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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report submitted by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya

Addendum

**Responses to the questionnaire on risks and challenges faced by women
human rights defenders and those working on women's rights and
gender issues***

* The present report is circulated as received.

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I. Introduction

1. On 3 November 2010, the Special Rapporteur on the situation of human rights defenders sent a questionnaire to Governments and non-Governmental organizations regarding the main challenges and risks that women defenders and those working on women's rights and gender issues face. The Special Rapporteur based part of her thematic report to the 16th session of the Human Rights Council (A/HRC/16/44) on the responses received to the questionnaire, which are reproduced below, along with the trends which emerged based on the analysis of the communications sent by the mandate during the period 2004-2009.

2. The Special Rapporteur would like to thank those Governments, non-Governmental organizations and human rights defenders who replied to her questionnaire.

3. The questionnaire is reproduced below in English. Responses received from both Governments and non-Governmental organizations are reproduced thereafter and arranged with regard to the relevant question. For ease of reference the responses have been grouped by country and in the language of submission. The countries are arranged in alphabetical order according to their names in English. Two of the responses have been reproduced by region.

4. The responses to the questionnaire are reproduced in their entirety as received. The responses have not been edited and should not be construed as reflecting the views of the Special Rapporteur. Due to their length, however, certain documents annexed to the replies have been omitted. They can be accessed upon request to the Special Rapporteur.

II. Questionnaire

Questions on women human rights defenders and those working on women's rights and gender issues: risks, security and protection

It would be deeply appreciated if responses were brief. They may be submitted in bullet-points if preferred.

For non-Governmental organizations (NGOs), should they so wish, their identity will remain confidential (only the country where they operate will be disclosed). Furthermore, they shall only answer questions which are relevant to them, and may share information about defenders other than themselves.

1. Please indicate, with brief examples, the main challenges and risks that women defenders and those working on women's rights and gender issues face in your country. Please refer to the specific security needs of women defenders and those working on women's rights and gender issues in your country.

2. Please list specific legislative measures (excluding Constitutional provisions) and/or concrete short and long-term protection strategies/programmes (including early warning mechanisms and the work of existing national human rights institutions) which have been, or are to be, adopted and/or implemented to specifically address the safety and protection of women defenders and those working on women's rights and gender issues in your country. How have the specific needs of women defenders and those working on women's rights and gender issues been taken into account in the designing and implementation of these measures, strategies and programmes?

3. In the absence of effective protection, please provide concrete examples on how women defenders and those working on women's rights and gender issues strive to keep themselves safe, either individually or collectively, at the local level in your country.

4. Please list specific protection programmes and/or tools for women defenders and those working on women's rights and gender issues developed by non-Governmental organizations at the national, regional and international levels. In your view, what are their main strengths and challenges?

5. Please describe specific measures adopted by the relevant regional human rights mechanisms¹ to address the specific protection needs of women defenders and those working on women's rights and gender issues who are at risk.

III. Responses received to the questionnaire

Argentina

Question 1: Response from the Government

5. Argentina cuenta con un sistema de protección de derechos humanos que contempla diversos ámbitos para la protección de los derechos de las mujeres.

6. Asimismo, la sanción en marzo de 2009 de la Ley Nacional N° 26,485, de Protección integral para prevenir, sancionar y erradicar la violencia contra las mujeres en los ámbitos en que desarrollen sus relaciones interpersonales, configura un avance fundamental hacia la concreción de los derechos reconocidos por los tratados internacionales mencionados, puesto que incorpora explícitamente las definiciones aportadas por ellos y amplía la protección de la violencia hacia las mujeres más allá del ámbito doméstico, ya considerado por otras leyes nacionales y provinciales, para hacerla extensiva al ámbito público, incluyendo así la violencia ejercida por las instituciones del estado.

7. Al respecto, cabe señalar que la Ley 26,485 fue reglamentada mediante el Decreto 2011, en julio de 2010. Esta Secretaría de Derechos Humanos participó activamente en el proceso de reglamentación como parte integrante de la Mesa Interministerial que, conjuntamente con la Mesa de Organizaciones no Gubernamentales realizaron sustantivos aportes al mismo. La Ley prevé la creación del Observatorio sobre la violencia de género, que sistematizará la información estadística y cualitativa referida a dicha situación, y también determina el diseño y ejecución de un Plan Nacional de Acción contra la violencia hacia las mujeres, puesto en cabeza del Consejo Nacional de las Mujeres. Este nuevo marco normativo, contribuye a ampliar el marco de protección de derechos de las mujeres en todas sus esferas de actuación, incluyendo en el ejercicio de la defensa de sus derechos.

8. Además de los resortes jurisdiccionales plenamente vigentes, en la esfera del Poder Ejecutivo Nacional, pueden señalarse dentro del Ministerio de Justicia y Derechos Humanos, el Programa de las Víctimas contra las Violencias y la Dirección Nacional de Grupos en situación de Vulnerabilidad de la Secretaría de Derechos Humanos.

9. Por otra parte en la esfera de la Jefatura de Gobierno de la Presidencia de la Nación, está constituido el Consejo Nacional de la Mujer, autoridad de aplicación de la Ley N°

¹ African Commission on Human and People's Rights; Association of Southeast Asian Nations (ASEAN); Council of Europe; European Union; and the Inter-American Commission on Human Rights.

26,485 de “Protección integral para prevenir, sancionar y erradicar la violencia contra las mujeres en los ámbitos en que desarrollen sus relaciones interpersonales”. Este organismo cuenta con delegaciones en todas las jurisdicciones del país.

10. En la esfera no gubernamental, existen numerosas organizaciones de defensa de los derechos de la mujer de reconocida trayectoria y gran participación.

11. No obstante los distintos mecanismos con que cuenta nuestro país, las personas, mayoritariamente mujeres, que trabajan defendiendo o asistiendo a las víctimas de violencia de género, son un grupo vulnerable a diversos tipos de presiones. Si bien no hay registro de acciones gravemente violentas en su contra, si las hay de amenazas e intimidaciones, así como también de presentaciones judiciales dirigidas a obstaculizar su tarea y su desarrollo profesional. Ejemplos de estas vejaciones son las descalificaciones y persecuciones judiciales a profesionales de la salud mental que asistieron a niñas y niños víctimas de abuso sexual; y las amenazas y presiones a quienes investigan y asisten a víctimas de redes de explotación sexual.

12. Desde esta Secretaría y otros organismos nacionales se han efectuado las correspondientes gestiones a fin de dar seguimiento a tales situaciones.

Question 2: Response from the Government

13. Al respecto en el mes de agosto de 2007, por Resolución D.G.N. N° 11S4/07 a, la Sra. Defensora General de la Nación creó la Comisión sobre temáticas de género, cuya misión es favorecer la implementación de estrategias de defensa con perspectiva de género, en particular en los casos vinculados con mujeres víctimas de violencia o en conflicto con la ley penal.

14. La Comisión sobre temáticas de género fue creada a fin de dar remedio a prácticas de discriminación contra las mujeres en el ámbito de la justicia. En un informe publicado en el año 2007, tras una extensa investigación que incluía a la Argentina, la Comisión Interamericana de Derechos Humanos puso de manifiesto los obstáculos de las mujeres para acceder a la justicia, algunos de ellos originados en la existencia y persistencia de patrones socioculturales discriminatorios que impiden y obstruyen la aplicación efectiva de las leyes destinadas a su protección (CIDH, Acceso a la Justicia para las víctimas de violencia en las Américas, OEA/Ser. L/V/II, Doc. 68, 20 de enero de 2007).

15. En este sentido, la Comisión sobre temáticas de género fue creada para asumir un rol activo en la elaboración de estrategias tendientes a neutralizar las eventuales prácticas de discriminación en el ámbito de la justicia, en especial en los casos vinculados a mujeres víctimas de violencia o en conflicto con la ley penal.

16. La Comisión tiene entre sus funciones: participar directa o indirectamente en la elaboración de estrategias de defensa a requerimiento de todos los defensores públicos del país (nacionales, federales y provinciales); coadyuvar en los casos que sean declarados de interés institucional por la Defensora General de la Nación, siempre y cuando quien ejerza la defensa sea un integrante del Ministerio Público de la Nación; participar en la elaboración de proyectos de instrucciones y recomendaciones para garantizar la adecuada defensa de los derechos de mujeres involucradas; así como recopilar y distribuir entre los Defensores Oficiales información y jurisprudencia sobre los estándares internacionales de la mujer; realizar investigaciones y firmar convenios de cooperación con entidades estables o privadas cuyo objeto sea la protección de los derechos de la mujer.

17. Por otra parte, la Secretaría de Derechos Humanos, ha intervenido en diversos casos en los que se han solicitado informes a los organismos provinciales o nacionales, dependientes del poder ejecutivo o judicial, sobre denuncias que se ha presentado contra defensores de derechos de las mujeres, realizando el seguimiento de los mismos.

Question 3: Response from the Government

18. Además de lo mencionado en los párrafos precedentes, las redes de mujeres, de profesionales y de personas sensibles a los derechos humanos de las mujeres, las niñas y niños y los grupos de homosexuales, bisexuales, lesbianas y personas transgénero, constituyen un sistema de alerta contra estas presiones y amenazas, mediante su difusión pública, sanción social y demanda de investigación.

Azerbaijan

Questions 1 and 3: Response from the Government

19. Women human rights defence mechanisms currently functioning in Azerbaijan are not subject to any specific risks and threats in the course of their activities and safety of women human rights defenders is provided by law enforcement agencies as the safety of other citizens is ensured.

Questions 2 and 4: Response from the Government

20. While special legislative act, special protection strategy or other defence mechanism for protection of human rights defenders group is not explicitly envisaged, the Constitution of the Republic of Azerbaijan determines respect for and protection of human rights and freedoms as the duty of the organs of legislative, executive and judicial powers.

21. Thus, Human Rights Institution (Ombudsman) of the Republic of Azerbaijan examines complaints on violation of the human rights of citizens of the Republic of Azerbaijan, foreigners and stateless persons and legal persons.

Question 5: Response from the Government

22. Human rights defenders group is not included into the separate group of risk neither in the country report of Council of Europe Commissioner on Human Rights nor in the likewise reports by the OSCE'S Office for Democratic Institutions and Human Rights.

Bahrain

23. At the time of the finalization of the present report, the translation of the reply of the Government dated 20 January 2011 was not yet available. Below is the text of the response reproduced in Arabic as received.

مذكرة بالرد على الاسئلة حول المسائل

المتعلقة بالنساء من مدافعي حقوق الانسان وحقوق النساء العاملات وقضايا المساواة

بين الجنسين والمخاطر والأمن والحماية

بالإشارة إلى التساؤلات المرفقة بالمذكرة الواردة من مكتب المفوضية السامية لحقوق الإنسان بتاريخ ٣ نوفمبر بشأن الإشارة إلى تقرير المقرر الخاص المعني بحالة مدافعي حقوق الانسان المزمع تقديمه خلال دورة مجلس حقوق الانسان مارس ٢٠١١ والمتعلقة بالمدافعات عن حقوق الانسان والمدافعين عن حقوق المرأة وقضايا المساواة بين الجنسين والمخاطر التي يتعرضون لها، واحتياجات الأمن والحماية الخاصة بهم.

نود أن نبين الآتي:

§السؤال الأول:

بيان مع إعطاء أمثلة مختصرة للتحديات والأخطار التي تتعرض لها المدافعات عن حقوق الانسان والمدافعين عن حقوق المرأة وقضايا المساواة بين الجنسين في دولتكم واحتياجات الأمن الخاصة بهم؟

تكفل قوانين مملكة البحرين الحماية اللازمة للمدافعين عن حقوق الانسان بشكل عام دون تمييز وذلك تطبيقاً لمبدأ المساواة الذي ينص عليه الدستور فقد نصت المادة (١٨) منه " الناس سواسية في الكرامة الإنسانية، ويتساوى المواطنون لدى القانون في الحقوق والواجبات العامة، لا تميز بينهم في ذلك بسبب الجنس أو الأصل أو اللغة أو الدين أو العقيدة."

كما توفر المملكة البيئة المناسبة لمزاولة أنشطتهم وذلك بما يكفله الدستور في المادة (٢٣) من أن " حرية الرأي والبحث العلمي مكفولة، ولكل إنسان حق التعبير عن رأيه ونشره بالقول أو الكتابة أو غيرها، وذلك وفقاً للشروط والأوضاع التي يبينها القانون، مع عدم المساس بأسس العقيدة الإسلامية ووحدة الشعب، وبما لا يثير الفرقة أو الطائفة".

كما تم إنشاء المجلس الأعلى للمرأة بموجب الأمر الأميري رقم (٤٤) لسنة ٢٠٠١، والذي يعتبر المرجع الأول لدى الجهات الرسمية فيما يتعلق بشئون المرأة حيث ترأس صاحبة السمو الملكي الأميرة سبيكة بنت إبراهيم آل خليفة المجلس ويضم عضوية عدد من الشخصيات النسائية العامة وذوات الخبرة في شئون المرأة والأنشطة المختلفة بهذا الشأن. ويعد من أهم اختصاصات المجلس وضع مشروع خطة وطنية للنهوض بالمرأة وحل المشكلات التي تواجهها في كافة المجالات

السؤال الثاني:

بيان التدابير التشريعية (غير تلك الواردة بالدستور) وبيان استراتيجيات وبرامج الحماية طويلة وقصيرة المدى التي تم تبنيها أو تطبيقها تكريساً لأمن وحماية المدافعات والمدافعين عن حقوق المرأة وقضايا المساواة بين الجنسين في دولتكم. وكيف تم أخذ احتياجات بالاعتبار عند وضع وتطبيق هذه التدابير والاستراتيجيات والبرامج؟

ليس هناك قوانين استثنائية خاصة بحماية المدافعات عن حقوق الانسان والمدافعين عن حقوق المرأة وقضايا المساواة بين الجنسين اى أن هناك منظومة تشريعية متكاملة وتكفل الحماية لهم ابتداءً بنصوص الدستور الذي أعطى في مادته (٢٧) " حرية تكوين الجمعيات والنقابات على أسس وطنية ولأهداف مشروعة بوسائل سليمة، مكفولة وفقاً للشروط والأوضاع التي يبينها القانون، بشرط عدم المساس بأسس الدين والنظام العام، ولا يجوز إجبار أحد على الانضمام إلى أي جمعية أو نقابة أو الاستمرار فيها " .

كما صدر قانون الجمعيات والأندية الاجتماعية والثقافية والهيئات الخاصة العاملة في ميدان الشباب والرياضة والمؤسسات الخاصة بموجب مرسوم بقانون رقم (٢١) لسنة ١٩٨٩. الذي أعطى الحق لكل جماعة ذات تنظيم مستمر وتتألف من عدة أشخاص طبيعيين أو اعتباريين لغرض آخر غير الحصول على ربح مادي وتستهدف القيام بنشاط اجتماعي أو تعليمي خاص أو ثقافي أو خيرى تأسيس جمعية تمارس من خلالها أنشطتها وهذا الحق مكفول للمدافعين عن حقوق الإنسان بشكل عام والمدافعين عن حقوق المرأة وقضايا المساواة بين الجنسين بشكل خاص الأمر الذي يمكنهم من ممارسة أنشطتهم في ظل تنظيم قانون يعينهم على تحقيق أهدافهم.

كما أن قوانين مملكة البحرين على اختلافها لم تفرق بين الجنسين فعلى سبيل المثال في تولي الوظائف العامة فإن قانون الخدمة المدنية وضع شروط عامة لشغل الوظائف ولم يفرق فيها بين الجنسين.

وترسيخاً لمبدأ المساواة بين الجنسين بادرت مملكة البحرين للانضمام إلى اتفاقية القضاء على جميع أشكال التمييز ضد المرأة بموجب المرسوم بقانون رقم (٥) لسنة ٢٠٠٢.

كما صادقت مملكة البحرين على العهد الدولي الخاص بالحقوق المدنية والسياسية عام ٢٠٠٦ والذي نص في المادة (٣) منه على تساوي الرجال والنساء في حق التمتع بجميع الحقوق المدنية والسياسية المنصوص عليها في العهد.

كما صادقت مملكة البحرين بموجب قانون رقم (٧) لسنة ٢٠٠٦ على الميثاق العربي لحقوق الانسان الذي يكفل المساواة بين الجنسين، فقد نص في المادة (٣) منه على " الرجل والمرأة متساويان في الكرامة الإنسانية، والحقوق والواجبات، في ظل التمييز الايجابي الذي أقرته الشريعة الإسلامية والشرائع السماوية الأخرى والتشريعات والمواثيق النافذة لصالح المرأة. وتتعهد نبعاً لذلك كل دولة طرف باتخاذ كافة التدابير اللازمة لتأمين تكافؤ الفرص والمساواة الفعلية بين النساء والرجال في التمتع بجميع الحقوق الواردة في هذا الميثاق.

كما يشكل المجلس الأعلى للمرأة الذي تم إنشائه في ٢٠٠٢ أداة مراقبة فعالة على أوضاع المرأة في مملكة البحرين فهو يختص بكل ما يتعلق بشئون المرأة ومن أهمها في هذا المقام اقتراح السياسة العامة في مجال التنمية والتطوير في شئون المرأة في مؤسسات المجتمع الدستورية والمدنية وتمكين المرأة من أداء دورها في الحياة العامة وإدماج جهودها في برامج التنمية الشاملة مع مراعاة عدم التمييز ضدها وأيضاً وضع مشروع خطة وطنية للنهوض بالمرأة وحل المشكلات التي تواجهها في كافة المجالات.

كما صدر أمر ملكي رقم (٤٦) لسنة ٢٠٠٩ بإنشاء المؤسسة الوطنية لحقوق الانسان والتي تتولى تعزيز وتنمية وحماية حقوق الانسان وترسيخ قيمتها ونشر الوعي بها والاسهام في ضمان ممارستها فمن أهم اختصاصات المؤسسة وضع استراتيجية وطنية متكاملة لتعزيز وحماية حقوق الانسان في المملكة، وإقتراح الآليات والوسائل الخاصة لتحقيقها. كما

صدر أمر ملكي رقم (١٦) لسنة ٢٠١٠ بتعيين أعضاء المؤسسة الوطنية لحقوق الإنسان والذي ضمن العنصر النسائي حيث نص الأمر على تعيين ٦ عضوات من ذوات الخبرة في مجال حقوق الإنسان عامة وحقوق المرأة خاصة.

كما تم تشكيل لجنة وزارة الداخلية لشكاوى حقوق الإنسان تختص بالنظر في الشكاوي المتعلقة لحقوق الإنسان. كما يوجد بوزارة الداخلية إدارة للشرطة النسائية تتولى الأمور المتعلقة بالمرأة والأحداث منها تلقى الشكاوى وإجراء التحريات والأبحاث.

السؤال الثالث:

في ظل غياب الحماية الفعالة أرجو بيان بعض الأمثلة حول مايقوم به المدافعات والمدافعين عن حقوق المرأة وقضايا المساواة بين الجنسين للحفاظ على سلامتهم سواء فردياً أو جماعياً على المستوى المحلي في دولتكم؟

الحماية في مملكة البحرين مكفولة للمدافعين عن حقوق الإنسان بصفة عامة والمدافعات بصفة خاصة بموجب القوانين سالفة الذكر.

السؤال الرابع:

ماهي البرامج والأدوات الخاصة بحماية المدافعات والمدافعين عن حقوق المرأة وقضايا المساواة بين الجنسين المتخذة من قبل المنظمات غير الحكومية على المستوى الوطني أو الاقليمي أو الدولي من وجهة نظركم. ماهي مواضع القوة والتحديات فيها؟

طبقاً لقانون الجمعيات والأهداف التأسيسية للجمعيات ذات الصلة فإنها تقوم بوضع الاستراتيجيات والخطط التي من شأنها الارتقاء بالمرأة سواء على المستوى المحلي أو الاقليمي كما تقوم بدعم تلك البرامج والخطط.

السؤال الخامس:

ماهي التدابير الخاصة التي تبنتها هيئات حقوق الإنسان الاقليمية ذات الصلة لتتولى الاحتياجات الخاصة بحماية المدافعات عن حقوق الإنسان والمدافعين عن حقوق المرأة وقضايا المساواة بين الجنسين الذين يتعرضون للخطر؟

قامت مملكة البحرين بالتصديق على الميثاق العربي لحقوق الإنسان سنة ٢٠٠٦ الذي يكفل في نصوصه الخاصة الحماية للأشخاص من التعرض للخطر في نص في المادة(٨) " ١- يحظر تعذيب أي شخص بدنياً أو نفسياً أو معاملته معاملة قاسية أو مهينة أو حاطة بالكرامة أو غير إنسانية. ٢- تحمي كل دولة طرف كل شخص خاضع لولايتها من هذه الممارسات، وتتخذ التدابير الفعالة لمنع ذلك وتعد ممارسة هذه التصرفات أو الاسهام فيها جريمة يعاقب عليها لا تسقط بالتقادم. كما تتضمن كل دولة طرف في نظامها القانوني إنصاف من يتعرض للتعذيب وتمتعه بحق رد الاعتبار والتعويض" كما نصت المادة (١١) منه على أن " جميع الأشخاص متساوون أمام القانون ولهم الحق في التمتع بحمايته دون تمييز. "

كما أنشأ بموجب الميثاق العربي لحقوق الإنسان لجنة تسمى " لجنة حقوق الإنسان العربي " تختص بنظر التقارير المقدمة من الدول الأطراف بشأن التدابير التي اتخذتها لأعمال الحقوق والحريات المنصوص عليها في الميثاق وبيان التقدم المحرز للمتمتع بها. كما تنظر هذه اللجنة النداءات المقدمة من الاشخاص بكل مايتعلق بحقوق الإنسان طبقاً لما جاء في نظام اللجنة الداخلي.

تعد المؤسسة الوطنية لحقوق الإنسان التي تم انشاءها بموجب الأمر الملكي رقم (٤٦) لسنة ٢٠٠٩ مؤسسة مستقلة تتولى تعزيز وتنمية وحماية حقوق الإنسان وترسيخ قيمتها ونشر الوعي بهما والأسهام في ضمان ممارستها ومن أهم اختصاصاتها تلقي الشكاوي المتعلقة بحقوق الإنسان ودراستها وإحالة ما ترى المؤسسة إحالته فيها على جهات الاختصاص مع متابعتها بشكل فعال، أو تبصير ذوي الشأن بالاجراءات الواجبه الاتباع ومساعدتهم في اتخاذها، أو المعاونة في تسويتها مع الجهات المعنية.

كما تلتزم مملكة البحرين بتطبيق المعاهدات الاقليمية الخاصة بحقوق الإنسان.

Bangladesh

Question 1: response from Local Environment, Development and Agricultural Research Society (LEDARS)

24. Women defenders though they are NGO representative/organizer are neglected by the high-level Government authority.

25. As Bangladesh is a Muslim country and women are always neglected by their religious rule; women defender are neglected by community and even physically harassed by influential persons.

26. Example: As an NGO working for the widows of the tiger victim, we are trying to raise their voices to special allocation for the tiger widows and also trying to rehabilitate them but some community people criticize our work.

27. Sometimes, women defenders face illegal law suits from the political influential people. Basically those who work for the right to land of the widows or women head families face social and economical threats.

28. Specific security needs:

- Empowerment of women defenders both financially and organizationally so that they can face in any kind of illegal law suit
- Capacity building of the defender
- Maybe some international organization may send them some ID card, so that they can get privilege in the different Government sectors

Response from the Institute of Hazrat Mohammad (SAW)

29. Socio-cultural environment is extremely non-conducive for women defenders to work in the community to address the issues of violence, human rights abuse and coercion e.g. the human rights based NGO/CBO worker more often than not faces societal challenges in trying to protect the right of the abused because of the stereotyping of women as submissive in character.

30. The concept of women human rights defenders is still very nascent in the country although, there is a vibrant human and community development sector working through the local NGOs, Community Based Organizations (CBOs) and networks e.g. the defenders are staffs of the human rights based NGOs and carry out their designated jobs – many times they are not properly trained.

