRA, *Sudan: Towards Women Led Crises Response*, August 2023, <https://suwra.org/blog/2023/08/28/report-sudan-towards-women-led-crises-response/>

^{xiv} OHCHR, "We don't need saving, we just need the space", 8 March 2024, <https://www.ohchr.org/en/stories/2024/03/we-dont-need-saving-we-just-need-space>

^{xv} EU Guidelines on Human Rights Defenders (2008), https://www.eeas.europa.eu/eeas/eu-guidelines-human-rights-defenders_en

^{xvi} EU Action Plan on Human Rights and Democracy 2020 – 2024,

https://www.eeas.europa.eu/sites/default/files/eu_action_plan_on_human_rights_and_democracy_2020-2024.pdf

^{xvii} Globally, less than 1% of all gender-focused ODA and humanitarian funding goes to women's organizations, thus excluding those who have the most potential, experience and knowledge to address the issues most affecting women, such as feminist and grassroots organizations AWID, *Where is the money for feminist organizing?* 2021, https://www.awid.org/sites/default/files/2022-01/AWID_Research_WITM_Brief_ENG.pdf; CARE, *Time for a better bargain: how the aid system shortchanges women and girls in crisis*, 2021, https://www.care.org/wp-content/uploads/2021/03/She-Leads-in-Crisis-Report_4.7.21_updated.pdf