31. Stigma, discrimination and marginalization are common denominators that define the status of women in general as such gender concern is a significant factor e.g. gender inequality is prominently entrenched within the multi-sector working environment as such there is negligible presence at the Management decision making level making it a further challenge to defend human rights.

32. There is a common belief that women human rights defenders, gender advocates and NGO workers are destroying the religious values and traditions and therefore, the community leaders, administrators, policy executors and societal influential feel threatened.

33. Women defenders need work based protection from persecution and their legal rights need to be accurately delineated.

Response from Odhikar

34. Prejudices, patriarchal social traditions about how women must 'behave' have often led to the labeling of victims of violence as women with questionable morals and have 'encouraged' the violence perpetrated – rape or acid.

35. Women human rights activists are also seen as having too much 'freedom' and 'disrespect' for men, especially if they are working at the local or grass roots level. They are sometimes considered bad examples.

36. One of the major obstacles the women human rights defenders face is non-cooperation from the police, particularly, in respect of providing information relating to cases of violation of women rights.

37. Women human rights defenders have reported that the police did not take immediate action against the perpetrators in cases where the perpetrators were threatening victims and witnesses, with a few exceptions.

Question 2: response from Local Environment, Development and Agricultural Research Society (LEDARS)

38. Though there have equals rights to men and women according to constitution of Bangladesh, but women defedners have some limitation that are as follows.

- Implementation of law on the women has still discrimination
- Injustice in the law of Government in land distribution. According to that law, women who have no adult son, cannot get the Government land (kash land)
- Though we have constitution, but maximum cases like distribution of land between daughter and son, marriage, divorce are governed under Muslim law where the discrimination remain against women

39. Bangladesh national human rights institute has no such kind of program to protect the women human rights defenders. May be our national human rights organization can identify the women defender, provide them with training for capacity building and provide them ID card so that the women defender can take quick shelter of the law enforcement authority and get privilege in all sectors they need to entrance.

Response from the Institute of Hazrat Mohammad (SAW)

40. The govt. of Bangladesh had passed Protection of Women from Domestic Violence Act, 2005, and enforced it in October 2006. The Bangladesh parliament passed a law for the protection of women and children against family violence and discrimination in Oct. 2010. The house ratified "The Domestic Violence (resistance and protection) Bill-2010" as state minister for women and children affairs Shirin Sharmin Chaudhury proposed its passage.

41. The National Human Rights Commission of Bangladesh was reconstituted in 2010 under the National Human Rights Commission Act of 2009 as a national advocacy institution for human rights promotion and protection. It is in the process of formulating its strategy and although, almost all aspects of human rights violence are included in it there is no specific provision for the women defenders of human rights.

Response from Odhikar

42. In Bangladesh, there are several specific laws tailored to issues of violence against women, including the Penal Code. There are no laws protecting victims and witnesses. Bangladesh now has a National Human Rights Commission.

Question 3: response from Local Environment, Development and Agricultural Research Society (LEDARS)

43. May be all women defenders could make a national and regional platform. This institute should make a linkage with the Government authority. Financial support could be provided to those organizations which are working on women and gender issues for organizational development.

Response from the Institute of Hazrat Mohammad (SAW)

44. At the individual level most women human rights defenders follow the same vigilance as other working and non-working women in the community.
45. Collectively there are NGOs and CBOs and the Bangladesh Manobadhikar Samonnaya Parishad - The Coordinating Council for Human Rights in Bangladesh that takes up issues of protection of women defenders of human rights.
46. Additionally, the National Human Rights Commission is now resolving cases of hostility and violence against the defenders as general human rights abuse incidence.
47. There is no specific modality of protection that is followed for the women defenders of human rights.

Response from Odhikar

48. The women prefer to work collectively as an NGO. If they are local lawyers, it makes their role of human rights defenders a little easier. Odhikar, a human rights activist organisation has been able to create a network of women human rights defenders in a particular district in Bangladesh, for protection and strength.

Question 4: response from Local Environment, Development and Agricultural Research Society (LEDARS)

49. Women defenders should maybe form a national and regional platform. More support should be provided to issues which deal with women defenders as well as for organizational development.
50. Strengths: all the women defenders belong to NGOs which are working voluntarily in the country. In any kind of crucial situation they will work in this field.
51. Challenges: Financial constraints make the defenders weaker, lack of national institution of women defenders to fights against violence, and lack of Government patronization to the defenders.

Response from the Institute of Hazrat Mohammad (SAW)

52. The Institute of Hazrat Mohammad (SAW), as a research based think tank, presented its documentation on gender and women's rights and its interpretation by law enforcer a Bangladesh case study in relation to the regional context specifically from the perspective of human rights defender. The strength of the paper is the interpretation of the patriarchal system that influences attitude, behaviour and practice towards women defenders. The focus on law enforcer's roles and responsibilities and its violation makes the discourse substantive as it challenges the protection system.
53. Odhikar is an organisation that has trained and enhanced the activities of more than 200 human rights defenders across the country as a pilot project. The project entitled "Empowerment of Women Human Rights Defenders" with a view to educate community/grassroots level women human rights defenders regarding fact-finding and documentation on human rights violations; and to create a network among the families of women victims of violence and women human rights defenders. This is the first of its kind of training that acknowledges the position of women human rights defenders. The training provided to grass-roots level may not find its practical application without sufficient redress of the community mindset specially those of the leaders who are mostly men.

Response from Odhikar

54. Odhikar, a human rights activist organisation in Bangladesh, has carried out successful training programmes for women who are interested in becoming human rights defenders. Target groups were grass roots level social workers, high school students, teachers, victims of violence and local lawyers. Also included in the training were representatives (male and female) from the local Government and the police, for more effective information dissemination. The programme and its follow-up helped create a network of women human rights defenders at the local level in the target area.

55. The women human rights defenders who were part of the Odhikar programme are now part of the greater awareness-raising initiatives of Odhikar. If they fall into any problems which hamper their work, they are able to contact Odhikar for support.

56. The main challenge was to get members of the local Government interested in the issue. After the workshop, they have not kept in contact with the women human rights defenders.

57. The women human rights defenders at the workshop had a lot of will power and were willing to carry out activities as women human rights defenders. They were very vocal about the injustices faced by women in Bangladesh and came up with concrete solutions as to how to combat them. They did realise, however, that this required political will of the Government, which is almost non-existent.

Question 5: response from Local Environment, Development and Agricultural Research Society (LEDARS)

58. No information available.

Response from Odhikar

59. Bangladesh has very recently established a National Human Rights Commission which is authorised to carry out investigations into all kinds of human rights abuses and send findings to the Government for further action.

Cambodia**Questions 1, 2, 3 and 4: response from Cambodian Human Rights and Development Association (ADHOC)**

60. Threats and intimidations against women's rights defenders have always been grave and rising concerns. They have been accused of incitement especially when they defend victims of rape and human trafficking.

61. Threats, sometimes killing threats, are made through phone calls to undermine the work and frame of mind of women's rights defenders in order to force them to stop helping and protecting poor victims.

62. Despite these new laws adopted and existing legislation to deal with domestic violence, violence against women and children does not decrease.

63. Victims continue to accept compromises and out-of-court resolutions because the Judiciary is still plagued with corruption and political interferences.

64. There is some cooperation with some Government institutions namely Ministry of Women Affairs but there are no clear mechanisms or measures to help the victims and women defenders who are under threats and intimidation.

65. Some threats posed on ADHOC women defenders from the powerful person or the rich individual who linked to the top ranking officials.

66. Some other threats and intimidations fall on the women defenders on the ground whose works are to protect the ordinary, poor and powerless people, land rights or the rights to natural resources. For instance, in the case of Ms. Yin Sam Onn- the rep. of Chroy Banteay communities of Prek Brasob district, Kratie province. She encountered severe threats like “You will be taken out of position as the vice chief of the village!” and “Becareful!” and even “Wait and See!” which she describe as political threats which has a great negative impact on her minds making her sleepless.

Canada

Question 1: response from the Government

67. Canada is deeply committed to supporting human rights defenders. At the bilateral level, Canada shares its concerns regarding the situation of human rights defenders, including specific cases, openly and directly with the concerned states. We also demonstrate our support for human rights defenders at the UN as well in the inter-American system and the OSCE.

68. Canada has a long-standing reputation as a leader in promoting women’s human rights and believes that equal rights for women are indivisible from human rights. Canada supports numerous international documents which safeguard women’s rights; including the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child.

69. Canada is firmly committed to our international obligations concerning the rights of women, including those set out in CEDAW and in the 1995 Beijing Declaration and Platform for Action. Canada gives serious consideration to the views of human rights treaty bodies, such as the Committee on the Elimination of Discrimination against Women, when developing and changing our laws and policies.

70. Canada recognizes that women may face multiple forms of discrimination, which prevent them from fully enjoying their human rights. Canada has many policies and programs in place designed to prevent and combat such discrimination domestically, as well as strong legal protections of human rights which allow for recourse to the various bodies – including courts and tribunals – by women whose rights have been violated.

Response from Ritual Abuse-Torture

Specific risks

71. These are seldom discussed because the perception is that human rights defending work is relatively safe in Canada. This is true from a physical perspective - we have not feared for our lives – there are, however, unique risks that require recognition as well as the consequences these risks inflict. These are:

72. Isolation and burden of social responsibility. As far as we can ascertain we are the only women in Canada doing this human rights work of identifying non-State torture in the domestic sphere as a violation of women’s human rights; this aloneness is very isolating and compounded by a heavy burden of both social responsibility and responsibility to victimized women;

73. Aloneness. This translates into having no peer support and social and professional shunning.

74. Attempts at professional discreditation. We have been doing this work since 1993 and have faced a variety of efforts to discredit our work as professionals via the submission of malicious or false-based professional complaints against us, requiring we defend ourselves and our work. These efforts have come from alleged perpetrators as well as from the misogyny from other women. Discrediting attacks cause extreme crisis and stress because such attacks are based on attempts to take away our professional livelihood as well remove us from effectively providing care to women so victimized.

75. Financial liability. With confronting attempts at professional discreditation there are financial legal costs that run into the thousands of dollars; as well, there is a potential loss of professional status and therefore work opportunities and financial security.

76. Impact on family relationships. Relationships are seriously affected when working full time, trying to support women in dire crisis when there is no police/legal protection or other learned and informed support to call upon for help for the women or for us. Time with children/partners is seriously compromised as often the only way to cope is going with less sleep and working through many a night and day.

77. Threat to physical wellness. All the above issues present as threats to our physical health because of loss of sleep, vicarious trauma, aloneness, isolation, the psychological distress of integrating non-State torture victimization and the ethical-moral duress of professional/institutional cover-ups.

78. Ethical and moral duress. It is spiritually painful to confront professional/institutional cover-ups, deceitfulness, misogyny and, knowing a victimized and extremely vulnerable woman can allege professionals to be involved in their perpetration and even when reported non-action occurs.

79. Socio-cultural bias. When speaking of domestic non-State torture atrocities we most frequently encounter the bias of "not in Canada, you must be talking of Africa". This is disheartening.

Question 2: response from the Government

80. In Canada, human rights defenders are well protected, as are all individuals in Canada, through a combination of constitutional and legislative measures.

81. The *Canadian Charter of Rights and Freedoms* guarantees all individuals in Canada freedom of conscience and religion; freedom of thought, belief, opinion and expression, including freedom of the press; freedom of peaceful assembly; and freedom of association.

82. Section 15 of the *Canadian Charter of Rights and Freedoms*, ensures equal protection and equal benefit of the law "without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability". This list of prohibited grounds is not closed. Courts have expanded it to include grounds such as sexual orientation and marital status. Section 15 protects against both direct discrimination and adverse effect discrimination which means that even if the purpose or intent is not discriminatory, a measure may be discriminatory if the effect is to deny an individual equal protection or benefit of the law.

83. Section 28 of the *Canadian Charter of Rights and Freedoms* guarantees that all rights covered in the *Charter* apply equally to men and women.

84. Women in Canada have invoked the *Charter* before domestic courts to challenge existing legislation in a number of areas including pay equity, employment opportunity, family law, sexual assault, sexual harassment, sexual orientation, pregnancy discrimination, fair pensions and violence against women. Where successful, these challenges have

resulted in changes to the laws in question, as successive Governments have respected and responded to the courts' rulings.

85. In addition to the constitutional protection of equality rights in the *Canadian Charter of Rights and Freedoms*, the federal, provincial and territorial Governments in Canada have enacted human rights legislation prohibiting discrimination on numerous grounds, such as race, religion, colour, sex, age and disability. Canadian courts have invested these human rights statutes with "quasi-constitutional status," that is, they have elevated legal importance.

86. Canadian law enforcement agencies are bound by, and take seriously, the *Charter* and other relevant legislation. Human rights defenders are treated the same as all others in Canada in terms of respect for their fundamental freedoms and human rights.

87. Canadian courts are independent of the executive and legislative branches of Government. Canadian courts have jurisdiction to determine allegations that laws, policies or practices of all levels of Government or the actions of their officials violate human rights and to review decisions of administrative boards, commissions and tribunals to ensure that these are not inconsistent with human rights legislation. Canadian courts have broad remedial powers, either to strike down laws that are inconsistent with the constitution (including the *Charter*) or to accord a remedy for Government actions which violate the *Charter* that the court considers "just and appropriate in the circumstances".

88. Canada seeks the views of civil society, including defenders of women's human rights and Aboriginal organizations in the development of domestic policies and programs, in determining whether to ratify international human rights treaties and in the preparation of its periodic reports to treaty bodies.

89. Canada's Continuing Committee of Officials on Human Rights is the principal interGovernmental forum for federal-provincial/territorial consultation on the elaboration, ratification and implementation of international human rights obligations.

90. Canada has participated in the United Nations Commission on the Status of Women (UNCSW) since its creation in 1947 and supports the meaningful participation of representatives of non-Governmental organizations at its annual sessions. This generally has involved, among other strategies, the inclusion of representatives of non-Governmental organizations as members of the official Canadian Delegation.

91. Canada's presentations to the CEDAW Committee are typically attended by several Canadian non-Governmental organizations which may have also provided reports to the CEDAW Committee in advance concerning Canada's progress in implementing the CEDAW. During the preparation of Canada's reports, Government of Canada officials routinely invite non-Governmental and Aboriginal organizations to share their views on the issues to be addressed in the reports.

Question 4: response from the Government

92. Canada's human rights commissions and tribunals are independent statutory bodies created by federal, provincial and territorial human rights legislation. They are generally mandated to mediate and investigate complaints of discrimination under the prohibited grounds found in their respective legislation. Commissions also work to prevent discrimination by undertaking human rights education and promotional activities.

93. Individuals in Canada may also lay complaints of violations by police of their human rights before independent, administrative oversight bodies, mandated to conduct investigations and inquiries into the conduct of the police, as well as before Canadian courts.

94. Canada maintains independent review bodies for the activities of the Royal Canadian Mounted Police (the national police service) and the Canadian Security Intelligence Service. Governments in Canada can and have established ad hoc commissions and other independent bodies to examine specific issues or cases.

95. The active commitment of human rights defenders to the rights and dignity of all individuals is extraordinary. Canada takes seriously its responsibility to implement and respect the principles enshrined in the Declaration on Human Rights Defenders. Canada stands resolutely with the brave defenders of human rights at home and around the world, who courageously seek to promote and protect human rights and fundamental freedoms within and beyond their own borders.

Colombia

Question 1: response from the Government

96. El Estado colombiano ha sido consciente de los inmensos retos y desafíos que le ha impuesto las condiciones de violencia que durante muchos años afectaron a amplios sectores de la población, incluidas a las mujeres.

97. En el contexto de la violencia que se ha presentando en el país, las mujeres han estado expuestas en ciertas regiones a un mayor nivel de vulnerabilidad producto de las expresiones violentas e indiscriminadas de los grupos armados.

98. Adicional a esta vulnerabilidad, en muchas ocasiones las mujeres que ejercen actividades de liderazgo comunitario, social o en defensa de los derechos humanos también han sido objeto de amenazas, atentados y homicidios. Según información del Observatorio del Programa Presidencial de Derechos Humanos, los móviles que parecen estar detrás de los homicidios perpetrados contra las mujeres líderes comunitarias o campesinas, por ejemplo, varían dependiendo de circunstancias y factores asociados a las actividades realizadas por las mismas. En ese sentido, las líderes comunitarias o campesinas fueron las más afectadas con 17 homicidios entre 2003 y 2009, principalmente en 2005 y 2006, con 4 víctimas respectivamente.² En segundo lugar, se encuentran las líderes de organizaciones sociales, que registran 12 asesinatos, de las cuales 7 se concentran en los últimos años con 4 homicidios en 2008 y 3 en 2009,

99. Tal como lo sigue la información del Observatorio, este aumento registrado en los años recientes indica la relación de los hechos con el debate que se estaba dando en el país sobre la ley de víctimas y de restitución de tierras en el marco de la Ley de Justicia y Paz.

100. Dichos riesgos han sido confirmados por la Corte Constitucional en su labor de seguimiento al cumplimiento del fallo de tutela de la sentencia T-025 de 2004 a través del auto 092 de 2008. Dentro de esos riesgos detectados por la Corte Constitucional se destacan, por su relación con el objeto de interés de la Relatoría para la situación de los Defensores de Derechos Humanos, los siguientes factores de vulnerabilidad específicos a los que están expuestas las mujeres:

- Los riesgos derivados de su pertenencia a organizaciones sociales, comunitarias o políticas de mujeres, o de sus labores de liderazgo y promoción de los derechos humanos en zonas afectadas por el conflicto armado;

² “Una primera aproximación a la violencia ejercida contra las mujeres 2003-2009”, Observatorio Presidencial de los Derechos Humanos y DIH, Pág. 20.

- El riesgo de persecución y asesinato por las estrategias de control coercitivo del compartimiento público y privado de las personas que implementan los grupos armados ilegales en extensas áreas del territorio nacional;
- El riesgo por el asesinato o desaparición de su proveedor económico o por la desintegración de sus grupos familiares u de sus redes de apoyo material y social”;³
- Actos de violencia sexual contra mujeres que forman parte de organizaciones sociales, comunitarias o políticas o que se desempeñan como líderes o promotoras de derechos humanos, o contra mujeres miembros de sus familias, en tanto forma de retaliación, represión y silenciamiento de sus actividades por parte de los actores armados.

101. Los desafíos que se enfrentan para que las mujeres defensoras realicen sus actividades sin ningún riesgo tienen que ver con asegurar la normalización de la seguridad en las regiones y erradicar por completo cualquier expresión de violencia que intente silenciar demandas de derechos individuales o de comunidades. Esto se hace particularmente retador en los actuales procesos de restitución de tierras y de reparación a las víctimas que el Gobierno nacional pretende llevar a cabo. En ese contexto transicional, las líderes mujeres y aquellos que trabajan en asuntos de género, tendrán que intervenir y jugar un papel central para asegurar de manera directa que se cumplan sus reivindicaciones. Dado el perfil público que tendrán que ejercer las mujeres defensoras, se deben ofrecer todas las garantías para su protección y libertad en sus actuaciones políticas y judiciales a favor de las víctimas.

102. Por otro lado, mediante la Sentencia T-496 de 2008, la Corte Constitucional, reiteró los riesgos extraordinarios a los que las mujeres se encuentran enfrentadas en el marco de la situación de la violencia (Auto 092), y declaró que la seguridad personal, en el contexto colombiano, es un derecho fundamental de las personas, que las autoriza para exigir, en determinadas condiciones medidas específicas de protección de parte de las autoridades, con el objetivo de prevenir la materialización de cierto tipo de riesgos extraordinarios contra su vida o integridad personal, que no tienen el deber jurídico de soportar, y que las autoridades pueden conjuntar o mitigar.

103. En el caso concreto de las líderes de organizaciones de mujeres que promueven los derechos de las víctimas en el marco de la ley de justicia y paz se ordenó que en la evolución del riesgo, en la selección y ejecución de medidas aplicables se tengan en cuenta las obligaciones constitucionales e internacionales del Estado sobre la protección de la mujer contra todo tipo de violencia así como el enfoque de género que permita una respuesta diferenciada y adecuada a las particulares circunstancias de vulnerabilidad en que se encuentre la mujer, derivadas de su condición de género.

Response from Peace Brigades International – Colombia

Persistence of threats and attacks and lack of investigation

104. Many women human rights defenders in Colombia have been victims of threats and attacks for many years. The lack of investigation of persistent threats and attacks leave women human rights defenders with a sense of total vulnerability and lack of support from the authorities.

105. Colombian women human rights defenders also face gender-based forms of violence and their gendered consequences; a high incidence of threats or attacks against family

³ Corte Constitucional, Auto N° 092 de 2008

members and children of women defenders are related to traditional gender stereotypes of women as mothers or caregivers. Women human rights defenders are also more vulnerable to threats and attacks of a sexual nature against them and female family members. Such threats may result in displacement of the defender for reasons of security of family members, particularly minors.

106. Such gender-specific attacks demonstrate the need to provide a range of comprehensive support mechanisms for the well-being of women human rights defenders and to address visible yet often neglected gendered concerns, such as provisions for child care, health care, and psycho-social support.

107. Integrated security is about generating an enabling environment for the realisation of women's human rights to sustain defenders, their organisations and movements. The aim is not just to keep the women human rights defenders safe, but ultimately to support the social movements in changing the situation that put them at risk.

108. Women human rights defenders who work on human rights violations related to economic interests and on land rights, many times in remote areas, are especially vulnerable.

109. Women human rights defenders face false accusations and unfounded allegations in the media by Government officials and Colombian special interest groups. These statements insinuate links between women human rights defenders and illegal armed actors and make other unsubstantiated claims.

110. Many women human rights defenders have been the targets of harassment and intelligence activities. In the case of Colombia, the recent discoveries—as well as their impact—have an unknown dimension in psycho-social terms for women human rights defenders, this impact may manifest itself as a strong sensation of vulnerability, given that all aspects of one's personal, family and collective life have been spied on. It represents a violation of personal privacy that can be understood when compared to some of the frequent effects of a sexual violation: attack against one's dignity, control of privacy, sensation of dirtiness, pain, humiliation and shame, or perceived stigmatisation.

Response from SISMA Mujer

111. Las mujeres comparten los mismos riesgos de amenaza, hostigamientos, homicidios y desplazamiento forzado de los defensores, pero adicionalmente hay algunos riesgos que son específicamente para mujeres entre los que se destacan los siguientes:

112. Violencia sexual: históricamente en la lógica patriarcal el cuerpo de las mujeres es instrumentalizado mediante el control y ejercicio de la fuerza. Esta es un arma de guerra e intimidación utilizada por actores armados legales e ilegales, para ejercer presión, generar terror y zozobra y acallar la voz de las mujeres. Se tiene registro de dos actos de violencia sexual contra defensoras de derechos humanos de la población en situación de desplazamiento en la ciudad de Bogotá ocurridos en el mes de noviembre de 2009.

113. Agresiones y amenazas de agresiones a los hijos e hijas: la agresión e intimidación a las mujeres a través de las amenazas contra sus hijos e hijas es otra de las estrategias utilizadas con especial fuerza contra las mujeres defensoras. Aprovechándose de la profundidad de los vínculos afectivos entre las mujeres y sus hijos e hijas, los actores armados han utilizado como arma contra ellas, crear zozobra y terror a partir de las amenazas de atacar a sus hijos e hijas. En algunos casos los hechos contra hijos e hijas no se han quedado en amenazas sino que se han materializado en agresiones. Al respecto, el Observatorio de Derechos Humanos de las Mujeres “en situaciones de conflicto armado las mujeres también tienen derechos” registró el homicidio del hijo de una defensora del Valle del Cauca en diciembre de 2009. Días después hombres desconocidos abordaron a la madre

para decirle que “si la advertencia no le había quedado clara y que tenía quince días para irse de la ciudad”. Igualmente el pasado 25 de noviembre en la ciudad de Bogotá la hija de una defensora de derechos de la población desplazada y representante de una organización a nivel nacional fue golpeada por desconocidos dejando un mensaje muy claro a la madre de que los golpes contra su hija tenían que ver con su trabajo como defensora. Defensoras de Tolima, Valle, Cartagena, Bogotá y Cundinamarca también señalan haber recibido llamadas en las que amenazan con atacar a sus hijas e indican el profundo miedo y la zozobra que esto les genera. Esto afecta la vida de las mujeres y sus familias en tanto por los riesgos también los hijos e hijas deben cambiar sus rutinas, reducir sus espacios de socialización en público a causa de los temores que los rodean.

114. Las mujeres están en solitario en la responsabilidad del cuidado de los niños y niñas, lo que no sucede en el caso de los defensores, porque aun cuando ellos tengan la jefatura del hogar, hay mujeres a su alrededor (hermanas, tías, madres, vecinas) que colaboran en las tareas de cuidado de hijos e hijas y del hogar.

115. Estigmatización asociada a estereotipos de género: un tercer aspecto que tiene que ver con las afectaciones específicas de las defensoras, está ligado al recurso a los estereotipos de género y a estigmatizaciones para cuestionar su trabajo o tratar de deslegitimarlo. Hablamos acá de las actitudes de funcionarios de los entes de seguridad del Estado, organismos investigadores, oficinas encargadas de la atención humanitaria para población desplazada y evaluadores de los riesgos, que hacen afirmaciones en las que cuestionan el trabajo de las mujeres como defensoras, la autonomía que tienen frente a los roles del hogar, su visibilidad pública, incluso en algunos casos extremos hasta sus maneras de vestir. Ejemplo de lo anterior fue lo ocurrido en enero de 2009, cuando una mujer desplazada lideresa del Valle sostenía una reunión con el fiscal que estaba tramitando su inclusión en el Programa de protección de víctimas y testigos de la Fiscalía, y éste ante la petición que ella hacía para que incluyeran además de ella y su hijo, a sus padres mayores quienes estaban a su cargo, le respondió que no era posible y que si no aceptaba la ayuda de ellos tendría que *“salir por sus propios medios o si no que se consiguiera un mozo para que la sacara de ese problema.”*

116. Impunidad generalizada en relación con las amenazas y agresiones a las defensoras. Además hay un alto subregistro pues no hay sistemas de monitoreo que específicamente den cuenta de estas agresiones. Igualmente hay una serie de obstáculos frente a las actividades de investigación y sanción de los responsables de las agresiones contra ellas, entre los que contamos:

- Miedo de las mujeres a denunciar o a impulsar las investigaciones por los nuevos riesgos que esto les puede generar.
- Desconfianza y falta de credibilidad en las instituciones encargadas de esta labor (Fiscalía General de la Nación)
- Falta de resultados en las investigaciones. Pese a que se presentan las denuncias, muchos de los procesos no salen de la etapa preliminar y terminan archivados sin ninguna actividad probatoria adicional a la citación a las víctimas denunciadas.
- En algunos casos la Fiscalía ha culpado a las propias denunciadas de la falta de actividad investigativa en los procesos, aduciendo que ellas no se hacen presentes cuando son citadas, pese a que los requerimientos llegan sin la debida antelación y sin ofrecer garantías adecuadas para que ellas se presenten ante los despachos de los entes investigadores.
- Dispersión de denuncias, multiplicidad de investigaciones no acumuladas, dificultan el seguimiento de las mismas. Las investigaciones se siguen realizando sin ningún tipo de conexión entre hechos de amenazas, es decir, siguen siendo investigados

como hechos aislados, en los que no se tiene en cuenta otros hechos similares, el contexto en el que se han producido, el tipo de actor armado autor, etc. Esta falta de análisis impide avanzar seriamente en la superación de la impunidad.

- A veces las investigaciones quedan radicadas en los centros urbanos de los municipios de donde salieron las mujeres desplazadas o donde se produjeron las amenazas, en los que ellas no pueden hacerse presentes.
- Negación de la responsabilidad que en las amenazas tienen los grupos paramilitares rearmados, que son un actor del conflicto armado y que se han querido mostrar por parte del gobierno como bandas de delincuencia común (las llamadas BACRIM).

Question 2: response from the Government

117. En la medida en que los esfuerzos realizados en los últimos años en materia de seguridad se consoliden, no hay duda que se profundizarán aún más las garantías de todos los ciudadanos, y particularmente, de aquellos defensores y defensoras de derechos humanos.

118. Articulada a esta política de consolidar la seguridad, se desarrollan dentro del Estado colombiano: (i) acciones en materia de prevención temprana de violaciones a los derechos humanos o infracciones al Derecho Internacional Humanitario ; y por otro lado (ii) acciones de prevención urgente o protección a favor de las personas que se encuentran en situación de riesgo extraordinario o extremo en su condición de defensores o defensoras de derechos humanos – líderes o dirigentes social, comunales, campesinos, políticos, sindicales, de organizaciones de personas en situación de desplazamiento, indígenas y afrodescendientes, periodistas-.

119. Dentro de las medidas específicas en (i) materia de prevención temprana de violaciones a los derechos humanos o infracciones al Derecho Internacional Humanitario vale la pena destacar:

- Política Integral de derechos humanos y Derecho Internacional Humanitario del Ministerio de Defensa: Ordenó continuar con la implementación y seguimiento de diversas directivas ministeriales que fijan una política sectorial de protección, entre ellas la Directiva 09 de 2003 que establece las bases de protección de los sindicalistas y defensores de derechos humanos.
- Proyecto de Descentralización de la Ejecución de la Política Pública en derechos humanos y Derecho Internacional Humanitario⁴: Se trata de una acción regional para evitar las violaciones a los derechos humanos y infracciones al Derecho Internacional Humanitario, mediante procesos de planeación en los que participan de forma activa las autoridades departamentales, municipales y nacionales; la Fuerza Pública, la sociedad civil y las comunidades. Tales procesos se adaptan a las diferentes regiones de acuerdo con su cotidianidad, particularidades humanitarias, recursos y las condiciones de violencia que comporten.

⁴ Se ha acompañado y asesorado a los entes territoriales en busca del fortalecimiento de las capacidades institucionales en materia de diseño e implementación de políticas en la materia.

*Proyecto de Atención a Comunidades en Riesgo*⁵:

120. Por otra parte, las medidas específicas en (ii) materia de prevención urgente o protección, vale la pena resaltar tres estrategias dirigidas a reducir, mitigar o eliminar los factores generadores de riesgo⁶:

121. El Programa de Protección: Liderado por el Ministerio del Interior y de Justicia, fue creado en 1997 como resultado de un esfuerzo conjunto entre el Estado y la sociedad civil. Su objeto es salvaguardar la vida, la integridad, la libertad y la seguridad de las personas que se encuentran en situación de riesgo debido a su condición de defensores de derechos humanos, sea como líderes o dirigentes sociales, comunales, campesinos, políticos, sindicales de organizaciones de personas en situación de desplazamiento, indígenas, afrodescendientes o periodistas.

122. El Proyecto de Seguridad Preventiva: tiene como objetivo el fortalecimiento de las capacidades de las personas para la adopción de medidas de auto-protección⁷ y manejo de situaciones que propicien la reducción de los niveles de riesgo, siendo a su vez, complemento idóneo de las medidas materiales que otorga el Programa de Protección.

123. El programa de Protección para Víctimas en el marco de la Ley 975 de 2005: tiene por objeto salvaguardar vida, integridad, libertad y seguridad de la población que se encuentre en situación de riesgo como consecuencia directa de su condición de Víctima o Testigo dentro del proceso de justicia y paz o para impedir que intervenga en el mismo . Protección a las víctimas y testigos del conflicto armado⁸.

124. Programa de Protección específico de la población desplazada: creado en cumplimiento del Auto 200 de 2007 de la Corte Constitucional ha permitido cubrir a aquellos dirigentes o líderes de población desplaza⁹.

125. Programa de Protección y Asistencia a Testigo, Víctimas, Intervinientes en el Proceso y Funcionarios de la Fiscalía: tiene como objetivo la protección de víctimas, testigo, jurados, servidores e intervinientes en las investigaciones y procesos que sean de conocimiento de la Fiscalía General de la Nación.

126. El Mecanismo Nacional de la Mujer de Colombia-Alta Consejería Presidencial para la Equidad de la Mujer, ha prestado asistencia técnica al Ministerio del Interior y Justicia para la incorporación del enfoque diferencial de género al programa de protección a mujeres en situación de desplazamiento y se ha participado activamente en la mesa de prevención del desplazamiento forzado con este mismo fin a través de capacitaciones, diseño y entrega de la Directriz de Atención Integral a Población Desplazada con enfoque

⁵ Ha emprendido acciones de acompañamiento e implementación de mecanismos de protección colectivos para la salvaguarda de los derechos de las personas de una comunidad que ha sido focalizada por una determinada situación de riesgo

⁶ Liderado por el MIJ fue creado en 1997 como resultado de un esfuerzo conjunto entre el Estado y la sociedad civil. Su objetivo es salvaguardar la vida, la integridad, la libertad y la seguridad de las personas que se encuentran en situación de riesgo debido a su condición de defensores de derechos humanos, sea como líderes o dirigentes sociales, comunales, campesinos, políticos, sindicales, de organizaciones de personas en situación de desplazamiento, indígenas, afrodescendientes o periodista.

⁷ Para la realización de estos talleres el MIJ editó e imprimió 50,000 ejemplares de la Cartilla de Autoprotección: “Quien controla la información, controla el riesgo”, de las cuales, a 30 de junio de 2009 se habían distribuido aproximadamente 25,000.

⁸ Decreto 1737 del 19 de mayo de 2010.

⁹ Directamente han sido beneficiados con medidas de protección 544 desplazados en cumplimiento de la sentencia T-025.

diferencial de género que relaciona recomendaciones para prevención del desplazamiento relacionado con la participación política y la pertenencia a organizaciones de mujeres¹⁰.

127. En cuanto a la cuestión de cómo se han tomado en cuenta las necesidades específicas de las mujeres defensoras y de aquellos que trabajan en temas de derechos de las mujeres, es importante señalar que en aquellos programas en donde se ha implementado acciones específicas para la protección de las mujeres, como es el caso de las mujeres en situación de desplazamiento, se ha procurado el diseño e implementación de medidas de prevención concertadas con las organizaciones de mujeres en situación de desplazamiento.

128. Dentro del desarrollo de los talleres de identificación de riesgos, se recibe información individual sobre el riesgo que padecen las mujeres lideresas, si se presenta dicha situación, estas son inmediatamente orientadas hacia la Ruta de Protección a Personas en Situación de Desplazamiento, que efectúa atención a mujeres inscritas en el Registro Único de Población Desplazada que se encuentren en situación de riesgo extraordinario o extremo. Igualmente, se brinda atención en aplicación del Decreto 1740 de 2010 con un fundamento normativo que soporta la implementación de medidas con enfoque diferencial, que se están desarrollando al interior del Comité de Reglamentación y Evaluación de Riesgo –CRER–.

129. Además de brindar la protección a estas mujeres lideresas por parte del Programa de Protección de Derechos Humanos del Ministerio del Interior y Justicia, se está iniciando la aplicación del Componente de Prevención a la violación de derechos humanos, del programa de promoción de la participación y prevención de la violencia sociopolítica contra mujeres líderes de organizaciones de población desplazada o que adquieren visibilidad por su labor social o de defensa de los derechos humanos.

130. Por otro lado, la Mesa Nacional y las Mesas Territoriales de Garantías para el ejercicio de la defensa de los Derechos Humanos, establecidas el día 30 de abril de 2009 como un espacio concertado entre el Gobierno y las organizaciones sociales para el diálogo nacional y territorial con organizaciones de la sociedad civil defensoras de derechos humanos, y con líderes sociales y comunales, ha permitido de cierta manera conocer las necesidades específicas de las mujeres defensoras de derechos humanos. Es así como en la realización de las audiencias territoriales, se conoce de primera mano la situación de defensores y defensoras en cada región y sus necesidades específicas en materia de seguridad y garantías.

¹⁰ Dada la existencia de riesgos extraordinarios de las mujeres en la población en situación de desplazamiento, el Gobierno Nacional desde el 2006, en convenio con ACNUR diseñaron la Directriz de Atención Integral a población desplazada con Enfoque Diferencial de Género, con la participación de mujeres desplazadas, funcionarios de entidades públicas y privadas entre otros. La directriz se estructura en tres fases: i. prevención y protección; ii. Atención humanitaria de emergencia y; iii. Estabilización socioeconómica. Para cada una de estas, se establecieron tres momentos: análisis de riesgos; parámetros de derechos desde la perspectiva de género; y las acciones que constituyen los lineamientos mismos. En los lineamientos para la prevención y protección de la población en riesgo de desplazamiento con enfoque diferencial de género, se referencia alguna de las acciones que se recomiendan adoptar para prevenir el desplazamiento relacionado con la participación política y la pertenencia a organizaciones de mujeres: - Promover el desarrollo desde la perspectiva de género en las zonas de expulsión incentivando a las mujeres a participar en espacios de toma de decisión política; Proteger a las líderes de dichas organizaciones. Se debe tener en cuenta que la protección debe implicar la consulta a la líder sobre sus necesidades particulares de seguridad, por ejemplo, el cuidado de los (as) hijos (as), el transporte, la educación para la seguridad, etc. Desde los planes de prevención se pueden diseñar acciones complementarias a los esquemas de protección nacional para las líderes; - Mantener la protección de mujeres líderes adecuando el programa a las necesidades consultados con ellas.

131. Finalmente en los programas y proyectos emprendidos por la Dirección de Derechos Humanos del Ministerio del Interior y de Justicia, se ha comenzado a desarrollar estrategia para incorporar el enfoque diferencial en los planes que buscan fortalecer las capacidades institucionales de las autoridades territoriales.

132. De igual manera, en la actualidad, el Programa de Protección se encuentra explorando un espacio mixto de reconocimiento e interacción con las mujeres defensoras y las personas que trabajan en derechos de mujeres y asuntos de género, en aras de: (i) hacer seguimiento a la implementación y efectividad de medidas materiales de protección, y (ii) conceptualizar respecto del significado y alcance de la noción “enfoque diferencial” introducida en el Decreto 1740 de 2010.

133. En este sentido la Dirección de Derechos Humanos del Ministerio del Interior y de Justicia realizó las gestiones pertinentes para propiciar un espacio de interlocución entre las beneficiarias, las representantes de la Organización Peticionaria de medidas cautelares ordenadas por la Comisión Interamericana de Derechos Humanos, y las autoridades competentes, con el objeto de:

- Propiciar un reconocimiento de las particularidades y de la complejidad propia de las Medidas Cautelares en referencia en el organismo estatal.
- Propiciar en las beneficiarias una confianza en la legitimidad de labor de la entidad y de los al Estudio Técnico de Nivel de Riesgo y Grado de Amenaza (ETNR).
- Concertar Las especificidades de tiempo, modo y lugar de realización de los ETNR.

134. En el referido espacio participan mujeres población objeto del Programa, quienes a su vez son beneficiarias de Medidas Cautelares solicitadas por la Comisión Interamericana de Derechos Humanos, y quienes constituyen una población heterogénea en diversos aspectos, liderazgos locales/regionales/nacionales, formación educativa básica/avanzada, madres cabeza de hogar, entre otros a considerar; así como de un equipo de profesionales de diversas áreas y funciones al interior de la Dirección de Derechos Humanos del Ministerio del Interior y de Justicia.

135. Un resultado valioso se ha obtenido en relación con los ETNR. En relación a este aspecto en particular algunas mujeres han planteado la necesidad de realizar los ETNR con algunas consideraciones, en razón a la condición de sujetos de especial protección constitucional por su condición de desplazamiento; y a la necesidad de adoptar un enfoque diferencial y/o de género en la realización de los ETNR.

Response from Peace Brigades International – Colombia

136. In 1997, the Colombian Government created the protection programme to assist populations at risk, including human rights defenders, trade unionists, and journalists. The programme is headed by the Ministry of the Interior and has the participation of several other State institutions, such as the Vice-President’s Office, the Police, the DAS, the Prosecutor General’s Office, the Inspector General’s Office, and the Human Rights Ombudsman’s Office, among others, as well as representatives from civil society who attend by invitation.

137. However, the evaluation of risks faced by individual defenders, condition to be included in the programme, do not systematically take into account gender specific risk factors and the staff who does the analysis does not receive gender training. And women human Rights defenders have expressed concern about the lack of clarity on whether the measures also include protection for children and family.

Response from SISMA Mujer

138. Existe desde el año 1996 el Programa de Protección de Derechos Humanos del Ministerio del Interior y de Justicia, el cual cubre defensores y defensoras, periodistas, sindicalistas exfuncionarios de paz y otros líderes y lideresas sociales amenazados. Con diversas reformas las medidas que otorgaba el programa hasta mayo de 2010, eran:

139. Medidas de prevención: curso de autoprotección y autoseguridad, rondas de la Policía Nacional, instructivo de medidas preventivas.

140. Medidas de protección: medios de comunicación, apoyo para medios de transporte aéreo y terrestre, apoyo de reubicación temporal y esquemas de protección y esquemas individuales.

141. A partir de la expedición del Decreto 1740 de 2010 desaparecieron los apoyos para transporte y se redujo el apoyo de reubicación temporal, razón por la cual esta se considera una reforma regresiva en materia de protección.

142. Este programa de protección no ha tenido en cuenta las necesidades especiales de las mujeres, estas no han participado en su diseño ni evaluación hasta el momento. La propia Corte Constitucional señaló en el año 2007 que el programa carecía de enfoques diferenciales incluido el de género, además de que no contempla la extensión de las medidas al núcleo familiar de la persona protegida¹¹, aspecto que resulta fundamental para las mujeres, quienes por el rol social y culturalmente asignado tienen a su cargo muchas veces el cuidado de los demás miembros de la familia.

143. Se insistió durante el primer semestre por parte de algunas mujeres defensoras en la realización de una reunión de alto nivel con el gobierno nacional para tratar la situación de las mujeres defensoras la cual pese a haber sido un compromiso por parte del director de derechos humanos de la Vicepresidencia Carlos Franco fue dilatada durante varios meses y finalmente nunca se llevó a cabo.

144. En relación con algunas organizaciones y mujeres que por razón de los riesgos contra su vida e integridad la Comisión Interamericana de Derechos Humanos ha decretado medidas cautelares, se ha visto que el tiempo de respuesta de las instituciones en el marco de este proceso ha sido demasiado extenso además de que se está desvirtuando el mecanismo especial de las medidas cautelares, puesto que la concertación de todas las medidas puntuales frente a las personas se está delegando en el mecanismo ordinario que funciona por fuera de las Medidas Cautelares que es el Comité de Evaluación y Reglamentación de Riesgos - CRER .

Question 3: response from Peace Brigades International – Colombia

145. Many women's organisations in rural Colombia form strong links between the members of the community, raising their profile with the aim of making it more difficult for potential aggressors to act in impunity. In recent times, many of the more organised women's groups working on a variety of issues such as extrajudicial killings, forced disappearance and issues of gender have also formed link with women defenders in other regions, in an information-sharing and/or capacity-building role, which has multiple positive effects for organisations who may feel isolated and vulnerable.

¹¹ En los términos del Auto 200 de 2007 emitido por la Corte Constitucional en el marco del seguimiento al cumplimiento de la Sentencia T-025 de 2004.

Response from SISMA Mujer

146. Las principales estrategias de autoprotección generadas por los grupos de mujeres ante la falta de respuesta estatal efectiva está en:

- Construcción de confianzas y cohesión al interior de los grupos
- Búsqueda de alianzas con otras organizaciones o con algunos funcionarios que muestren disposición a colaborar frente a los casos
- Implementación de medidas de autoprotección básica como cambios de rutas, movilizarse por diversos trayectos, cambios en horarios de llegadas y salidas de lossitios de vivienda y reunión, avisar siempre a otra persona en donde están, procurar no salir solas ni muy tarde en la noche. A veces ha tocado disminuir frecuencia de las reuniones y actividades.
- Diseño de planes de autoprotección
- Alertar a las familias sobre situaciones de riesgo para que sean precavidos
- Ser cuidadosos con los datos e información que se dan por los teléfonos
- En algunos casos bajar perfil
- Procurar contar con medios de comunicación, aunque a veces esto no es fácil para todas las defensoras por su condición económica.
- Buscar espacios para hablar de las situaciones, tratar de buscar apoyos psicosociales para estos casos.

Question 4: response from Peace Brigades International – Colombia

147. PBI is an international non-Governmental organization (NGO) which at the request of threatened social organizations, provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence against women human rights defenders.

148. Strength: PBI in the majority of the cases achieved to protect the physical integrity of the women human rights defenders.

149. Challenges: 1) Lack of accountability of state and economic actors in relation with violations of human rights in the context of economical interests. 2) Criminalization of women human rights defenders, a violation of their rights in relation to which it is difficult to call for the international community's intervention on behalf of the women human rights defenders..

Response from SISMA Mujer

Conocemos en Colombia tres programas:

150. Brigadas Internacionales de Paz: esta es una ONG internacional que hace acompañamiento a organizaciones y defensores y defensoras de derechos humanos amenazados en Colombia. Así mismo brindan asesoría y capacitación en análisis de riesgos y mecanismos de autoprotección. Su principal fortaleza está en la experiencia que tienen el trabajo en estos temas, los avances en desarrollos metodológicos para abordarlos y en terreno en el hecho de que una presencia internacional sin duda puede generar mayor impacto en relación con disuadir a los agresores.

151. Programa Somos Defensores: el programa somos defensores además de liderar la campaña nacional e internacional por el derecho a defender los derechos en Colombia, ha ayudado a muchos defensores y defensoras de derechos humanos que han tenido que

movilizarse por causa de amenazas o agresiones. El programa ha logrado posicionamiento del tema frente al nivel nacional, un acumulado de experiencias diversas que van desde el trabajo con organizaciones de mujeres, hasta el trabajo y las medidas de protección para pueblos indígenas.

152. El Fondo para Ayudas de Emergencia y Fortalecimiento Organizativo en Protección y Autoprotección - FFP es una iniciativa de la cooperación internacional en asocio con la sociedad civil colombiana, que tiene por objeto primordial brindar ayudas materiales y de capacitación a miembros de organizaciones que, en desarrollo de su trabajo en defensa de intereses sociales, derechos humanos y paz, padezcan situaciones de riesgo y amenaza. Son parte de esta iniciativa Justapaz, Ilsa, Humanidad Vigente, AVRE, entre otras ONG's. Algunas de las fortalezas de esta iniciativa es el poder apoyar a defensores y defensoras de distintos perfiles, pues apoyan tanto a defensores y defensoras de trabajo local o barrial como defensores de trabajo nacional y amplio reconocimiento. Otra de sus fortalezas es el hecho de que trabajan la perspectiva tanto individual como organizativa, en esa medida brinda apoyos no solo individuales sino también pensado en el fortalecimiento de las organizaciones a las que pertenece la persona en riesgo.

153. Consideramos que los tres programas tienen como desafío poder sistematizar sus experiencias concretas en relación con las mujeres o grupos de mujeres que han apoyado para poder revisar de qué manera hay necesidades de protección específicas para ellas, cuáles son esos mecanismos que han resultado más exitosos para ellas y cuales merecerían revisarse.

154. Otro de sus desafíos en el caso del Programa Somos Defensores y el Fondo es poder garantizar su sostenibilidad financiera para poder seguir apoyando nuevos casos y de manera continua continuar haciendo su labor.

Question 5: response from the Government

155. Los mecanismos de protección de los derechos humanos tanto a nivel universal como regional (interamericano), han elevado recomendaciones al Estado Colombiano sobre la protección de las defensoras de derechos humanos. El Ministerio de Relaciones Exteriores, en conjunto con la Alta Conserjería Presidencial para la Equidad de la Mujer, hace seguimiento a las mismas, las cuales se relacionan en un cuadro de Excel adjunto (*dicho cuadro no se reproduce en este informe pero está disponible a petición de los interesados*).

Response from Peace Brigades International – Colombia

156. Under the EU Guidelines on Human Rights Defenders (revised in 2008), the EU can adopt a range of different measures to protect women human rights defenders. In Colombia, a local implementation strategy has been developed. However, there is no systematic effort to guarantee the access of women human rights defenders who may be marginalized due to their gender, but also to the fact that their work is based in remote areas away from the capital and to the lack of acknowledgement of sexual, reproductive, economic, social, cultural and environmental rights in comparison with “traditional” civil and political rights. Cases of sexual violence against women human rights defenders need to be attended to by personnel who are qualified from a gender perspective. The victim must be consulted during each step of documentation and action. Specific training programmes for embassy staff could be developed so as to ensure the sensitivity, and consequent ability, of diplomatic staff to act in these cases.

Response from SISMA Mujer

157. A nivel de la Comisión Interamericana como medidas específicas están por un lado los informes y recomendaciones producidas en relación con la situación de defensores y defensoras de derechos humanos en las Américas y el mecanismo de Medidas Cautelares. Cabe resaltar que durante el 2010 se han concedido medidas cautelares a por lo menos 2 organizaciones que trabajan específicamente en temas de derechos humanos de las mujeres y cuyos equipos de trabajo son en su totalidad o mayoritariamente mujeres (Corporación Sisma Mujer y Liga de mujeres Desplazadas) así como a más de 18 defensoras de derechos humanos de la población en situación de desplazamiento, que además de haber sido víctimas de este crimen, están siendo perseguidas, agredidas, hostigadas y amenazadas por las labores de exigibilidad que adelantan respecto a esta población y en especial con relación al Auto 092 de 2008.¹²

158. La Unión Europea en el 2004 produjo unas Directrices sobre Defensores de los Derechos Humanos” que se complementan con las Directrices europeas sobre la violencia contra las mujeres y la lucha contra todas las formas de discriminación contra ellas en la que también se hace expresa alusión a la violencia ejercida contra las mujeres defensoras. Así en el punto 3.1.4. se dispone que se prestará atención particular a algunos casos de violaciones más flagrantes según unos criterios entre los que se incluyen “*los casos de violencia, amenazas, acoso y represión contra las mujeres defensoras de los derechos humanos*”. Estas directrices son aplicables tanto a los países de la Unión Europea como a terceros países y en especial comprometen las labores de las misiones de la Unión en Colombia.

Denmark

Question 1: response from the Government

159. Not relevant.

Question 2: reponse from the Government

160. Not relevant.

Question 3: response from the Government

161. Not relevant.

Question 4: reponse from the Government

162. Euro-Mediterranean Human Rights Network (EMHUMAN RIGHTSNET): Through core funding, Denmark supports the Euro-Mediterranean Human Rights Network (EMHRN) which is based in Copenhagen. The organization promotes human rights and democratic reform in the Middle East and has for more than 15 years supported civil society organizations in the Middle East, North Africa and the EU in the areas of human rights. The organization operates within seven strategic areas; one of them being women’s rights and gender.

¹² En este Auto la Corte Constitucional identificó 13 riesgos de género asociados al conflicto armado colombiano y ordenó al gobierno nacional la adopción de 13 programas específicos para la atención a las mujeres víctimas del desplazamiento forzado, entre ellos un programa para la prevención y protección de las mujeres en riesgo a causa de su visibilidad pública por sus liderazgos comunitarios y sociales.

163. Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRSF)
164. Denmark supports a project that promotes and strengthens human rights in the Middle East by assisting human rights defenders and organizations. One of the organization's priorities is women's rights.
165. KVININFO: In collaboration with partners from Denmark, the Middle East and North Africa KVININFO works to strengthen women's rights and gender equality in the Middle East through various programmes such as Women's political participation in Jordan and Strengthening women's rights and the access to justice in the Moroccan legal system.
166. On a national level, a range of Danish women's organizations have smaller projects of relevance, i.e. The Women's Council in Denmark, KULU – Women and Development, Women's League for Peace and Freedom and LOKK – the Organization of shelters in Denmark. Their projects support women in general, not specifically women human rights defenders.

Question 5: response from the Government

167. The European Union has issued guidelines on Human Right defenders to ensure their protection. The EU believes it is important to ensure the safety of human rights defenders and protect their rights. In this regard it is important to apply a gender perspective when approaching the issue of human rights defenders.
168. In addition, the European Instrument for Democracy and Human Rights provides support and solidarity to human rights defenders in terms of Article 1 of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally recognized Human Rights and Fundamental Freedoms.
169. The European Council Directive 2004/113/EC article 10 states that "Member States shall introduce into their national legal systems such measures as are necessary to protect persons from any adverse treatment or adverse consequence as a reaction to a complaint or to legal proceedings aimed at enforcing compliance with the principle of equal treatment". This principle is implemented in to the Danish act on Gender Equality para 2 b. An equivalent article and implementation is found in European Council Directive 2006/54/EF and which is implemented into Danish legislation on Equal treatment of Men and Women with regards access to employment etc.
170. Furthermore the Danish Government take measures to include NGOs in the international/national work. E.g. in the examination of Denmark before the CEDAW, NGOs where part of the delegation.

Dominican Republic

Question 1: response from the Government

171. Las personas que trabajan el tema de violencia género y violencia intrafamiliar no tienen seguridad personal. Ejemplo: En el momento en el cual un imputado de violencia de género está siendo procesado ven esta situación como algo personal en contra del profesional que está representado a la víctima de violencia.
172. Estas/os profesionales y las personas que sirven de testigos corren riesgo de ser atacados por allegados a las personas que cometen delitos. Los jueces/as en ocasiones mandan a sacar a las abogadas por puertas distintas a las que sale el público en general como una forma de prevenir que se encuentren de frente luego de las sentencias, que en muchas ocasiones suceden por la noche y estas personas salen a utilizar transporte público

porque no tienen vehículo propio. Sabemos que corremos un alto riesgo, porque alguien tiene que hacer este trabajo. Solo los jueces y fiscales/as tienen protección.

173. Sugerencia: Crear un programa coordinado con policías sensibilizados y comprometidos que protejan a este personal a riesgo servidores del estado y de ONG, que esté disponible en todo el país cuando los casos lo ameriten. Digo en todo el país, porque las buenas prácticas cuando se inician deben replicarse en todas las provincias, para que no sean respuestas aisladas como algunas que solo existen en la Capital.

Question 2: response from the Government

174. No tenemos datos de los mismos, ya que no se está aplicando.

Question 4: response from the Government

175. En el país no existe en el sistema de atención ninguna protección estatal para las abogadas defensoras/es psicólogos/os que hacen peritaje en los tribunales.

176. Se sugiere contratar el personal adecuado y sensibilizado como seguridad de las defensoras, un transporte adecuado y permanente a las prestadoras de servicios y entrenamiento mediante programas a personas que trabajen el tema de violencia de género para que puedan identificar el peligro en el que están en un determinado momento.

Question 5: response from the Government

177. No existen datos de los mismos.

El Salvador

Question 1: response from the Government

178. La situación de los defensores y defensoras de los derechos humanos es riesgosa, y afecta tanto en su integridad física como emocional, en especial cuando se trata de temas susceptibles o de atender casos en lugares considerados de alta peligrosidad, pero que no pueden dejar de atender por ser parte de su labor y mandato. Por ello se han suscitado diversas situaciones como las siguientes:

179. Uno de los lugares donde se ve más amenazada la actuación de las mujeres defensoras es en los centros penales, pues sufren de tocamientos en los genitales por parte del personal penitenciario, a la hora de hacer los registros de seguridad. Con ello se les violenta y vulnera a la hora de realizar su trabajo. Estos casos se dan en especial en los centros penales con presencia del ejército (Ejemplo el Centro Penal de Izalco, departamento de Sonsonate).

180. Por otro lado, los y las defensoras entran en riesgo cuando se tratan casos de derechos violados relativos al delito de Trata de personas o en casos de adopción, debido a que estos están altamente ligados al crimen organizado y no hay sistema de protección efectivo, tanto para las víctimas, como para los testigos y las defensoras/es de Derechos Humanos.

181. El 11 y 20 de febrero de 2010, el Procurador para la Defensa de los Derechos Humanos de El Salvador, Oscar Humberto Luna, recibió amenazas a muerte, por los temas abordados, situación que refleja la situación de vulnerabilidad en que se encuentran las y los defensores de derechos humanos, incluyendo sus titulares, teniendo que solicitar protección a la Policía Nacional Civil (PNC).

182. También entran en situación de peligro cuando en los casos atendidos, son las empresas privadas las que violan derechos humanos. Dándose en su mayoría agresiones

verbales que debilitan el trabajo de defensa de los derechos y dificulta el seguimiento al mismo, tal es el caso de la contaminación de las Baterías Record en El Sitio del Niño, jurisdicción de San Juan Opico, Departamento de La Libertad.

183. Es importante señalar que otro aspecto que afecta la labor de defensa es que existen sectores radicales dentro de la sociedad, que por el abordaje de ciertos temas o grupos (ejemplo: las personas privadas de libertad, la comunidad gay, lesbianas, transexuales, entre otros), atacan incluso por medios de comunicación a los y las defensoras, tildándolos de defensores de delincuentes.

184. Recientemente, luego de la aprobación de la Ley Especial Integral para una vida libre de violencia para las Mujeres, se han dado una serie de comentarios y señalamientos peyorativos por parte de los medios de comunicación a las y los defensores de los derechos humanos, en este caso en particular a la Directora Ejecutiva del Instituto Salvadoreño para el Desarrollo de la Mujer (ISDEMU), licenciada Julia Evelyn Martínez y a la Procuradora adjunta de la Familia y la Mujer, de la Procuraduría para la Defensa de los Derechos Humanos (PDDH), licenciada Raquel Caballero de Guevara. En esta ocasión, a través de medios de comunicación escrita, fueron tildadas de lesbianas, frente a lo cual han tenido que aclarar la situación y enfrentar este tipo de difamación por haberse pronunciado a favor de esta ley, que amplía el marco jurídico para erradicar la violencia contra la mujer. Ejemplo de ello es la Carta a los diputados de la Asamblea Legislativa, de Paolo Lüers, publicada el sábado, 27 de noviembre de 2010¹³.

Question 2: response from the Government

185. En El Salvador existe un marco jurídico, bajo el cual se reconoce la labor de los y las defensoras de los derechos humanos, incluyendo de las mujeres, conformado por la Constitución de la República y la Ley de la Procuraduría para la Defensa de los Derechos Humanos (PDDH), institución con rango constitucional, que tiene como función primordial velar por el respeto y garantía de los Derechos Humanos; sin embargo, es importante reconocer también, que a nivel gubernamental no hay un sistema de protección efectivo y suficiente para los defensores y las defensoras, en la labor que realizan.

Question 3: response from the Government

186. Ante esta situación de riesgo, las medidas adoptadas por los defensores y las defensoras son:

- Cambio de rutas, no transitar los mismos lugares
- Hacerse acompañar por personal de seguridad
- Solicitar a la PNC personal de PPI para custodiar la casa de habitación para el Procurador para la Defensa de los Derechos Humanos, por la situación antes mencionada.
- Cuando hay eventos, llegar a diferentes horas
- Se mantiene a discreción las agendas
- Cambios de números telefónicos
- La intervención en los casos se da, procurando salvaguardar la integridad, sobre todo cuando se media entre la sociedad civil y las entidades gubernamentales.

¹³ <http://siguientepagina.blogspot.com/2010/11/carta-los-diputados-de-la-asamblea.html>

- Se trabaja con sumo cuidado y confidencialidad, para protegerse de la cadena de venganza, en especial en los casos de delitos de Trata de personas.

Question 4: response from the Government

187. Desde la sociedad civil se han hecho esfuerzos por visibilizar la situación, en El Salvador existen observatorios sobre violencia contra la mujer, a través de los cuales se dan a conocer los casos. Sin embargo, el trabajo está más orientado a la atención de mujeres víctimas de violencia, a través de servicios telefónicos y refugios.

Question 5: response from the Government

188. Al respecto existe la posibilidad de pedir medidas cautelares a la Comisión Interamericana de Derechos Humanos (CIDH), en el marco de la normativa internacional. Cuando el Procurador recibió amenazas, se obtuvo respaldo de otros procuradores de Centroamérica.

Fiji

Question 1: response from the Fiji Women's Rights Movement (FWRM)

189. Fiji has an undemocratic military regime since a military coup in December 2006. Following the unlawful takeover of Government, there have been significant human rights violations perpetuated by the military backed regime and the police. Since the coup, women have been subjected to restrictions in their freedoms of expression, association and assembly. Women human right defenders have also been victimised, intimidated, harassed, unfairly detained, threatened, unlawfully charged and defamed, including the dismissal of individuals who opposed the military regime.

190. The main challenges and risks that women human rights defenders face are:

New Legal Order

Via decrees, promulgations, and policies

191. The Public Emergency Regulation (PER) takes away important civil and political rights - the military has declared a State of Emergency, giving the security forces the right to use lethal force with impunity, restricting political/NGO meetings through a permit system and imposing media censorship. The PER has serious implications for the work of women's NGOs in Fiji. The PER is restrictive to organising workshops, trainings and meetings; especially NGOs that are mandated to promote democracy, human rights and rule of law. The PER requires for permits to be obtained for gatherings of three or more people.

192. The Crimes Decree has had the definition of sedition broadened which means that anyone critical of the regime could be charged for sedition and/or treason in the decree. Maximum penalties include 15 years imprisonment. Furthermore the decree also gives extra territorial effect by providing that an "offence" committed outside Fiji is also subject to its jurisdiction. Therefore participation in any international forums could result in prosecution under the Crimes Decree.

193. The Fiji Independent Commission against Corruption Promulgation (FICAC) is being used as a political tool to exercise lawfare against women human rights defenders by legally persecuting them. The criminal justice system is being used to intimidate, harass people and curtail their legitimate activities.

194. The Administration of Justice Decree stipulates that no one can challenge or seek redress either in the court or through any other medium including the police force, the Fiji Human Rights Commission any actions, decisions or laws taken/made by the regime.

195. The Media Development Decree allows for the interpretation of a media organisation to include most Non Governmental Organizations (NGO) and the work they do, which includes the production of newsletters, human rights violation analysis, website, analysis, critiques and opinions. The media decree is being used as a tool to censor, limit and curtail the work of NGOs which promote principles of democracy, feminism, constitutional and human rights and good governance. Currently NGOs have been forced to self censor their mandated work in the current political climate, where threats of lawfare and risks to persons and organisations loom. The provision in the decree which grants discretionary powers to the Minister on exemption for registration puts at risk the work of NGOs as the Minister could decide prejudicially that the exemption is not allowed. NGOs will face regulation and censorship by the regime if they are to be registered as a media organisation. Registration as a media organisation will also impose self censorship which would drastically limit the work of NGOs.

Militarisation of the State

196. The militarization of the civil service continues unabated with the regime exercising excessive/abusive control and power over appointments and terminations within the civil service, the judiciary and statutory bodies.

197. There is no due process involved in either the appointments or the terminations. This abuse of power by the regime also creates an environment of insecurity and fear among women human rights defenders to carry out their legitimate work to promote the principles of feminism, democracy and human rights.

198. This also provides further challenges to women's movement in trying to intergrate gender issues into State policies.

199. The militarisation in Fiji and resulting reinforcement of gender norms and sexual stereotypes inhibits feminist and women's movements. And as a consequence awareness of women's rights is limited and restricted which leads to increase in violence against girls and women and regression of women's rights.

Independence of the Judiciary

200. The military/regime exercises un-arbitrary power and control over the functions and appointments to the judiciary. The military regime has appointed members of the judiciary from the Chief Registrar to the Director of Public Prosecutions to the Chief Justice. Constitutional process has not been followed with respect to the appointments and any Magistrates or Judges perceived to question the regime or not abide by their arbitrary requests have been terminated without any notice or due process.

- Security threats to Women Human Rights Defenders by the military and regime
- Targeted break in of women's NGOs and other women human rights defenders offices.
- Surveillance by military officers.
- Deportation.
- Phone threats of sexual assault and otherwise.
- Stoning of vehicles and homes.
- Lawfare

- Threats made to women's human rights defenders by the military and the regime in the media.

Unlawful detentions

201. Women's Human rights defenders have been arbitrary and unlawfully detained and taken to either the army barracks or the police stations. They have been questioned, threatened, tortured and physically assaulted whilst being detained by security forces.

Question 2: response from the Fiji Women's Rights Movement (FWRM)

202. There is no such a legislative measure nor any strategies or programmes which address the safety and protection of women human rights defenders and those working on women's rights and gender issues in the country.

Question 3: response from the Fiji Women's Rights Movement (FWRM)

203. In our organisation we have a security policy which entails a security risk assessment on a regular basis. The security policy includes informing colleagues of one's whereabouts; restricting organisational engagements with the regime and associated persons, to minimise the risk of exposing the organizations work and putting the organisation and the staff at risk of legal persecution and personal security; refraining from discussing political and sensitive organisational work in public gatherings and social forums; utilising a small network of local NGOs and lawyers for assistance as and when the need arises.

204. Other measures that woman human rights defenders and NGOs take is remain anonymous on submissions such as shadow reports. We also try and enlist the assistance of UN agencies or other regional organizations in carrying out our mandated work.

Question 4: response from the Fiji Women's Rights Movement (FWRM)

- Utilisation of Special procedures mechanisms
- Submission of shadow reports under different Convention reporting committees
- Utilising the UPR mechanism
- Dissemination of monthly human rights analysis and interim/urgent alerts to a closed list of partners and stakeholders locally, regionally and internationally.

205. We have used these strategies as an advocacy opportunity for raising awareness within the international community and also at the regional level. Individuals could work collectively in pooling resources such as technical expertise and financial assistance to strengthen protection programmes for human rights defenders.

206. The challenges posed by the above listed would involve likelihood of criminal prosecution/persecution by the regime; the limited mandate and power of the international communities with respect to Fiji; lack of expertise available locally to fully harness the potential.

Question 5: response from the Fiji Women's Rights Movement (FWRM)

207. There is no regional human rights mechanism that exists within the Pacific region.

Guatemala

Question 1: response from Peace Brigades International - Guatemala

208. Increase of threats against women human rights defenders that struggle for the economic, social, cultural and environmental rights and in the context of struggles of indigenous communities for their right to information and consultation, and in defence of natural resources. Examples: AMISMAXAJ, CONAVIGUA, San Juan Sacatepequéz.

209. Women human rights defenders – because of their gender – face specific risks of sexual violence during the “states of prevention”. According to the Law of Public Order, during a state of prevention the Government can bring public services under military control, limit or prohibit the rights to strike and protest, limit or prohibit freedom of assembly, disperse gatherings by force, prohibit and control the movement of vehicles, and censor publications. On 22 June 2008, President Alvaro Colom announced the state of prevention in the municipality of San Juan Sacatepéquez. In the community of Santa Fe Ocaña, members of the Police were accused of raping two women, according to complaints submitted to the UN by community representatives.

210. Guatemala has a very high rate of feminicides, which occur within the most extended impunity. Whilst women human rights defenders are not especially targeted, the feminicides do leave a message for all women, and specially for women human right defenders, that not following very traditional patriarchal role schemata is extremely dangerous in Guatemala and makes them possible blank of violence and assassination without any chance to justice.

211. There are aspects of security of human rights defenders that are gender-specific, which entails addressing gender-based forms of violence and their gendered consequences. It calls for providing a range of comprehensive support for the well-being of women human rights defenders and addressing visible yet often neglected gendered concerns, such as provisions for child care, health care, and psycho-social support. Integrated security is about generating an enabling environment for the realisation of women’s human rights to sustain defenders, their organisations and movements. The aim is not just to keep the women human rights defenders safe, but ultimately to support the social movements in changing the situation that puts them at risk.

Question 2: response from Peace Brigades International - Guatemala

212. The Special Prosecutor's Office for Crimes against Women (Fiscalía de Delitos contra la mujer) and the Body for Analysing Attacks against Human Rights Defenders.

Question 3: response from Peace Brigades International - Guatemala

213. One of the measures taken by several women human right defenders, is not to go alone outside the home. That is a relatively effective but very limiting measure that deprives the women a lot in liberty and possibilities of commitment. Another measure is declaring "social or political meetings" as meetings about childcare etc. something that is more accepted in patriarchal societies as corresponding to gender role, and that avoids some of the pressure.

Question 4: response from Peace Brigades International - Guatemala

214. PBI is an international non-Governmental organization (NGO) which at the request of threatened social organisations, provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence against women human rights defenders.

215. Strength: PBI in the majority of the cases achieved to protect the physical integrity of the women human rights defenders.

216. Challenges: 1) Lack of accountability of state and economic actors in relation with violations of human rights in the context of economical interests. 2) Criminalization of women human rights defenders, a violation of their rights in relation to which it is difficult to call for the international community's action.

Question 5: response from Peace Brigades International - Guatemala

217. Under the EU Guidelines on Human Rights Defenders (revised in 2008), the EU can adopt a range of different measures to protect women human rights defenders. In Guatemala, the EU Guidelines have been launched, a liaison officer has been appointed and a local implementation strategy has been developed. However, there is no systematic effort to guarantee the access of women human rights defenders who may be marginalized due to their gender, but also to the fact that their work is based in remote areas away from the capital and to the lack of acknowledgement of sexual, reproductive, economic, social, cultural and environmental rights in comparison with “traditional” civil and political rights. Cases of sexual violence against women human rights defenders need to be attended to by personnel who are qualified from a gender perspective. The victim must be consulted during each step of documentation and action. Specific training programmes for embassy staff could be developed so as to ensure the sensitivity, and consequent ability, of diplomatic staff to act in these cases.

Guyana

Question 1: response from the Government

218. It is respectfully submitted that in light of the current Government's (People's Progressive Party (PPP)) administration of the Cooperative Republic of Guyana (hereinafter “Guyana), beginning in 1992 until present, women defenders and those working on women's rights and gender issues do not face any substantial risks in Guyana, but rather, are generally well protected and enjoy the same fundamental freedoms, rights and liberties as those enjoyed by any and all citizens of Guyana. In contrast to the specifically delineated concerns expressed in The Declaration on Human Rights Defenders, women defenders and those working on women's rights and gender issues in Guyana, as well as their organizations and mechanisms through which they work, are not subject to violations of their human rights; they are not the target of executions, torture, beatings, arbitrary arrest and detention, death threats, harassment and defamation, nor are there any restrictions on their freedoms of movement, expression, association and assembly, and they are not the victims of false accusations and unfair trial and conviction. Consequently, there are no violations of international or national law in this regard.

219. One possible challenge for women defenders due to the weakness of many of their NGOs is how to more effectively use available laws, mechanisms and systems in a constructive manner to enhance the consolidation of democracy in all facets of life. Another possible challenge is how to balance between advocacy and meaningfully contributing to effecting real change in the lives of people, especially women. Additionally, women defenders may also face some of the same challenges of accountability, transparency and governance issues relating to some of the NGOs which are human rights defenders.

220. Of equal concern to women defenders and those working on women's rights, as it is for the Government, civil society and communities, has been a significant increase in the number of homicides of women in the past 6 years due to domestic violence.

Question 2: response from the Government

221. The revised Guyana Constitution 2003, guarantees human rights, including those of women defenders:

222. Article 154(A)(1) instructs that human rights shall be respected and upheld by the executive, legislative and judicial branches of Government, thereby ensuring that human rights efforts by women defenders will be espoused.

223. Article 39(2) bestows interpretive powers upon the executive, legislature and judiciary as to fundamental rights provisions, with due regard to international law, conventions, covenants and charters bearing on human rights, thereby ensuring that efforts by women defenders are construed in conformity with existing conventions.

224. Article 38(A)(d) instructs that the State shall provide appropriate support to any group which is claiming to be under threat of marginalization, thereby ensuring that women defenders, as a group, will be protected.

225. The Guyanese constitutional human rights provisions allow for judicial recourse for alleged violations, thereby providing women defenders with a remedy at law in the event of violations of their human rights.

226. Article 212 established a constitutional body to protect and guarantee women's human rights—the Women and Gender Equality Commission, one of the 4 Human Rights Commissions, appointed through a consensual parliamentary mechanism which includes a nomination process from civil society, thereby ensuring the continued participation and viability of women defender organizations.

227. Pursuant to Article 212J (2)(e), this Commission must “uphold human rights and investigate abuses, resolve disputes or rectify acts or omissions by mediation, conciliation, or negotiation.”

228. Article 149 provides for protection from discrimination:

- Subsection (D) provides for equality of persons before the law, thereby allowing women defenders equal judicial opportunities.
- Subsection (F)(1) mandates that every woman is entitled to equal rights and status with men in all spheres of political, economic and social life, thereby ensuring women defenders share equal rights.
- Subsection (C) mandates that no one shall be hindered in the enjoyment of participating through co-operatives, trade unions, civil, social or economic organizations of a national character, in the management and decision making process of the state. This ensures that women defenders may associate through organisations in furtherance of Government administration.

229. Article 29 mandates women's participation in the management and decision making processes, whether private, public or state, thereby allowing women defenders an opportunity to effectively intervene in matters of importance to them.

230. Article 10 provides for the right to form political parties and freedom of action, thereby allowing women defenders to assemble, organize and act.

231. Article 146(1) provides for freedom of expression which includes freedom to hold opinions without interference, freedom to receive ideas and information without interference and freedom to communicate ideas without interference, thereby guaranteeing women defenders constitutional protection of the dissemination and advocacy of women's rights.

232. Article 147 provides for freedom of assembly, association and demonstration thereby allowing women defenders to organize their efforts for the realization of women's rights.

233. The Sexual Offences Act, Act No. 27 of 2010, radically transformed and modernized what constitutes sexual offences (grooming, voyeurism, paedophilia, incest, rape) and the manner in which courts handle such cases. This enables women defenders to effectively pursue judicial recourse for sexual offences and sexual violence against women.

234. The Evidence Act No. 19 of 2008 protects witnesses, including the victim witnesses by allowing for the taking of oral evidence and making submissions by the use of audio-visual links. This enables women defenders to offer testimony and/or evidence electronically, without the need to be physically present in court, thereby protecting their safety.

235. The Prevention of Crimes Act, No. 11 of 2008 allows for the mandatory supervision of persons convicted of scheduled sexual offences. This enables women defenders to more effectively counsel victims of sexual offences, thereby promoting their activities.

236. Newly renovated police stations have been established which include separate women/children friendly facilities with separate rooms for reporting crimes of domestic and sexual violence and the use of two-way mirrors for identification parades. This enables women defenders to confidentially report offences without fear of reprisal or ostracism by perpetrators and their relatives.

237. The "Stamp it Out" policy paper aims to prevent the incidence of domestic and sexual violence and affirms its commitment to advocating for the equality of women and their right to equal access to available goods and services. This provides women defenders with an occasion to shape the institutional framework in relation to women's rights.

238. Administrative mechanisms are instituted in Government Ministries and State entities to address concerns of women's rights and to ensure that women are included in consultations for all new policies of the Government, which equally ensures the active participation of women defenders in shaping the institutional framework in relation to women's rights.

239. The Women's Affairs Bureau within the Ministry of Human Services includes the majority of women's organizations and acts as a coordinating body for their interests, providing a forum for consultation, advocacy and education as to women's rights.

240. Each of the ten (10) Regional Administrations has established a Regional Women's Action Committee which oversees, advocates and implements programmes related to women's rights.

241. The People's Representation Act No. 2 of 2001, Section 11B requires political parties to include a minimum of one-third females on their candidate list for national and regional elections in order to be eligible to contest elections. This implicitly envisions the prospect of electing women defenders to office.

242. The 2008 National Task Force for Combating Trafficking in Persons and The Counter Trafficking in Persons Unit, established by the Ministry of Human Services and Social Security investigate matters relating to trafficking in persons, who, in Guyana, are predominantly female. They utilize an open door policy by which witnesses may provide information on human trafficking, thereby allowing women defenders to confidentially report such incidences without fear of reprisal or ostracism.

243. The newly constructed Family Law Courthouse will provide women defenders with a specific judicial avenue upon which to advise women to seek legal redress for

transgressions against their human rights, including incidences of domestic violence and sexual offences and to render assistance to the victims.

244. The Ministry of Human Services and Social Security offers support programmes encouraging women to take action and report every incident of domestic abuse, thereby enabling women defenders with an ancillary avenue which supports their efforts.

245. Of note is that the constitutional human rights Women and Gender Equality Commission (W & GEC) was established in 2010 and is operational, so too are the Ethnic Relations Commission and the Rights of the Child Commission. Of the 16 members of the W & GEC, only one is a male; they were appointed through a consultative process headed by a Standing Parliamentary Committee with women's organizations, the labour movement, the business community and the 10 Regional Women's Action Committees.

Question 3: response from the Government

246. "Stamp it Out" is a policy paper which aims to finalize Guyana's legislative framework as to women's rights consistent with international expectations and to sensitize society to the incidence of prejudice against women in an effort to reduce all forms of violence against women. This provides women defenders with an occasion to shape the institutional framework in relation to women's rights.

247. At the community levels, community based organizations as well as faith-based organizations advocate for women's rights and seek to address gender issues in Guyana. Please refer to a more detailed explanation below #4 a.

248. Women defenders enjoy the freedom to vote and run for elections, as embodied in the Guyana Constitution. This enables women defenders to ensure their safety, either individually or collectively, through the power of the ballot.

249. Mrs. Janet Jagan, a renowned women's defender served as elected President.

250. The main political parties have women's organizations that seek to ensure that gender issues are incorporated into their party's agenda.

251. The Women's Progressive Organization (linked to the People's Progressive Party, the party in Government)

252. The National Congress of Women (linked to the People's National Congress, the official parliamentary opposition party)

253. Twenty-two (22) of the 65 Members of Parliament are women, many are avid women defenders. This fact allows for the inference that in the absence of effective women's rights protection, the Parliamentary branch is an avenue by which women defenders may actively advocate the prioritization of women's rights and their protection.

254. 1/3rd of the Cabinet Members are female and are women rights defenders. Since the Cabinet is committed to incorporating gender issues at all levels of its operation, the Cabinet is an avenue by which women defenders may actively seek to prioritize women's rights issues.

255. The Ministry of Amerindian Affairs (MOAA) is headed by a female Amerindian Minister who is a well-known women defender. The MOAA works with the National Touthoas Council (the legitimate authority of all the 134 Amerindian communities in Guyana) and the Amerindian NGOs in matters relating to Amerindian communities including trafficking, sexual and reproductive health, while allowing for the active participation of indigenous women defenders in all areas of economic, social, cultural, civil and political life. Two of the 7 women in Cabinet are Amerindian.

256. By means of Government sponsored use of mass media such as television, radio and newspapers, women defenders are able to consistently counterbalance the dissemination of stereotypes and prejudices and advertise services such as hotlines, NGOs, etc..For instance, for November 25, 2010, the Ministry of Human Services and Social Security held a 5 hour television marathon on domestic violence entitled “No more Black and Blue” which included service NGOs, women’s organizations, religious leaders from the 3 official religious faiths, and the parliamentary political parties. This event launched a two week programme across the country.

257. Annually, November 25th is observed by the Government and the non-Governmental bodies. For November 2008, International Day for Violence Against Women was observed with a National Stakeholders Forum convened by His Excellency the President with stakeholders from the religious, business, labour, women, and Amerindian communities, to address violence against women and to develop collaborative efforts in such instances. This provided women defenders with a national forum upon which to advocate for the full realization of women’s rights.

258. The National Assembly in November 2008 unanimously passed a resolution condemning violence against women and calling for a non-partisan comprehensive multi-sectoral approach to ending violence against women.

259. To strengthen the participation and involvement of the religious community (Chuman rightsistian, Hindu, Islam and other religions) the Government initiated a GOG/Faith-Based Organizations partnership to end violence against women by training over 600 religious leaders and religious workers in 6 of the 10 Administrative regions in October 2010.

260. The Guyana Legal Aid Clinic receives budgetary support from the Government to assist in extending the GLAC free legal services for persons to a wider cross section of clients in various Administrative Regions. This has in so small way facilitated greater access to justice for women defenders and moreso poor women.

261. The emergence of the Men’s Empowerment Network (MEN), a faith-based body advocating male responsibility as fathers and partners in the home, communities and the broader society, and addressing male violence against women is an important support body and advocate for women defenders.

262. Help and Shelter, an NGO which receives budgetary support from the Government offers a safe haven and counseling services for victims of violence and is headed by women defenders.

Question 4: response from the Government

263. At the community levels, community-based organizations as well as faith-based women’s organizations advocate for women’s rights and seek to address gender issues in Guyana.

264. There are a hundreds of community development groups, faith-based organizations, self-help groups, coop groups, cultural groups, and women’s organizations in which women defenders actively pursue issues related to women’s rights. Most of the main religious bodies have also formed women’s organizations that promote women’s participation. These include the Guyana Hindu Dharmic Sabha and the Guyana Central Arya Samaj, which while promoting and preserving the Hindu religion and culture, among other activities promote the rights of women and children; Guyana United Sad’r Islamic Anjuman promotes the rights of the girl child; The National Spiritual Assembly of the Bahais of Guyana; The Nubian Centre; and the Rafah-Am-Ki-Jamat, all have progarmmes and services to assist women. The National Committee of Sisters Affairs of the Central Islamic

Organization of Guyana (representing all the jamaats) and the Mothers Union—Diocese of Guyana (Anglican) promote programmes benefitting women and children including counseling.

265. Many women's organizations and faith-based women's groups have organized skills training programmes on traditional female skills for the past 40 years. However, they are adapting to the new demands of a changing economy. Their objectives are to provide substantial livelihood opportunities and income generation to rural Guyanese women. This is in an effort to create employment, build the entrepreneurial skills as well as the self-confidence of women and greater integration of women into the economic development of the society.

266. The strength of the women's movement in Guyana includes a broad combination of women's political parties, women's organizations, faith-based women's organizations of all the major religions (Christian, Hinduism and Islam) and community based women's groups which form a powerful and vocal advocate and participant in all matters affecting women's rights.

267. Women non-Governmental organizations (NGOs) also encourage women to take on the challenge of public leadership and civic responsibilities, advocating for change and towards greater representation.

268. These organizations have held training programmes in communities to encourage women to become candidates and to prepare them for the responsibilities and demands of holding office at the local Government level.

269. Women Defenders are prominent in international delegations that represent Guyana at international conferences, thereby enabling them to address women's rights internationally.

270. The Ministry of Labour, Human Services and Social Security provides skills training and life-long learning programmes for women where they can choose to acquire traditionally male-oriented skills, thereby enabling them, many of whom are women defenders, to effectively counterbalance social spheres conventionally dominated by men. In addition, there is a special Single Parent Assistance Programme targeting poor single parents which includes skills training.

271. Women are exposed to variety of awareness programmes to help them to make informed choices. The Regional Women's Affairs Committee (RWAC) in each of the 10 regional Democratic Councils advocate and manage programmes of benefit to women, children and family life. These RWACs worked with NGOs such as Help and Shelter and social workers to assist victims of abuse. This provides women defenders with an additional occasion to pursue the full realization of women's rights by sensitizing women as to their rights.

Question 5: response from the Government

272. Guyana is a signator to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belem do Para). This convention:

- Seeks to address violence against women as a violation of their human rights and fundamental freedoms within the framework of the Organization of American States. This provides a regional mechanism for the protection of women defender's efforts as to the full realization of women's rights.
- Article 4 provides for women's human rights, including: (g) the right to simple and prompt recourse to a competent court for protection against acts that violate her

rights; (h) the right to associate freely; (i) the freedom to profess beliefs within the law; and (j) the right to take part in the conduct of public affairs, including decision making.

273. Such rights undoubtedly serve to protect not only women, but women defenders efforts’.

274. Article 12 provides a mechanism for protection for women defenders, in that any group of persons or non-Governmental entity may lodge petitions with the Inter-American Commission on Human Rights containing complaints of violations.

275. Guyana recently submitted its report in September 2010 to the Inter-American Commission on Women in regards to the implementation of the Convention Belem do Para.

276. Guyana is a member of the Caribbean Community (CARICOM) and is an active supporter of the Charter of Civil Society for the Caribbean Community, which influenced the constitutional reform process (1999-2003) in Guyana. This Charter:

277. Seeks to address violence against women in the Caribbean by raising awareness of the need for further action to develop and strengthen integrated responses that will address all social and legal sectors for the purposes of protection, provision of services, justice and prevention. This provides a regional mechanism for the protection of women defender’s efforts as to the full realization of women’s rights.

278. Article XII provides that women have equal rights with men in the political, civil, economic, social and cultural spheres. This allows for the election/appointment to Public Office/decision-making bodies for women. Furthermore, women have the right to legal protection including just and effective remedies against domestic violence, sexual abuse and sexual harassment.

279. In conclusion, the Government of Guyana respectfully reminds the Special Rapporteur on the situation of Human Rights Defenders that Guyana had submitted its response to an earlier questionnaire on Human Rights Defenders in December 2009. Additional background information can be found therein as well as in Guyana’s submissions to the UN Universal Periodic Review process in May and September 2010. It has also submitted its Periodic reports to CEDAW (May 2010) and CROC (April 2010). Guyana is expected to be reviewed on its implementation of CEDAW in 2012.

Haiti

Question 1: response from MADRE based on experience and expertise of the Commission of Women Victims for Victims (KOFIV)

280. Since January, 2010, women and children living in internal displacement camps have suffered extraordinarily high rates of sexual violence. In the first two months after the earthquake, KOFIV alone tracked 230 rapes in just 15 camps in Port-au-Prince, and violence has continued in the months since. Victims range in age from five to sixty years old, many of whom suffered extremely violent attacks. For example, one victim was kidnapped by five armed men in a truck. Before raping her, they choked her, forcing her to open her mouth, and one of the men bit off her tongue.

281. Most victims have reported being raped at night by multiple perpetrators who are almost always armed. KOFIV has responded to the lack of security and lighting in many of the camps by organizing its own informal security patrols and training women in a system of using whistles to signal danger. Members working in dozens of camps have assisted rape victims in accessing medical treatment, filing police reports, and engaging legal representation.

282. The lives of human rights defenders in Haiti have been threatened because of their work in the displacement camps. In June of 2010, two human rights defenders and their families were threatened at gunpoint by a man in displacement camp in which they lived. The man demanded money from them and threatened their lives, saying that he had heard one of the leaders had testified before the United Nations in Europe and suspected she had resources. Fearful for their safety, the women and their families left the camp the following day and have not returned. Since then, camp residents report that the man has returned looking for the leaders and harassing and threatening other members who continue to organize women in the camp and provide support for victims of rape.

283. The Haitian police have not responded to these threats. When the women filed a police report positively identifying the man, the police told the women that the camps “caused too much trouble” and the man “should have killed them all.” Twice, a man who then provided security for the women in the camp apprehended the perpetrator and called the police emergency number; however, the police did not respond and the man had to let the perpetrator go. The women have seen the perpetrator on public transportation moving freely around the city and remain fearful for their lives.

284. Human rights defenders are also at risk when operating their organizations outside the camps in Port-au-Prince. Routine activities such as making withdrawals from the organization’s bank account put them at risk of robbery and kidnapping. As a result, organizational decisions must take into consideration these very real safety risks and resources which could otherwise be used for programming and services must be spent on security.

Question 2: response from MADRE based on experience and expertise of the Commission of Women Victims for Victims (KOFIV)

285. The lack of a meaningful response on the part of the Haitian Government to the rape crisis in displacement camps is a result of both a lack of resources and a lack of political will. Haiti’s already fragile bureaucracy and civil service suffered deep blows from the earthquake, as ministry buildings were destroyed and many personnel were killed. For example, two specialized police units inaugurated prior to the earthquake to receive reports from women victims of violence were among at least 40 police stations in and outside of Port au Prince that collapsed or were severely damaged in the earthquake. More than 70 police officers died; another 60 are missing, and many others were injured. The loss of officers and police stations seriously compromised the capacity of the police to maintain security and enforce the law.

286. As of April 2010, there were only 2,261 police officers serving Haiti’s population of 9 million people, a ratio of one officer per 3,981 people. The UN Security Council has responded to the general need for more police units by increasing the UN police force assigned to Haiti (UNPOL) to approximately 4,400. In June, women welcomed the arrival of an all female force deployed by Bangladesh to patrol some of the camps. The effect of the Bangladeshi force has been minimal, however, because the officers speak neither Haitian Creole nor French, making meaningful communication with camp residents impossible. In spite of these efforts, the number of Haitian police remains grossly inadequate in terms of the overall population.

287. The vast majority of rapes in Haiti have gone unpunished and the Haitian Government and international community have not effectively deployed their resources to provide adequate protection. The Haitian Government has only begun to prosecute a fraction of these cases. Many of the victims are Haitian girls under the age of 18, and medical services are overwhelmed and unable to meet healthcare needs stemming from the assaults.

Question 3: response from MADRE based on experience and expertise of the Commission of Women Victims for Victims (KOFAVIV)

288. Since the earthquake, KOFAVIV has reported higher rates of sexual violence in camps without adequate lighting or security. In response, KOFAVIV has provided flashlights to women in the camps, which they share and use for nighttime trips to unlit bathrooms, the location of many violent attacks; distributed plastic whistles to camp residents and trained women in a system of using them to alert neighbors to danger; and organized informal security patrols that provide protection to women and children in the camps.

Question 4: response from MADRE based on experience and expertise of the Commission of Women Victims for Victims (KOFAVIV)

289. The UN Gender-Based Violence Sub-Cluster in Haiti (the “GBV Sub-Cluster”), has acceded to the demands of the Haitian Women’s Ministry to intentionally exclude Haitian grassroots women’s groups from meaningful participation in the coordination efforts to address and prevent sexual violence in Port-au-Prince IDP camps. For example, the UN GBV Sub-Cluster has stated that it is not permitted by the Haitian Women’s Ministry to refer sexual violence victims to organizations that are not listed in the 2008-2009 National Dialogue Resource Directory. The GBV Cluster has also refused to provide Creole translation services at its meetings making meaningful participation by grassroots groups impossible.

290. This exclusion has had a direct and profound impact on at-risk populations and has also led to significant waste and misdirection of aid by donor countries. For example, because of a failure to consult and coordinate with grassroots organizations, battery-operated flashlights were purchased and distributed to increase lighting in the IDP camps. These flashlights are now useless because camp residents cannot afford replacement batteries. Solar flashlights, available at a comparable price, would still be working and could significantly increase lighting and security in the camps.

Question 5: response from MADRE based on experience and expertise of the Commission of Women Victims for Victims (KOFAVIV)

291. KOFAVIV members have been active human rights advocates at the international level. In June, a KOFAVIV leader testified before the UN Human Rights Council in Geneva about the human rights abuses against women and children in Haiti’s displacement camps. In October, attorneys for KOFAVIV filed a petition on their behalf in the Inter-American Commission on Human Rights for Precautionary Measures, requesting lighting and security in the displacement camps. In November, the Commission issued a press release expressing its concern over the situation in displacement camps, making particular mention of sexual violence.

Honduras

Question 1: response from ARCOIRIS

292. Desde el trabajo que desarrolla la Asociación LGTB Arcoíris de Honduras el cual esta orientado a la promoción y defensa de los derechos humanos nos damos cuenta de los múltiples desafíos que enfrentan los y las defensoras de derechos, especialmente los de la comunidad LGTB y este caso particular las mujeres con una orientación sexual diversa ya que el estigma, la discriminación, el machismo y el patriarcado las ponen en condiciones de mayor riesgos. Podemos dar un par de ejemplos:

293. La lesbofobia y la misoginia son factores que alimentan la inseguridad tanto física y/o psicológica de las mujeres, ya que no es aceptado en estas sociedades “que una mujer quiera ser hombre” ya que son sujetas de una categoría inferior a la del hombre esta es la creencia que se tiene hacia las mujeres lesbianas es lo que quieren ser.

294. La impunidad, la indiferencia gubernamental y las legislaciones que existen en el país dan discrecionalidad a la policía para que actúe como quieran. Por ello es que la comunidad LGTB esta en una total indefensión. Este es uno de las mas graves amenazas a los y las defensoras de derechos humanos. Así como la ausencia de mecanismos de alerta o emergencia que se puedan realizar acciones prontas de protección en el país.

Response from Centro de Estudios de la Mujer (CEM)

Desafíos

295. Continuar desempeñando las defensorías de derechos humanos aun cuando la represión se ha recrudecido como producto de un golpe de estado y el continuum de la dictadura.

296. Establecer una cultura de respeto a la vida y por lo tanto de respeto a los Derechos Humanos a pesar de las fuerzas represivas utilizadas por el estado en contra de la resistencia.

297. Fortalecer los comités comunitarios interdisciplinarios, para que estos apoyen la seguridad física de todas aquellas personas que se manifiestan en contra de las autoridades municipales que utilizan la represión y la brutalidad hacia la población en general.

298. Reconocerse como defensoras de derechos humanos las mujeres se identifican mas como promotoras, falta la integralidad y tener la visión interseccional.

299. Los mecanismos que existen no tienen una visión integral de las necesidades de protección diferenciadas para las defensoras de derechos humanos

Riesgos

300. Como feministas en resistencia debido a la visibilización de las defensoras de derechos humanos a nivel comunitario han tenido que enfrentar los grupos de choque, los cuales han utilizado como estrategias las amenazas a muerte, las campañas de desprestigio personal y organizacional, estos han actuado en alianza con la delincuencia común y el crimen organizado.

301. La intención de desmovilizar la resistencia organizada a nivel comunitario atacando a las líderes más visibles, a través de allanamientos en sus viviendas efectuados por la policía.

302. El repudio y la exclusión de programas y proyectos por parte de las autoridades debido a que las defensoras de derechos humanos en las comunidades no solo están trabajando en torno al problema de la violencia domestica sino, de la violencia social desatada a raíz del golpe de estado.

303. Desconocimiento de los mecanismos de protección por parte de las defensoras de derechos humanos y estas no tienen acceso a los mecanismos de denuncia y protección

304. Los mecanismos están burocratizados e institucionalizados para el nivel de emergencia que requiere la efectividad de estos servicios.

Necesidades de seguridad

305. Contar con espacios físicos seguros para poder salvaguardar las vidas de las y los defensores de derechos humanos, así como de sus familiares para poder continuar realizando el trabajo.
306. Garantizar a los defensores y defensoras de derechos humanos la seguridad alimentaria y los recursos de movilización y poder realizar su trabajo sin tener que enfrentar la precariedad.
307. Mayor respaldo por parte de las organizaciones que trabajan el tema a nivel comunitario.
308. Fortalecer los procesos de capacitación a nivel comunitario para que la población se sensibilice y estos apoyen el trabajo de las y los defensores de derechos humanos.
309. Realizar campañas que trabajen con los hombres la prevención de violencia doméstica que se ha incrementado a raíz del golpe de estado debido a que estos toman represalias contra las defensoras de los derechos humanos.
310. La eficacia de los mecanismos de seguridad por parte de las instituciones de derechos humanos a nivel nacional y del sistema interamericano.

Temas de derechos humanos

- Violencia contra las mujeres.
 - Defensa de derechos laborales.
 - Defensa del territorio.
 - Defensa de nuestra propia vida y defensa de nuestro propio cuerpo.
 - Defensa del entorno comunitario.
311. Comunidad libre de violencia, es estar en contra de todo lo que represente violencia.
312. Incidencia política y movilización en contra del golpe de estado.

Response from Centro de Investigación y Promoción en Derechos Humanos (CIPRODEH)

313. Los riesgos que afrontan son: seguimiento y persecución, descalificación del trabajo, campañas mediáticas de descrédito (lenguaje usado en las notas, frases de burla), amenazas a muerte.
314. El gran desafío pasa por revertir la cultura de ver el problemas de las violaciones a los derechos de las mujeres enmarcado en una sola causa para los problemas de seguridad y violaciones a sus derechos.
315. Hay necesidad de protección física y también de un marco legal que pueda disuadir el trabajo en su contra.

Response from Colectivo de Mujeres Hondureñas (CODEMUH)

Los desafíos de las defensoras de derechos humanos son:

316. No dejarnos intimidar por el sistema represivo.
317. Continuar el proceso de investigación, documentación, denuncia, organización.
318. Fortalecer el proceso de denuncias ante organismos internacionales de derechos humanos.

319. Fortalecer las alianzas y coordinación entre instancias del movimiento de mujeres y movimiento popular en general y con instancias de solidaridad internacionales.

320. Fortalecer la organización y capacitación de las mujeres y redes de solidaridad nacional e internacionalmente.

321. Desarrollar programas de capacitación en materia de medidas de seguridad Para que las mujeres sepan que hacer al momento de enfrentar amenazas o algo similar.

Los riesgos a los que nos enfrentamos son:

322. Podemos ser atacadas en los autobuses interurbanos por órdenes de la oligarquía y que aparezca como que fue la delincuencia común, por el crimen organizado o por el narco tráfico y que el pueblo vaya asumiendo que es verdad.

323. Otro riesgo es la entrada en vigencia del Código Procesal Civil que impone penas mayores para los delitos de difamación y divulgación, hasta con el cierre de establecimientos, esto por los materiales que se editan e imprimen.

324. Que las instancias operadoras de justicia y la policía no investigan y más bien son quienes se encargan de violentar los derechos de las mujeres, ya no sabemos en quien confiar.

Question 2: response from ARCOIRIS

325. Desde Arcoiris hemos realizado un plan de seguridad y de identificación de amenazas para la protección de las y los defensores/as de derechos humanos. También hemos proporcionado un teléfono móvil a cada uno de los y las defensoras, para estar en constante comunicación así como entrenamiento de comunicación estratégica para poder comunicar a través de palabras claves ando algún o una defensor/a esta en una situación de riesgo.

Response from Centro de Estudios de la Mujer (CEM)

Medidas de seguridad

326. La denuncia inmediata con todos los organismos defensores de derechos humanos y los medios de comunicación social existentes en la comunidad.

327. Articulación de redes para la articulación denuncia en la defensoría de derechos humanos.

328. Mecanismos de desplazamiento para las defensoras de de derechos humanos en riesgo.

329. Articulación de redes de comunicación en la defensoría de de derechos humanos.

330. Identificación de organizaciones y personas defensoras de de derechos humanos.

331. Articulación entre organizaciones y redes defensoras de derechos humanos para la gestión de recursos económicos que faciliten la movilización de defensoras de derechos humanos y personas en riesgo.

Corto/ largo plazo

- Dejar la localidad cuando hay mayor represión, hacia las líderes más visibles.
- No utilizar la telefonía estatal.
- Tener redes de protección e información.

- Crear redes de comunicación.
- Continuar con la presión internacional para que presione al gobierno para que mejoren las condiciones políticas y por ende las defensoras.
- Definir colectivamente un plan de seguridad, que permita la creación de procesos de defensa colectivos comunitarios.
- Fortalecer los mecanismos de denuncia de manera que sean más efectivos y la vinculación con los medios de comunicación alternativos
- Necesidades específicas de las mujeres
- La violencia social como la violencia doméstica que se han incrementado, seguir ejerciendo presión ante la fiscalía y la corte suprema
- Crear microempresas para garantizar recursos para aquellas defensoras de derechos humanos comunitarios, donde el desempleo y por ende la precariedad es inminente
- Garantizar la seguridad alimentaria de las mujeres
- Mayor empoderamiento en sus derechos, conocer sus instancias.
- Recursos económicos para la movilización.
- Medidas de seguridad inmediatas y eficaces en situaciones de riesgo

332. Las necesidades específicas de las defensoras de derechos Humanos, se han tomado en cuenta a partir del acompañamiento organizativo que históricamente la organización ha realizado con las redes sociales de mujeres.

333. En este acompañamiento organizativo, que ha permitido que las mujeres organizadas coloquen sus demandas y propuestas en lo público, se han conocido las necesidades específicas de las mujeres, lo cual ha permitido que las mismas se apropien de una conciencia política que les permita hacer una lectura de los fenómenos sociales que acontecen en el país.

334. Las redes organizadas de mujeres a partir de la conciencia de su condición de opresión han asumido el reto de posicionarse en sus comunidades, y en su entorno como defensoras de derechos humanos resistiendo la violencia, y denunciando las violaciones a los derechos humanos coordinando con las organizaciones, que históricamente han coordinado para la realización de estas actividades.

Response from Centro de Investigación y Promoción en Derechos Humanos (CIPRODEH)

335. En gran medida hay acciones improvisadas para garantizar la vida y seguridad de las defensoras, sin que estas medidas sean parte de políticas permanentes ni a corto o largo plazo.

336. Hay un vacío en el diseño de una política de protección a mujeres defensoras, no se toman en cuenta específicamente aún cuando van en aumento sus riesgos.

Response from Colectivo de Mujeres Hondureñas (CODEMUH)

337. Establecer una red de comunicación entre diferentes instancias del movimiento popular y con personas claves.

338. Evitar al máximo andar solas en lugares de mayor riesgo y no transitar muy noche.

339. Mantener a mano una agenda con números de teléfonos, que toda su familia o personas que conviven con ella sepa.

340. Mantener el nivel de denuncia y si tiene alguna amenaza aumentar el nivel de la denuncia.
341. Solicitar la solidaridad de otras instancias del movimiento popular e internacionales.
342. Recurrir a la protección de derechos humanos nacionales e internacionales.
343. Tener cuidado con andar dando detalles vía teléfono y en redes sociales de acciones que vamos hacer y lugares a los que vamos a visitar.
344. Tratar que las mujeres que trabajan el tema de derechos humanos se transporten en vehículos privados.

Question 3: response from ARCOIRIS

345. En Honduras hay una total indefensión y un persecución descarada por el gobierno a todas aquellas personas que promueven y defienden los derechos humanos. En particular la comunidad LGTB día a día lucha por la sobrevivencia. Podrán darse cuenta que en lo que va del año 2009 al 2010 van mas de 32 personas asesinadas de la comunidad LGTB, se mantienen las amenazas de muerte hacia los y las defensoras de derechos humanos las cuales se van materializando poco a poco, asi como a traves del asesinato de los seres mas a llegados a estas personas, como un nuevo modus de intimidación, a su accionar.

Response from Centro de Estudios de la Mujer (CEM)

346. Utilizando los recursos familiares, como ser el acompañamiento y la protección por parte de sus familias.
347. Acudiendo de forma inmediata a las organizaciones de derechos humanos las cuales les proporcionan seguridad inmediata
348. Concientizar al entorno sobre medidas de seguridad mínimas, estableciendo alianzas con organizaciones expertas de la temática que brinden capacitación a las redes organizadas.
349. Haber establecido alianzas con otros colectivos a nivel internacional para que acojan a líderes visibles que han sido amenazados a muerte y salvaguardar sus vidas.
350. Las defensoras de derechos humanos han aumentado su participación en la vida política comunitaria tomando los espacios de poder a nivel local, para ser más visibles y tener poder.
351. Las alianzas a nivel comunitario que les permita acceder a los espacios de poder y toma de decisiones a nivel comunitario.

Response from Centro de Investigación y Promoción en Derechos Humanos (CIPRODEH)

352. Ante la falta de de una política específica de protección a las defensoras varias organizaciones de derechos humanos y de defensa de los derechos de las mujeres se han organizado en lo que se denomina “La Plataforma Nacional de Prevención de las Violencias”, un esfuerzo que pudiera llenar este vacío en la en la prevención, protección y seguridad de las defensoras.

Response from Colectivo de Mujeres Hondureñas (CODEMUH)

353. Son pequeñas cosas las que estamos haciendo como organización por ejemplo, no quedarnos trabajando en la oficina por la noche.

354. Evitar ir hacer trabajo en los barrios y colonias por la noche y cuando lo hacemos usar transporte privado (taxi).

355. Evitar llegar solas a la oficina en horarios no laborales.

Question 4: response from ARCOIRIS

Las Fortalezas

356. Que se cuenta con organizaciones que brindan apoyo a acciones urgentes de protección a las mujeres.

357. Que existen organizaciones que realizan acciones de respuesta rápida de apoyo económico para lograr salvaguardar la vida.

358. Que hay un manual de protección a los defensores/as de derechos humanos que sirve como guía para tomar acciones de precaución, y apoyo a otros/as defensores/as

Debilidades o desafíos principales:

359. No contar con una red nacional de defensoras y defensores que estén constante comunicación.

360. El desconocimiento de acuerdos, tratados, convenciones nacionales, regionales e internacionales que promuevan la protección de las y los defensores/as de derechos humanos.

361. Que los organismos de cooperación internacional incluya en sus subvenciones un apartado donde se pueda incluir un rubro orientado a la protección de los Defensores/as de los derechos humanos.

362. En el ámbito local o nacional es necesario formar a los y las defensoras de derechos humanos que deben tener mayor conciencia de su exposición al riesgo ya que pasa muy frecuentemente que se les amenazan, las intimidaciones, y muchos otros factores de que su vida esta en riesgo y se toman acciones tardías o en muchos casos no se hace nada y se pierde la vida de ellas /os.

Response from Centro de Estudios de la Mujer (CEM)

Programas y/o herramientas concretas de protección a defensoras de derechos humanos

363. Feministas en Resistencia: es un espacio de articulación en el cual convergen varias organizaciones feministas y feministas independientes con el interés de posicionarse políticamente contra el golpe de estado coordinando acciones de incidencia y de denuncia de violaciones a los derechos humanos así como de defensoría de derechos humanos

364. Plataforma de derechos humanos y Red de defensoras y defensores de derechos humanos son otros programas.

Fortalezas

- La sola existencia de estos espacios se constituye una fortaleza.
- El accionar político y la producción de conocimiento.
- Su participación directa en la conducción del FNRP.
- Su presencia, sus propuestas y visión política como movimiento son aporte para el FNRP.

365. Existe una plataforma específica para la protección de defensoras y defensores en riesgo.

Desafíos

366. Fortalecer el movimiento como feministas en resistencia.

367. Lograr que el movimiento adopte la agenda feminista.

Response from Centro de Investigación y Promoción en Derechos Humanos (CIPRODEH)

368. En algunos casos defensoras han sido protegidas por medio del traslado de sus personas a lugares que pudieran ser seguros para la protección de sus vidas incluso el hacer contacto con organizaciones amigas de otros países y lograr su reubicación, sin que esta medida sea una constante en la protección.

369. El desafío sería tener una medida planificada y permanente para lograr la efectividad en la protección de las defensoras.

Response from Colectivo de Mujeres Hondureñas (CODEMUH)

370. Que nosotras sepamos no existen programas de protección.

Question 5: response from ARCOIRIS

371. No conocemos alguna medida concreta que se haya tomado por mecanismos regionales, es mas en Honduras por mas que algunas instancias internacionales insten al país a tomar algún tipo de medidas el gobierno lo hace, y no se conoce alguna directriz, medida, recomendación que este orientada a la protección de las y los defensores de derechos humanos de la comunidad LGTB.

Response from Centro de Estudios de la Mujer (CEM)

372. Medidas específicas por la comisión interamericana de derechos Humanos: medidas cautelares; visitas in loco, comunicados.

Response from Centro de Investigación y Promoción en Derechos Humanos (CIPRODEH)

373. Las solicitudes de medidas cautelares a la Comisión Interamericana de Derechos Humanos es la acción más utilizada en los casos de protección a defensoras, sin embargo, la misma no es parte de una medida específica en el caso de garantizar la protección de defensoras.

Response from Colectivo de Mujeres Hondureñas (CODEMUH)

374. No existen medidas específicas adoptadas por los organismos de derechos humanos, las mujeres estamos en total indefensión, únicamente con lo que está a nuestro alcance hacer.

Ireland

Question 1: Response from the Government

375. Human rights have traditionally been a central concern of Irish foreign policy. Promoting the rights of human rights defenders (HRDs) and opposing attempts to undermine their work is a key part of our international human rights policy. The adoption

of the European Union (EU) Guidelines on human rights defenders in 2004 was one of the key priorities of the Irish Presidency of the EU in the field of human rights. The Guidelines commit EU Member States to providing practical support to human rights defenders in third countries. Ireland is a member of the European Council Working Group on Human Rights (COHOM) Task Force on human rights defenders which keeps the EU Guidelines under review. In November 2010 the Human Rights Unit of the Department of Foreign Affairs published an internal set of guidelines for Irish Embassies and Missions on human rights defenders, which provide an overview of Ireland's work in support of human rights defenders and suggest practical steps for Embassies in supporting HUMAN RIGHTSDs. Ireland also provides pre-posting training on human rights to diplomats going abroad. This includes training on ways and means of supporting HUMAN RIGHTSDs and on using the EU Guidelines on HUMAN RIGHTSDs.

Question 2: Response from the Government

376. At the United Nations level, Ireland has actively participated in the negotiations on resolutions regarding human rights defenders at the Third Committee of the UN General Assembly (UNGA) and at the Human Rights Council. Ireland has also systematically raised the issue of human rights defenders in its question to third countries under the Universal Periodic Review (UPR) mechanism of the Human Rights Council. Ireland is a strong supporter of the UN Special Rapporteur on human rights defenders and maintains close links with the holders of the post.

Question 3: Response from the Government

377. The Department of Foreign Affairs also has close working relationships with a range of NGOs working on human rights defenders issues. A number of organizations working in support of human rights defenders are funded through Irish Aid, the Irish Government's overseas development assistance programme. Ireland has provided financial support to a number of organisations working on issues relating to human rights defenders including Front Line, the Martin Ennals Foundation, Fédération Internationale des ligues des Droits de l'Homme (FIDH), the International Service for Human Rights (ISHUMAN RIGHTS), Chuman rightsistian Aid, the Carter Centre, Trócaire, Justica Global, the Peace Brigades International.

Question 3: Response from the Government

378. The Guidelines for applications to Irish Aid's Civil Society Fund in 2010 indicated that priority consideration would be given to interventions that contribute to specific policy objectives of the Irish Government, including interventions in the area of the protection of human rights defenders, the prevention of gender-based violence, and interventions that strengthen the participation and representation of poor and marginalized people in the international human rights system. Ireland recognizes that certain human rights defenders face particular risks, including women human rights defenders and those defenders working on issues relating to discrimination on the basis of sexual orientation.

Question 5: Response from the Government

379. Ireland, with Spain is one of the only two EU member states that have a dedicated humanitarian visa scheme for human rights defenders. The aim of Ireland's scheme is to provide a fast-track approach to processing applications to facilitate recognized human rights defenders to travel to Ireland for short stays (three months maximum) for the purpose of respite and because of temporary safety issues. The scheme was agreed between the Department of Foreign Affairs and the Department of Justice and Law Reform in 2006. It is primarily aimed at those human rights defenders who face significant immediate risk as a

result of their work and who need to relocate on a temporary basis, and/or human rights defenders who have been working in the face of significant risk for an extended period of time and who would benefit from a period of respite. A high degree of confidentiality is maintained around the scheme and individual cases, given the circumstances involved. A number of human rights defenders, including women human rights defenders, have travelled to Ireland under this scheme.

Kazakhstan

Question 1: response from the Association for Women's Empowerment (AWE)

380. Association for Women's Empowerment works for more than ten years on gender issues in South Kazakhstan. Within this period we have faced the following challenges and risks:

381. Rejection by the community which rejects women advocating women's rights as it is believed that family problems should stay in a family.

382. Women are separated from their children and families and that is why they prefer to suffer and not to challenge status quo of their issues.

383. Women working on gender issues are perceived as non professionals and those living for grants.

384. Most of security needs in Kazakhstan lie within changing perception of women's role in the society and psychological protection of women defenders rather than psychical.

Question 2: response from the Association for Women's Empowerment (AWE)

385. The existing strategy is a very formal document that is based on Constitutional provisions. Thus, women defender's security is not taken a serious challenge to be considered within the framework of legislation. Kazakhstan has recently signed a law on domestic violence. Women NGOs are in stagnation and do not have advocacy or lobbying strategy to push the Government to take respective steps. There are no methods that we used to identify specific needs of women defenders and those working on women's rights and gender issues, even basic tools as Participatory Rural Appraisal have not been used. Thus, Kazakhstan lacks gender mainstreaming strategies in project implementation phases.

Question 3: response from the Association for Women's Empowerment (AWE)

- Women defenders leave the country.
- Women defenders become co-opted by the existing strategy.
- Women defenders stop defending women.
- Women defenders change the focus of their work

Question 4: response from the Association for Women's Empowerment (AWE)

386. AWE thinks that Kazakhstani women NGOs are not provided with adequate security and protection for women. There are several reasons of this:

- Lack of accountability of women NGOs
- Financial frauds increase
- Are no mission-driven
- Co-optation by the Government

387. Today women NGOs and the overall Kazakhstani civil society are in stagnation and most of beneficiaries suffer from this situation. NGOs have more internal challenges that prevent them from being a voice of voiceless.

Question 5: response from the Association for Women's Empowerment (AWE)

388. National Committee on the Rights of women.

Lithuania

Question 1: response from the Government

389. The Law on Equal Opportunities for Women and Men of the Republic of Lithuania provides, that Equal Opportunities Ombudsperson examining complains regarding discrimination. This institution could provide the information if it had received any complains from women's rights activists.

Question 2: response from the Government

390. The Law on Equal Opportunities for Women and Men provides protection of women defenders and those working on women's rights and gender issues.

391. Article 52 of the Law prohibits discrimination on grounds of sex in relation to membership of, and involvement in, an organisation of employees or employers, or any other organisation (association) whose members carry on a particular profession, including the benefits provided for by such organisations (associations) shall be prohibited. Article 72 of the Law contains a provision, that any acts that prevent from becoming member of an organisation of employees or employers, or any other organisation (association) whose members carry on a particular profession, or involving in them, including the benefits provided for by such organisations (associations), on grounds of sex shall be treated as violating equal rights for women and men.

392. Article 9.2 stipulates, that upon receiving a written consent of a person, an organisation of employees or employers and other legal persons who have a legitimate interest may represent him in judicial or administrative procedures in the manner prescribed by laws. Furthermore article 3 of the Law obliges state and municipal institutions and agencies within the limits of their competence, in the manner prescribed by laws, to support the programmes of public establishments, associations and charitable foundations which assist in implementing equal opportunities for women and men.

393. Neither specific legislative measures specifically addressed to the safety and protection of women defenders, nor long-term protection programmes exist.

Questions 3, 4 and 5: response from the Government

394. In any case if women defenders and those working on women's rights and gender issues are faced with discrimination or interference with their work, they shall have the right to appeal to the Equal Opportunities Ombudsperson for an objective and unbiased consultations and assistance, as provided in the Law on Equal Opportunities for Women and Men article 9.1.

395. Furthermore, every person has the right to appeal to the court if his rights are infringed or in a case of discrimination. Verbal (sometimes, insulting, humiliating) public comments are expressed reproducing stereotypes of women and negative attitudes towards women rights defenders (comments in the Internet, public comments of politicians, officers and public figures).

396. Informal networks of NGOs (human rights, women human rights) are established, which ensures active communication and, possibly, could be a tool for prompt reaction in case of censorship, abuse or unsafety.

397. Neither specific protection programmes for women defenders, nor specific measures adopted relevant regional human rights mechanisms are known/ used in Lithuania.

Malaysia

Question 1: response from Women's Aid Organisation (WAO)

398. In 2000, the Women's Aid Organisation refuge, which has been gazetted by the social welfare department as a safe house for women survivors of abuse, was raided by immigration department officials in search of 'illegal immigrants'. This act, which led to the temporary detention of four Indonesian domestic workers, who were in fact 'legal', was a gross violation of privacy and an act of intimidation.¹⁴

399. Women's Aid Organisation is involved in a civil society campaign for freedom of religion in Malaysia, known as Article 11. In 2006, death threats were made to members of this freedom of religion campaign.

400. In 2010, Women's Aid Organisation made press statements condemning the whipping sentence granted to Kartika Sari Dewi Shukarnor for drinking a beer. As a result of these public statements, a police report was made by another NGO against Women's Aid Organisation.

Question 2: response from Women's Aid Organisation (WAO)

401. There are no specific legislative measures.

Question 3: response from Women's Aid Organisation (WAO)

402. In the wake of past threats of violence, Women's Aid Organisation increased physical security provisions in the office by installing security gates and alarms. When threats of violence do occur, groups and individuals beyond women's groups release joint press statements condemning the threats.

Question 5: response from Women's Aid Organisation (WAO)

403. There are two relevant Association of Southeast Asian Nations (ASEAN) bodies: the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) and the ASEAN InterGovernmental Commission on Human Rights (AICHR). However the role of these bodies in the protection of women's human rights defenders has not been tested in the Malaysian context.

Mexico

Question 1: response from the Government

404. Con fundamento en el artículo 44 de la Ley General de Acceso de las Mujeres a una Vida Libre de Violencia, la Secretaría de Seguridad Pública (SSP), es responsable de

¹⁴ More information at: <http://www.wao.org.my/news/20001106theraid.htm> and <http://www.wao.org.my/news/20001108raidupdate.htm>

administrar el Banco Nacional de Datos e Información sobre Casos de Violencia Contra las Mujeres.

405. Por lo anterior, las autoridades competentes tienen la obligación de registrar los casos de violencia contra niñas, adolescentes y mujeres, incluidas las defensoras de derechos humanos, con el objeto de coadyuvar con las instancias investigadoras y de justicia para atender de manera integral la salvaguarda de sus derechos.

406. Asimismo, actualmente la SSP se encuentra desarrollando las plataformas tecnológicas para el registro de las órdenes de protección previstas en los artículos 17 y 27 al 34 del citado ordenamiento y que establecen la obligación del Estado mexicano de garantizar a las mujeres la erradicación de la violencia en la comunidad (17); las características de las órdenes de protección que en su momento pueden otorgar las autoridades federales, estatales y del Distrito Federal en favor de las víctimas de violencia (27); y las ordenes concedidas a menores de 12 años.

407. El gobierno de México está consciente de que tanto las defensoras como los defensores de derechos humanos, en el ejercicio de su labor, han sido objeto de amenazas, hostigamientos, persecución y otros actos que violentan sus derechos humanos. Un ejemplo de ello es el hecho de que de las 30 medidas cautelares otorgadas por la Comisión Interamericana de Derechos Humanos a nacionales mexicanos, algunas de ellas corresponden a defensoras y defensores de derechos humanos.

408. Las defensoras de derechos humanos y aquéllos que trabajan en favor de los derechos de las mujeres y la perspectiva de género, requieren de necesidades de seguridad específicas que sean acordes a la situación de vulnerabilidad en la que se encuentran y del contexto en que se cometen las violaciones a sus derechos fundamentales. Por ello, el diseño de los mecanismos de protección y promoción de tales derechos debe considerar tales características y circunstancias. Entre las necesidades de seguridad se encuentran aquéllas que otorguen una protección a su integridad física, social y psicológica; además de atención médica y jurídica.

409. La Comisión Nacional de los Derechos Humanos (CNDH) ha señalado que el peligro en que se encuentra un defensor o una defensora provoca un efecto amedrentador y como consecuencia de ello, el defensor puede verse obligado a cesar alguna o todas sus actividades. Cuando esto sucede no sólo quedan desprotegidos los derechos del defensor como consecuencia de la agresión, sino que, además, grupos de la comunidad y en algunos casos comunidades enteras, quedan sin representación y, por tanto, sin protección de sus derechos.

410. La CNDH ha documentado que las agresiones que con más frecuencia denuncian los defensores civiles son las amenazas, intimidación, persecución, vigilancia, robo, privación de la vida, dilación en la procuración de justicia, ataques a la propiedad privada, ejercicio indebido de la función pública, detención arbitraria, agresiones físicas, así como las manifestaciones que se vierten en su contra con la finalidad de denostar la labor que realizan, hechos en los cuales aun cuando no ha sido identificado el origen de la agresión, se puede advertir que estos actos refieren un patrón sistemático que intenta frenar la defensa y promoción de derechos humanos que realizan las organizaciones sociales.

411. En cuanto a los homicidios cometidos contra defensores civiles de derechos, la CNDH cuenta con el siguiente registro: de 2006 a la fecha se han registrado 8 (2006=1, 2007=1, 2009=2, 2010=4).

412. Sobre este mismo punto la CNDH emitió su Recomendación 54/2010, relativo a una defensora integrante de una Asociación Civil de Derechos Humanos de Nuevo Casas Grandes, Chihuahua, en donde primero se registró el homicidio de su esposo, ocurrido el 8 de octubre de 2009, presumiblemente en razón de su labor como defensora, posteriormente

el 5 de noviembre de 2009 se tuvo conocimiento que fue privada de su libertad por un grupo armado, sin que a la fecha se tenga conocimiento de su paradero.

413. Response from Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)

414. En México, las defensoras de derechos humanos se encuentran continuamente ante riesgos y desafíos que vulneran el goce efectivo de sus derechos. Las mujeres defensoras de derechos humanos en este país se ven expuestas, además de la impunidad generalizada que impera en casos de ataques, hostigamientos y amenazas, a una sobreexposición a la vulnerabilidad por su condición de mujeres ante una estructura social, cultural y gubernamental marcada por la misoginia y el machismo. De tal virtud, las defensoras de derechos humanos ven amenazada o vulnerada su integridad sexual, además de la física y mental, sin contar con una incidencia reiterada de patrones de violencia institucional, tanto por parte de autoridades administrativas como jurisdiccionales.

415. Esto se ve acentuado ante el escenario de creciente violencia contra las mujeres y la indiferencia e invisibilización por parte del Estado. Estos rasgos sistémicos y culturales, que evidencian un patrón de violencia estructural contra las mujeres, permite dar carta de naturalidad a la judicialización, criminalización y el uso del cuerpo de la mujer como un botín de guerra, fenómenos que se han intensificado en el actual contexto de violencia generalizada que tiene por marco común la política del gobierno federal actual de combate contra la delincuencia organizada. Esto se ha hecho tanto más notorio cuanto se acrecientan los casos de Femicidio que las autoridades han pretendido ligar sin mayor investigación a la delincuencia organizada, buscando así sustraerse de sus obligaciones fundamentales de proteger, respetar y garantizar los derechos de las mujeres y el derecho de toda persona a defender los derechos humanos.

416. Al respecto cabe destacar tres dimensiones sensibles a estos fenómenos:

417. La situación de las defensoras de derechos humanos en el marco de la actual política de combate a la delincuencia organizada:

418. A lo largo de los últimos años se han multiplicado los casos de persecución y acoso contra defensoras de derechos humanos en entidades federativas asoladas por la violencia de las bandas delincuenciales y la reacción que ha merecido por parte del Estado. Las manifestaciones más recurrentes son la criminalización y judicialización de la defensa de derechos humanos, así como diversas formas de ataque, que van desde la amenaza hasta el homicidio. Cabe citar tres casos específicos: a) los de las defensoras de policías municipales arraigados y torturados en cuarteles militares de la ciudad de Tijuana, Baja California, Silvia Vázquez Camacho, colaboradora de la Comisión Ciudadana de Derechos Humanos del Noroeste, A.C. y la Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C. (CMDPDH), y Blanca Messina Nevárez, hija de uno de los policías municipales arraigados, quienes fueron amenazadas de muerte y se vieron precisadas a abandonar sus lugares de residencia; en la misma situación se hallaron 5 mujeres, de un total de 7 personas que tuvieron que abandonar sus domicilios por amenazas y hostigamiento durante el año 2010, conforme a lo precisado por la Actualización de 2010 del Informe de la OACNUDH – México Defender los derechos humanos: entre el compromiso y el riesgo; b) asimismo, resultó trágicamente conocido el caso de la defensora Josefina Reyes, asesinada en Chihuahua el 3 de enero. Se destacó en la denuncia de abusos de militares y la policía federal en Ciudad Juárez; y c) el caso de desaparición de Alicia Salaíz Orrantía, de la Asociación Civil de Derechos Humanos de Nuevo Casas Grandes, detenida por un grupo de sujetos armados en Casas Grandes, Chihuahua.

419. Por su parte, las defensoras que trabajan con temas como los derechos sexuales y reproductivos, son constantemente hostigadas tanto por autoridades del Estado como por la

Iglesia, quienes frecuentemente involucran sus creencias con la política estatal, se oponen a reformas legislativas y cambios estructurales que benefician a las mujeres y se unen con partidos políticos para tomar acciones con el objeto de obstaculizar cualquier avance en los derechos de las mujeres;

420. Asimismo, las defensoras son frecuentemente víctimas de descalificaciones y cuestionamientos a su vida privada, con lo cual se pretende poner en duda su labor por los derechos de las mujeres. Esta situación ha provocado también la ruptura o deterioro de las relaciones familiares y sociales de las defensoras, pérdidas patrimoniales y menoscabo de su vida profesional, como resultado directo de los ataques a su honra y reputación.

421. Ante el escenario anteriormente descrito, que desde luego incluye otras manifestaciones de ataque, hostigamiento y amenaza, resulta necesario y urgente que el Estado asuma sus compromisos en materia de protección de las y los defensores de derechos humanos, incluyendo el establecimiento de un mecanismo institucional avocado a este propósito, que cuente con las herramientas y los recursos técnicos, humanos y financieros suficientes, como lo han solicitado en reiteradas ocasiones las y los defensores.¹⁵

Response from Peace Brigades International- Mexico

422. Normalization/dominance of military presence (in relation with the "war against drug cartels and organized crime"). In this context women human rights defenders in Mexico are not widely recognized as agents of peace-building working in the frame of an armed conflict and have not been granted therefore access to specific protection measures for civil society in situations of conflict and post-conflict (such as the one envisioned by the Resolution 1325).

423. Recommendation: The issue of the current armed conflict should be agreed with the Mexican Government as enough reason for the implementation of the Resolution 1325 towards women human rights defenders in this country.

424. Suppression of civil, political rights in relation with the militarization (and total impunity for members of the armed forces).

425. Increased conflict and violence against women (Violence against women is used by the armed forces as a strategy to deter social protest).

426. Lack of accountability of state and economic actors in relation with violations of human rights in the context of economical interests (the state does not promote politics of development that respect the economic, social and cultural rights, especially with regards to indigenous groups and peasant farmers. The State facilitates or collaborates with violations by non-state actors).

427. Discriminatory legal systems and barriers to women's access to justice and lack of implementation of important rulings by the Inter-American Court, achieved by women human rights defenders at a high price.

428. Mexico has a very high rate of feminicides, which occur within the most extended impunity. Whilst women human rights defenders are not especially targeted, they do leave a message for all women, and specially for women human right defenders, that not following very traditional patriarchal role schemata is extremely dangerous in Mexico and makes them possible blank of violence and assassination without any chance to justice.

¹⁵ Entre otras, la solicitud expresa realizada ante la Comisión Interamericana de Derechos Humanos el pasado 28 de octubre en el marco del 140º período de audiencias en la ciudad de Washington, D.C.

429. The cases of Valentina Rosendo Cantu and Ines Fernandez Ortega before the Inter-American Court of Human Rights clearly demonstrate gendered dimensions of security for women human rights defenders:

430. The rape and torture committed against them by members of the military in the context of their community's struggle for self-determination is a political offence intended as an affront to their political organising. As a consequence of the rape, Valentina was ostracised from her community. Her relationship with her husband and family broke down and she became a single mother. Members of their families and their organisations were threatened and there were attacks against their daughters, with an attempted abduction of Valentina's daughter. Aside from employing sexual violence to subdue the community, gender stereotypes of women as mothers or caregivers account for this high incidence of threats or attacks against family members and children of women defenders. The Court, in deciding in their favour, ordered the Government of Mexico to pay financial compensation and as reparation, put in place comprehensive measures to guarantee the non-recurrence of violence against women in the community, including to establish a community centre so Ines can "continue with her work as a promoter of the human rights of women in her community". Integrated security is about generating an enabling environment for the realisation of women's human rights to sustain defenders, their organisations and movements. The aim is not just to keep the women human rights defenders safe, but ultimately to support the social movements in changing the situation that put them at risk.

Response from Tlachinollan, Centro de Derechos Humanos de la Montaña

431. In Mexico women human rights defenders face daily obstacles and risks, working in a traditionally male environment; women human rights defenders are more vulnerable to gender violence, from verbal attacks to sexual violence and abuse.¹⁶ This situation is further aggravated in the state of Guerrero, where women human rights defenders are, mainly indigenous, monolingual and poor.

432. In the state of Guerrero, Mexico, indigenous women human rights defenders are in general, women who along with men have organised themselves, in order to demand that the State respect their human rights. Parallel to this, within the context of the human rights violations registered in Guerrero, there are women who have vindicated themselves as human rights defenders, a consequence of being direct victims of violations of their human rights.

433. In both cases the Mexican State response has been the same; lack of implementation of protection measures and lack of safety guarantees in order to continue with their work. We have confirmed that in most cases, the State has not succeeded in clarifying the events, to locate those who are responsible, and to process the cases, in compliance with the law.

434. Impunity, lack of investigation processes, and access to justice, has positioned human rights defenders in an increasingly vulnerable situation, and added to a lack of a clearly coordinated and efficient policy for the integral implementation of protection measures for human rights defenders.

435. Generally, the authorities, especially the local ones, are those who due to the lack of clarification of their responsibilities, do not implement the measures efficiently; proving a

¹⁶ United Nations Office of the High Commissioner for Human Rights (2010) *Defender los derechos humanos: entre el compromiso y el riesgo. Informe sobre la situación de las y los Defensores de Derechos Humanos en México*. (Aquí en adelante: OHCHR. Informe sobre la situación de las y los Defensores de Derechos Humanos en México 2010.)

severe urgency to protect those groups and people; this is reflected in the unprecedented number of human rights defenders who have been forced to request protection measures.

436. Following, we present some emblematic cases.

Valentina Rosendo Cantu e Inés Fernández Ortega.

437. Inés Fernández Ortega y Valentina Rosendo Cantú, indigenous Me'phaa women, were raped and tortured by members of the military in 2002. At the time, they were 25 and 16 years old respectively, in the middle of a context characterised by repression against social movements and indigenous organizations in the state of Guerrero. To date, the cases have not been investigated, those who are responsible have not been sanctioned, and damages have not been integrally repaired.

438. During these years, Inés and Valentina have persisted bravely and with dignity in their struggle for justice. This would be sufficient to enhance how significant the cases are; moreover, the paradigmatic characteristics of the cases are added. What Inés and Valentina lived shows the recurrence of issues of lack of access to justice for women victims of violence in Mexico; the abuses as a consequence of the lack of civil control over the armed forces; and the persecution faced by those who are organised and defend the rights of indigenous people. These are cases evidencing the outrageous situation of human rights in Mexico and the particular situation that indigenous women face.

439. Furthermore, Inés and Valentina have been granted provisional measures from the Inter-American Court of Human Rights (IACtHR) due to aggressive acts and harassment, a consequence of reactivation of their cases at both local and international level.

440. The implications of denouncing what happened have had significant implications on their lives; both Me'phaa women have been stigmatized as a result of publicly denouncing the facts and from raising their voices against the army. During the long process, threats have been constant and extended to their families. In the case of Inés, the effects have extended to affect the integrants of the Me'phaa Indigenous People's Organisation (OPIM), where she is a member. The severe risk situation has been corroborated by the IACtHR, which in 2009 and 2010, ordered the Mexican State to adopt urgent provisional measures to prevent the deprivation of live or personal integrity of them and their families.

441. On 1st October 2010, the IACtHR notified two sentences against the Mexican State on the cases of Inés Fernández Ortega and Valentina Rosendo Cantú. The Court resolutions recognize the eight year struggle for justice of the two indigenous women who were raped and tortured.

442. The decisions addressed important issues on the current situation of the human rights in Mexico, related to indigenous people's rights, violence against women, access to justice, civil control to armed forces; and criminalization of human rights defenders.

443. To date, Valentina and Inés are reconstructing their lives after a traumatic experience that transformed their lives, with effects that last until the present day. After being victims of a gross violation of human rights, their persistent pursuit of justice and demands to the State related to the investigation, trial and punishment of the soldiers responsible for human rights violations be carried out by civilian authorities under conditions that do not result in further risks or threats: Ines and Valentina are vindicated as human rights defenders and promoters of women's right to a live without violence. Thus, it is essential to fully comply with the reparations granted by the IACtHR and guarantee their overall security in order to keep reconstructing their project of life.

444. Women human rights defenders of the Me'phaa Indigenous People's Organisation (OPIM). Obtilia Eugenio Manuel, President of OPIM

445. The Me'phaa Indigenous People's Organisation (OPIM) is an organisation which defends and promotes human rights, based in the municipality of Ayutla de los Libres, Costa Chica Region of Guerrero. Otilia Eugenio Manuel and Cuauhtémoc Ramírez officially constituted it in 2002 along with other members of the Me'phaa indigenous community. Currently, Otilia Eugenio Manuel is its President.

446. After denouncing the case of Valentina Rosendo Cantú and Inés Fernández Ortega, indigenous members of the OPIM who were tortured and raped by members of the armed forces in 2002, a series of acts against the life and integrity of members of the OPIM were triggered. The cases of both women were decided by the IACtHR, register number 12,579 and 12,580, as noted in the previous section.

447. Otilia Eugenio has been the object to permanent threats since 2002 up to today; these can be proved on her reports to the Judicial Police, recorded as ALL/SC/01/065/2006 and GRO/SC/033/2009. As a consequence to these and other events in 2005, the Inter American Commission for Human Rights (IACHR) granted precautionary measures MC'6'05 in favour of Otilia Eugenio Manuel and her family. Due to the increasing aggressions on 9 April 2009, the IACtHR provided provisional measures for her, her husband Cuauhtémoc Ramírez, their children, and a number of the OPIM members and other partner organizations.

448. While directing the OPIM, Otilia has accompanied those who have been brave and have denounced abuses perpetrated by state authorities, army members and non-state actors, accomplices of governmental authorities.

449. In the middle of an intimidation campaign in 2009, Otilia was followed at different times, recognizing on one occasion some supporters of the local cacique (a local political boss). In March 2009, again, she received three death threats through text messages, where someone communicated to her that she had been constantly watched and threatened to "disappear" her. In April 2009, the IACtHR granted provisional measures; however, until now, such measures have not been fully implemented and as a consequence, the threats have not ceased.

450. On 6 March 2010, Otilia Eugenio Manuel received a written death threat at the OPIM's office. The note said: "Otilia, calm down ..., stop denouncing against the government. I know you present claims in all levels. Do not think you are made of steal bullets still can go through you. The federal state and local governments protect us. We are close to you". The same day a stranger followed Otilia. Otilia contacted the authorities the next day to request more protection. There was no answer from the authorities, and fearing for her life, decided to leave her birth town and go into hiding with her partner and three children. Up to today, Otilia is still collaborating remotely with the OPIM; however, the lack of guarantees and complementation of the granted provision measures have forced her to reduce her work activities.

Question 2: response from the Government

451. En los casos reportados de implementación de medidas cautelares y/o provisionales para la protección de las defensoras de derechos humanos, a través de la Secretaría de Gobernación se solicita la implementación de rondines policiales, acompañamientos, números de emergencia especiales, reuniones interinstitucionales, así como atención psicológica, entre otras medidas. Las acciones de protección en el corto plazo se diseñan acorde a la situación particular de riesgo en que se encuentre la persona protegida.

452. La Secretaría de Gobernación trabaja en el diseño e implementación de un mecanismo de protección a personas defensoras de derechos humanos, a fin de que se cuente con capacidad de respuesta inmediata y pueda ser activado por los propios defensores. Se contempla que dicho mecanismo sea un esfuerzo interinstitucional y que en

su construcción participe la sociedad civil y los propios defensores de derechos humanos. El esquema del mecanismo es tal que permitirá dar atención inmediata a las solicitudes de protección, así como el seguimiento necesario para garantizar los derechos de las y los defensoras de derechos humanos en nuestro país. El mecanismo está basado en el esquema desarrollado para proteger a periodistas.

453. Dicho mecanismo fue presentado por la Secretaría de Gobernación el 1° de octubre de 2010, como resultado de una instrucción presidencial de crear, a la brevedad posible, un mecanismo de protección a periodistas que pudiera ser de utilidad para enfrentar de mejor forma el crítico tema de amenazas y hostigamientos a periodistas en nuestro país.

454. El Convenio establece, entre otras, las acciones de protección y prevención a partir de una estrategia de coordinación entre los siguientes actores: SEGOB, PGR, SSP, SRE, CNDH y gobiernos de los estados, conforme a sus competencias y obligaciones de ley.

455. Por su parte, la Secretaría de Seguridad Pública desarrolla ya las siguientes medidas en favor de las y los defensores de derechos humanos:

456. Cuenta con el Registro nacional de personas extraviadas el cual tiene por objeto coadyuvar con las autoridades competentes en la localización de cualquier persona, incluidas niñas, adolescentes y mujeres que por cualquier causa y/o delito se desconozca su paradero.

457. Implementación interinstitucional, de los tres órdenes de gobierno, del Protocolo "ALBA", ordenado por sentencia de la Corte Interamericana de Derechos Humanos para el caso particular de Ciudad Juárez, Chihuahua.

458. Coordinación de la Red nacional de atención a víctimas en el marco del Acuerdo nacional por la seguridad, la justicia y la legalidad que tiene como finalidad sumar y articular los mecanismos, atención y apoyos, tanto institucionales como de la sociedad civil de todo el país, en favor de las víctimas del delito y en contra de la violencia, misma que actualmente cuenta con 580 adherentes.

459. Sistema Integral de Atención a Víctimas de la Secretaría de Seguridad Pública, el cual proporciona servicios de atención psicológica individualizada y grupal, orientación y representación jurídica y legal, programas de trabajo social, atención de primeros auxilios paramédicos, grupos de autoayuda para víctimas del delito y la violencia, justicia restaurativa para niños, niñas y adolescentes infractores a en conflicto con la ley, brigadas de auxilio para la elaboración del duelo y la pérdida, programas de atención para niñas madres en situación de calle, atención integral para esposas y familiares de policías caídos en el cumplimiento del deber, protocolos de atención a víctimas de delitos sexuales y de violencia familiar, entre otros.

460. Atención a las medidas cautelares y provisionales solicitadas por las Comisiones estatales, Nacional e Interamericana de Derechos Humanos, así como por la Corte Interamericana de Derechos Humanos en favor de las y los defensores de derechos humanos de las mujeres así como de aquellas personas sin distinción de sexo que hubieren sido víctimas de algún ilícito a cualquier otro acto de violencia.

461. Aunado a lo anterior, la Secretaría de Seguridad Pública es miembro integrante de los siguientes mecanismos interinstitucionales relacionados con la materia:

- Sistema Nacional para Prevenir, Atender, Sancionar y Erradicar la Violencia contra las Mujeres;
- Sistema Nacional para la Igualdad entre Mujeres y Hombres;
- Comisión Intersecretarial para Prevenir y Sancionar la Trata de Personas;
- Comisión de Política Gubernamental en Materia de Derechos Humanos.

462. Diseño de políticas públicas basada en un modelo de investigación e inteligencia para la prevención del delito. Algunas de sus principales responsabilidades son:

- Desarticular redes de pornografía y prostitución sexual infantil que operan a través del ciberespacio;
- Implementación de un Nuevo Modelo Policial basado en la investigación, profesionalización, utilización de nuevas tecnologías de la información y comunicación, alineación de las capacidades del Estado mexicano, desarrollo de la Estrategia Nacional Penitenciaria, entre otras;
- Conformación de la “Plataforma México”, que consiste en la interconexión de redes de dependencias e instituciones vinculadas directamente al ámbito de la seguridad pública, que propicie y facilite el intercambio de información de sus diferentes bases de datos a fin de optimizar la eficacia de estrategias y operativos para enfrentar a la criminalidad.

463. Por su parte, la CNDH elaboró la Guía para implementar medidas cautelares en beneficio de los defensores de derechos humanos en México

464. Con miras a optimizar la instrumentación de las medidas de protección consideradas en la citada guía por parte de las autoridades federales y estatales correspondientes, las medidas fueron presentadas a la opinión pública en octubre de 2010.

465. Esta Guía tienen como objetivo proporcionar lineamientos en relación con las medidas cautelares que pueden solicitarse a las autoridades encargadas de procuración de justicia y seguridad pública a nivel federal y estatal, a fin de evitar la consumación irreparable de las violaciones denunciadas en cada caso particular.

466. Asimismo, describe los procedimientos de implementación de las medidas cautelares a nivel estatal en favor de defensores. Pero, además, establece los criterios mínimos que se deben seguir para la implementación de medidas cautelares, es decir, las características de los esquemas de protección, la definición de la urgencia, la temporalidad de las medidas. Asimismo, la necesidad del estudio de riesgo y la modalidad de las medidas, así como los ejes de la participación de las fuerzas policiales, la intervención de las telecomunicaciones y la atención psicológica que requerirá el defensor o defensora. De igual manera se establecen parámetros para desarrollar la custodia y la necesidad de proteger la identidad y la información y se subraya la importancia del seguimiento.

Response from Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)

467. En 2007, se publicó en México la Ley General de Acceso de las Mujeres a una Vida Libre de Violencia¹⁷, la cual contempla dos tipos de mecanismos de protección. Por un lado, la Declaratoria de Alerta de Violencia de Género, la cual puede solicitarse por organizaciones de la sociedad civil para que la Federación convoque a un Sistema Interinstitucional con el objeto de analizar la situación específica y, en su caso, tomar las medidas necesarias para prevenir, investigar y sancionar la violencia contra las mujeres en un lugar determinado. Sobre este mecanismo es preciso decir que tan sólo los plazos contemplados para conocer de la situación dan como resultado un mecanismo ineficaz que no puede reaccionar ante un contexto de carácter urgente, además que para que la sola solicitud sea procedente, es necesario cumplir con una serie de requisitos que por su propia

¹⁷ Ley General de Acceso de las Mujeres a una Vida Libre de Violencia, publicada en el Diario Oficial de la Federación el 1° de febrero de 2007, en <http://www.diputados.gob.mx/LeyesBiblio/pdf/LGAMVLV.pdf>

naturaleza significa que la carga de la prueba y la investigación recaiga en las organizaciones y no en el Estado.

468. Esta misma ley contempla otro tipo de mecanismos llamados órdenes de protección, las cuales sólo son aplicables para casos de violencia en el ámbito familiar.

469. El 23 de abril de 2010 se publicó en la Gaceta Oficial del Distrito Federal el acuerdo A/010/2010 del Procurador General de Justicia del Distrito Federal, por el cual se establecen Lineamientos respecto a la investigación e integración de averiguaciones previas donde se encuentren involucradas personas defensoras de los derechos humanos como víctimas de delitos, por el ejercicio de sus funciones o con motivo de ellas;¹⁸ a través de este acuerdo la Fiscalía Central del Investigación para la Atención de Asuntos Especiales y Electorales será competente para conocer e investigar sobre delitos cometidos en agravio de personas defensoras de los derechos humanos. Sin embargo, además de que este acuerdo sólo es aplicable para los casos ocurridos en el Distrito Federal, también es necesario implementar y capacitar a los funcionarios públicos una perspectiva de derechos humanos que acentúe asimismo la perspectiva de género para apreciar las condiciones específicas que vulneran los derechos de las defensoras, así como mejorar la atención a víctimas, cuyo margen de cobertura se encuentra limitado al acompañamiento (custodia), rondines y números de emergencia, así como por la lentitud de los procesos y el presupuesto restringido.

Response from Peace Brigades International -Mexico

470. The Mexican Government after requests of the NGOs of the civil society and in a process in with the Office of the High Commissioner for Human Rights in Mexico also played a proactive role is actually working towards the development of a protection programme and mechanism for human rights defenders under attack. However, women human rights defenders state that there is little reaction of the State and nothing so far has been agreed about the form of participation of the human rights defenders and women human rights defenders in the mechanism. Further on, there is not clarity regarding the definition of human rights defenders that is going to be applied, the criteria to determine the risk of defenders and the recognition of the special protection needs in a frame of gender specific aggressions.

Response from Tlachinollan, Centro de Derechos Humanos de la Montaña

471. In Mexico, at federal level, there is a Human Rights Promotion and Defence Unit (UPDDH) within the Interior Ministry (SEGOB), a governmental entity which is responsible for implementing and coordinating the precautionary and provisional measures granted by international organizations.

472. The experience of Tlachinollan in relation to the requested actions of UPDDH, in order to implement the measures and protect women human rights defenders, has not been satisfactory. Three main issues limited the efficiency of the UPDDH; lack of resources to grant infrastructural measures; the wide discretionary spaces left to the federal entities, which lead to inoperability, justified by the characteristics of a federal system; and lastly, the slow response to urgent situations.

473. The lack of a clear mechanism to coordinate and implement measures has made it extremely strenuous for the beneficiaries of the process to access such measures. On this issue, OHCHR Mexico has reported that inside UPDDH “there is no mechanism for risk evaluations (...); no protocol which defines proceeding and established clear criteria of

¹⁸ Acuerdo A/010/2010, Gaceta Oficial del Distrito Federal, decimoséptima época N° 825

coordination rules between federal and local entities, nor, a specific budget section to face the costs the measures imply.” The lack of mechanisms in order for the authorities to respond to these cases where measures from international entities have been granted, debilitates and deteriorates trust between authorities and defenders”.¹⁹ The obligations of the Public Federal Administration are included in the National Human Rights Programme 2008-2012,²⁰ in which the guidelines, concerning actions and responsibilities, are included and have not been implemented:

474. Strategy 1.4. To guarantee space for effective and safe participation of civil society on the elaboration of public policies of the Public Federal Administration.

475. Action Guidelines: (Ministry of Public Security, Attorney General’s Office, and SEGOB), Define the assumptions and modalities in which special protection to the human rights defenders have to be delivered.

476. Attorney General’s Office: To establish a specific protocol allowing the investigation of illegal acts against human rights defenders

477. Strategy 4.1 Promote the effective implementation and application of international human rights treaties, through legislation measures at all Mexican judicial levels.

478. Action Guidelines Attorney General’s Office: Promote a normative framework for the protection of human rights defenders.

479. Additionally, the National Commission of Human Rights (CNDH) has competence on matters regarding the protection of human rights defenders. The CNDH can provide precautionary measures, based on Article 40 of the Law of CNDH.²¹ Moreover, CNDH is the only entity with a specific attention programme, the Offences against journalist and Human Rights Defenders Programme, however, both the Programme and the precautionary measures, in most of the cases are no functional, due to the lack of political will of the authorities to guarantee the safety of human rights defenders.

480. Finally, at the state level, in Guerrero, which is the state with the largest number of human rights defenders protected by the IACtHR, no specific measures exist, nor have programmes or governmental entities been created, adopted or planned to guarantee the safety and protection of human rights defenders.

Question 3: response from the Government

481. De acuerdo a los registros de la Secretaría de Gobernación, en México existen 76 refugios para mujeres víctimas de la violencia, de los cuales 43 han sido creados y administrados desde la sociedad civil en medio de los riesgos que este trabajo implica para su integridad y seguridad y sorteando con entereza las dificultades financieras para mantenerlos funcionando.

¹⁹ OHCHR Informe sobre la situación de las y los Defensores de Derechos Humanos en México 2010. Op cit.

²⁰ Diario Oficial de la Federación. Poder Ejecutivo. Secretaría de Gobernación. Decreto por el que se aprueba el Programa Nacional de Derechos Humanos 2008-2010. Published on 29 August 2008.

²¹ Diario Oficial de la Federación. Poder Ejecutivo. Ley de la Comisión Nacional de los Derechos Humanos. Published 29 June 1992. “Article 40. ‘ The General Auditor will have the faculty to request in any moment to the competent authorities to take precautionary or provisional measures needed to prevent any irreparable consumption of the denounced or claimed violations, or damages of difficult reparations to those affected, and request to modify the measure when the situations that justified them changed (Author’s translation)

482. Cabe destacar que, los servidores públicos de la Secretaría de Seguridad Pública y de sus órganos administrativos desconcentrados, incluida la Policía Federal, están obligados a servir y proteger a la comunidad bajo los principios de honestidad, legalidad, eficiencia, profesionalismo, objetividad y respeto irrestricto a los derechos humanos, tal como lo ordena el artículo 21 constitucional.

Response from Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)

483. En ausencia de mecanismos de protección, además de las denuncias a las autoridades sobre los actos de hostigamiento del que son objeto, las defensoras de derechos humanos buscan reforzar sus redes de apoyo con otras defensoras y organizaciones de derechos humanos, como una forma de compartir el riesgo y hacer del conocimiento a otras/os de los hechos.

484. Por citar dos ejemplos, el pasado 14, 15 y 16 de octubre se llevó a cabo el Encuentro Nacional de Defensoras de Derechos Humanos en la Ciudad de México, en el que las presentes tuvieron oportunidad de compartir experiencias y evaluar el nivel de riesgo al que se encuentran sometidas. De igual manera, el 26 de noviembre pasado se realizó un Encuentro de Defensoras y Defensores de Derechos Humanos, convocado por organizaciones de la sociedad civil, que contó con la participación de representantes de organizaciones de todo el país y que permitió el avance hacia mecanismos más efectivos de protección gubernamental y no – gubernamental, tales como el impulso para el establecimiento de un Mecanismo de Protección a Defensoras y Defensores del gobierno federal, mecanismos de alerta temprana y redes de solidaridad y acompañamiento entre defensores de la sociedad civil.

Response from Peace Brigades International -Mexico

485. Mexican women human rights defenders struggle in the last years to meet, share experiences on their work and define common goals such as asking for a recognition of the special risk they face as women human rights defenders.

Response from Tlachinollan, Centro de Derechos Humanos de la Montaña

486. As a result of the lack of protection measures and guarantees for human rights defenders to continue with their work, Tlachinollan has had to resort to applying for emergency funds granted by particular international organisations and foundations to protect the life and integrity of individuals. Additionally, specific funding has been requested in order to relocate temporarily, women human rights defenders and for psychological support.

487. Moreover, collective actions of denounce of threats and harassment have been implemented; urgent actions and communications.²²

Question 4: response from the Government

488. Como se menciona en la pregunta anterior, en nuestro país las organizaciones no-gubernamentales han trabajado en la creación y operación de una serie de albergues en locaciones secretas, en donde brindan protección a las personas que la necesitan. Una de las

²² See. Amnesty International Protección Efectiva: Todavía una ilusión para Defensora Mexicana en Peligro AMR41/053/2010. July 2001 and Amnesty International Acción Urgente AU 33/03. Temor por la seguridad. Inés Fernández, Fortunato Prisciliano Sierra, su esposo. Otros habitantes de Barranca Tecoani, estado de Guerrero, México. 3 February, 2003.

fortalezas de este tipo de iniciativas es que, al no ser un esfuerzo gubernamental, los usuarios de los albergues tienen un mayor grado de confianza. Sin embargo, por el mismo motivo estos albergues se han enfrentado en varias ocasiones a situaciones de peligro tal que no cuentan con la capacidad de darles respuesta por sí mismos.

489. En este rubro se recuerda que la Secretaría de Seguridad Pública cuenta con los siguientes programas, tal y como se señaló en la pregunta 2 de este cuestionario:

- Registro nacional de personas extraviadas;
- Protocolo Alba;
- Atención a las medidas cautelares y provisionales solicitadas por las Comisiones estatales, Nacional e Interamericana de Derechos Humanos, así como por la Corte Interamericana de Derechos Humanos;
- Coordinación de la Red nacional de atención a víctimas;
- Sistema Integral de Atención a Víctimas

490. Response from Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)

491. Las organizaciones de derechos humanos han adoptado diferentes formas de apoyo y protección a defensoras/es que se han visto en una situación de riesgo, las cuales van desde las acciones urgentes en las que hacen algún tipo de llamado o petición a las autoridades obligadas a salvaguardar la seguridad y la vida de las personas que están en riesgo por alguna amenaza o acto de intimidación y hostigamiento, hasta tomar medidas de carácter urgente como salvaguardar con sus propios recursos a las/os defensoras/es que han sido amenazadas, proporcionándoles refugio en un lugar seguro.

492. Asimismo, se han realizado los encuentros y foros señalados en la respuesta anterior. Las fortalezas de estos mecanismos estriban en la formación de capacidades colectivas intra e interorganizacionales para enfrentar amenazas y situaciones de riesgo en general, así como mejorar las acciones de comunicación, denuncia y acompañamiento que deben generarse a partir de incidentes de seguridad. Entre las debilidades cabe señalar que estos mecanismos están en su etapa embrionaria, por lo que su efectividad tendrá que ser aún puesta a examen en los próximos meses.

Response from Peace Brigades International- Mexico

493. PBI is an international non-Governmental organization (NGO) which at the request of threatened social organizations, provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence against women human rights defenders.

494. Strength: PBI in the majority of the cases achieved to protect the physical integrity of the women human rights defenders.

495. Challenge: Do the work in an increasing climate of insecurity and violence in which it is easy to argue that women human rights defenders are not especially targeted for the work they do, but victims of general violence.

Response from Tlachinollan, Centro de Derechos Humanos de la Montaña

496. Due to the lack of response from the responsible entities to provide the needed conditions to defend human rights, Diverse organisations have jointly developed risk pattern assessments, analysis and accompaniment proposals to allow for the achievement of the proper conditions to perform out activities. Therefore, Civil Society Organisations

(CSO) have conveyed the necessity of having a Protection Mechanism for Human Rights Defenders and Journalists.

497. The proposed CSO Mechanism is based on prevention, protection and investigation, of the various manners in which for human rights defenders and journalists work, according to their specific needs.

498. The Mechanism should have as its objective, to lead the State to comply with its fundamental responsibility and duty to protect; promote and make effective all human rights and fundamental freedoms, through the adoption of needed measures to establish all necessary conditions; in addition, to promote and comply with all judicial guarantees, in order that, all individuals within its jurisdiction be able to put in practice all these rights and freedoms, including human rights defenders, journalists and other groups, individuals or in association.

Question 5: response from the Government

499. El Estado mexicano reconoce la importante labor de las y los defensores de los derechos humanos, de ahí que realiza esfuerzos institucionales para garantizar su seguridad y ejercicio de funciones, como parte de esas acciones se encuentra la implementación de las medidas cautelares y provisionales dictadas por la Comisión y Corte Interamericanas de Derechos Humanos.

500. Para la implementación de dichas medidas se realiza un previo análisis de los hechos que las originaron así como de las violaciones de derechos humanos cometidas y el grado de vulnerabilidad en el que se encuentran las beneficiarias. Lo anterior, permite diseñar la estrategia de implementación acorde con las necesidades de protección de los derechos, en este caso, de las mujeres defensoras, y determinar las autoridades cuyo ámbito de competencia deben concurrir a su implementación.

501. Por otra parte, cabe precisar que el Estado mexicano cuenta con políticas públicas con perspectiva de equidad de género y participación de las mujeres en la toma de decisiones, inclusive en el Programa Nacional de Derechos Humanos 2008-2012 se establecen como líneas de acción, impulsar un marco normativo de protección a las y los defensores de derechos humanos y realizar acciones que definan los supuestos y modalidades en que se deba otorgar protección especial a éstos.

502. Por su parte, la Secretaría de Seguridad Pública, a través de la Policía Federal preside la Comunidad de Policías de América (Ameripol), para el periodo 2010-2013. Este mecanismo agrupa a 20 países del continente. Ameripol, es un mecanismo de cooperación hemisférico, cuyo objetivo es fortalecer la cooperación policial en materia técnico científica, promover la capacitación y hacer más efectivo el intercambio de información entre sus miembros. En la actualidad, la Ameripol se encuentra integrada por los cuerpos policiales de los siguientes países: Argentina, Bolivia, Brasil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Estados Unidos de América, El Salvador, Guatemala, Haití, Honduras, México, Nicaragua, Panamá, Paraguay, Perú, República Dominicana y Uruguay.

503. Asimismo, mediante el Acuerdo de Concertación de Acciones entre la Secretaría de Seguridad Pública con la Delegación Regional para México, Centroamérica y Cuba del Comité Internacional de la Cruz Roja para la "Formación y Certificación de Instructores en Derechos Humanos y principios humanitarios aplicables a la función policial", la SSP adopta medidas de protección de los derechos humanos, considerando estándares universales entre los que incluyen la actuación policial frente a grupos vulnerables, incluyendo a las mujeres.

504. Sobre este rubro, la Comisión Nacional de los Derechos Humanos en 2009, emitió la Recomendación 12/2009, en que se acreditó violación a los derechos humanos a la

legalidad, a la seguridad jurídica y al debido acceso a la justicia, en perjuicio de los integrantes del Centro de Derechos Humanos “Fray Bartolomé de las Casas”, derivado del incumplimiento de la función pública en la procuración de justicia por parte de los agentes del Ministerio Público del estado de Chiapas, así como de los elementos de la Agencia Estatal de Investigación de esa entidad, encargados de realizar las investigaciones respectivas, quienes incurrieron en omisión y dilación durante la investigación de los hechos ocurridos a integrantes del organismo civil en cuestión.

505. La Recomendación fue aceptada por las autoridades señaladas como responsables, lo que originó la creación de la Dirección General de Orientación y Protección a Instituciones y Defensores de Derechos Humanos dependiente de la Procuraduría General de Justicia del Estado de Chiapas.

Response from Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)

506. Las y los defensores de derechos humanos que se han visto en una situación de riesgo han optado por recurrir a organismos internacionales como la Comisión Interamericana de Derechos Humanos, solicitando medidas cautelares y medidas particulares de protección (tales como el Mecanismo ya mencionado); sin embargo, a pesar de que este organismo regional ha otorgado este tipo de medidas a algunas personas dentro del territorio mexicano, la implementación de éstas a nivel local se ha visto obstaculizada tanto por la burocracia en el sistema nacional como por falta de voluntad política de algunas instituciones de gobierno, la mayoría de las veces, por parte de los gobiernos de las entidades federativas de que se trate. Esto se ha visto acentuado dada la falta de un mecanismo de cooperación y seguimiento más efectivo entre el sistema interamericano y el Estado mexicano.

507. Cabe destacar que a partir de la solicitud de las organizaciones de la sociedad civil para el establecimiento de un mecanismo permanente de protección a las y los defensores de derechos humanos, se generó una atenta petición a la CIDH para realizar en los próximos meses una visita in situ para documentar y en su caso, denunciar la situación de las defensoras y defensores de derechos humanos, así como reforzar el seguimiento de medidas cautelares por parte del Estado.

Response from Peace Brigades International -Mexico

508. Under the EU Guidelines on Human Rights Defenders (revised in 2008), the EU can adopt a range of different measures to protect women human rights defenders. In Mexico, a liaison officer has been appointed and a local implementation strategy has been developed. However, there is no systematic effort to guarantee the access of women human rights defenders who may be marginalized due to their gender, but also to the fact that their work is based in remote areas away from the capital and to the lack of acknowledgement of sexual, reproductive, economic, social, cultural and environmental rights in comparison with “traditional” civil and political rights. Cases of sexual violence against women human rights defenders need to be attended to by personnel who are qualified from a gender perspective. The victim must be consulted during each step of documentation and action. Specific training programmes for embassy staff could be developed so as to ensure the sensitivity, and consequent ability, of diplomatic staff to act in these cases.

Response from Tlachinollan, Centro de Derechos Humanos de la Montaña

509. On 14 January 2005, IACHR granted precautionary measures registered as MC 6-05 in favour of Otilia Eugenio Manuel, her husband Cuauhtémoc Ramírez Rodríguez, both of her daughters all of whom are Me’Phaa and members of the OPIM , as a result of the

threats and harassment against Obtilia as a result of her work defending indigenous rights in the state of Guerrero.

510. On 4 September 2007, IACHR granted precautionary measures MC-167-07 in favour of Inés Fernández Ortega, whose case was brought before the IACHR, her husband, Fortunado Prisciliano Sierra, their three daughters and son, all of them minors, based on the information related to continuous State threats to Inés Fernández and her husband, looking to obstruct their struggle for justice before the Inter-American System.

511. On 27 June 2008, the IACHR extended the measures MC 6-05 in favour of another forty-one OPIM members²³ after the extrajudicial execution of Lorenzo Fernández Ortega, as a consequence of his activism and participation in the organisation, as well as on the case of her sister Inés Fernández Ortega.

512. The IACHR requested the Mexican State to adopt the necessary measures to protect the life and integrity of the beneficiaries and to inform it about the adopted actions on the investigations of the facts that originated from the adoption and extension of the precautionary measures. During the validity period of the measures the beneficiaries continued to receive threats against their lives and personal integrity, suffering from harassment; the situation was aggravated in the last two months of validity.

513. The requested measures consist of infrastructure and communication equipment, as well as to present achievements on the investigations.

514. On 7 April 2009, the IACHR submitted a request to the IACtHR proposing that provisional measures be adopted which provided for the protection of life and physical integrity of Obtilia Eugenio Manuel and her family; of forty-one members of the OPIM of Inés Fernández Ortega and her family; of twenty-nine members of Tlachinollan; as well as of the next of kin of Mr. Raul Lucas and Manuel Ponce Rosas.

515. The IACHR²⁴ decided to grant the provisional measures based on the legal arguments of the IACHR, which pointed out: “The Mexican State has not adequately or effectively implemented the measures necessary to protect the life and integrity of the beneficiaries of the precautionary measures, and it has not acted with total diligence in relation to the duty to investigate the facts that gave rise to the measures. In spite of the enforcement of the precautionary measures, the threats and the attacks against the life and physical integrity of the beneficiaries had increased in the last month and had directly affected other human rights defenders and their families”.

516. Moreover, “coupled with the death threats and the pursuit of human rights defenders and their families, there would be statements made by civil and military public officers as well as from people near them that, following a pattern of harassment against such defenders, including discrediting their work by calling them liars or by connecting them to

²³ Victoriano Eugenio Manuel, Gabino Eugenio Manuel, Juan Remigio Guzmán, Raúl Hernández Abundio, Rarael Rodríguez Dircio, Severo Eugenio Remigio, Manuel Cruz Victoriano, Orlando Manzanares Lorenzo, Natalio Ortego Cruz, Romualdo Santiago Enedina, Braulio Manzanares Lorenzo, José Eugenio Cruz, Félix Ortega Dolores, Merced Santiago Lorenzo, Arturo Cruz Ortega, Leopoldo Eugenio Manuel, Ubaldo Santiago Eugenio, Arnulfo Cruz Concepción, Silverio Remigio Guzmán, Crisóforo Manzanares Lorenzo, Taurino Fernández Santiago, Ocotlán Fernández Ortega, Mauricio Cruz Morales, Viviano García Santiago, Julio Bolanos Santiago, José Espinoza Eugenio, Ramón Ortega Cruz, Virgilio Cruz Ortega, Victoriano Ortega Cruz, Marcelino Santiago Flores, Justino García Santiago, Crispín Santiago González Natalio Eugenio Catarino, Fausto Santiago González Cresencio, Milenio Flores de Jesús y Romualdo Eugenio Estrada.

²⁴ Inter-American Court of Human Rights Order of the Inter-American Court of Human Rights of April 30, 2009 Provisional Measures regarding Mexico Matter of Fernández Ortega et al.

alleged drug-trafficking activities. The role of the defenders is limited by the dissemination of these speeches, which discredit their jobs and generate or affect a context unfavourable to the defence of human rights. Furthermore, as a consequence of the facts above mentioned, the potential beneficiaries of these provisional measures so requested were forced to modify their lives, in order to reduce, where possible the risk of suffering irreparable damage to their lives and physical integrities”.

517. Finally the IACtHR considers the severe cases on which the lack of implementation of the protection measures to defenders has demonstrated the highly risky situation in which they live:

518. “The extreme gravity and urgency is evidenced by the disappearance and death of two human rights defenders from the area and the serious threats against the people in whose favour provisional measures are requested. In addition, the nature of the legal interests threatened, the right to live and physical integrity, as well as the capacity to continue defending the human rights of the people in respect of whom provisional measures are requested, constitute the matter of irreparability of the consequences that this request for provisional measures intends to avoid.”

519. Up to now, Tlachinollan is involved as representative on the provisional measures of Rosendo Cantú et al, and Fernandez Ortega et al. ordered and monitored both by the IACtHR; in the latter. Tlachinollan is simultaneously, representative and beneficiary. As it has been mentioned, the level of compliance has not been completely satisfactory.

520. In both processes of measures implementation, Tlachinollan recognizes three main action points: provided infrastructure, police accompaniment and investigation. Failure to execute had been seen in all levels. In the case of infrastructure, delays on delivery of the requirements are frequent, justified on the basis of lack of resources; on the issue of the accompaniment, it is no viable in situations of emergencies and we have attested that both state and federal authorities elude their responsibility, referring competence issues of the federal system; finally on the investigations, a fundamental measure to send a message of denunciation of aggressions against human rights defenders, there have been no accomplishments.

Namibia

Question 1: Response from the Government

521. As far as Namibia is concerned, there are no reports of risks for women or any other person who works on human rights and gender issues. We have no people in custody or threatened because of their involvement with human rights and gender issues. People in Namibia debate issues of human rights and gender openly, be it in the media and they agree to disagree. The Namibian Government, through the Constitution, commits itself to continued improvement of the status of women in the society, and to eradicate the injustices of the past. In this respect, measures have been put in place to ensure economic and social justice for women as guaranteed in the Constitution and enacted laws (Article 95 of the Namibian Constitution). Fundamental Human Rights and Freedoms are enshuman rightsined in Chapter 3 of the Namibia Constitution: and they are to be respected and upheld by the Executive, Legislature and Judiciary and all organs of the Government and its agencies, also by all natural and legal persons and are enforceable by the Courts.

Question 2: Response from the Government

522. The following legislation measures in place, create a legal basis for gender equality and provide formal recourse to justice with effects on gender relations, and are addressing

gender inequalities and redress issues of economic and social injustices brought about by discriminative cultural practices, patriarchal ideologies and historical imbalances.

523. Combating of Domestic Violence Act (No. 4 of 2003) – makes domestic violence a specific crime and has a broad definition of domestic violence that includes physical abuse, sexual abuse, economic abuse, intimidation, harassment and serious emotional – verbal- or psychological abuse.

524. Maintenance Act (No. 9 of 2003) – provides that both parents have a legal duty to maintain their children who are unable to support themselves, regardless of whether the children were born inside or outside of marriage, and whether or not parents are subject to any other system of customary law which may not recognize one or both parents' liability to the child.

525. Combating of Rape Act (No. 8 of 2000) – internationally one of the most progressive laws on rape. The Act gives greater protection to young girls and boys against rape, provides for stiffer minimum sentences for rapists, and defines marital rape as an offence in the eyes of the law.

526. Married Persons Equality Act (No. 1 of 1996) – specifies equality of persons within civil marriage and does away with the legal definition of a man as head of the house. The Act also provides women married in community of property equal access to bank loans and equal power to administer joint property, and stipulates that immovable property should be registered in both spouses' names.

527. Affirmative Action (Employment) Act (No. 29 of 1998) – identifies affirmative action as a set of measures to ensure that all Namibians have equal employment opportunities, and are equitably represented in the workforce, focusing on previously disadvantaged groups such as women and the disabled.

528. Communal Land Reform Act (No. 5 of 2002) – gives widows the right to remain on land allocated to their deceased husbands in rural areas, and rules that the right to remain on the land is not affected by re-marriage.

529. Labour Act (No. 11 of 2007) provides for maternity leave (with the addition of maternity benefits under the Social Security Act 34 of 1944) and prohibits discrimination on the basis of pregnancy, as well as providing stronger protection against sexual harassment in the workplace.

530. The Children's Status Act (No. 6 of 2006) – provides protection for children born outside marriage so as to ensure they are treated equally with those born in a marriage; especially on issues of inheritance. The act also provides for equal guardianships and custody to unmarried parents.

531. National Gender Policy of 1997 – This policy is replaced by the revised National Gender Policy of 2009 -2018, due to new and emerging issues at national, regional and international levels, which hold implications for gender equality. Such issues include the worsening situation regarding HIV and AIDS, international economic development issues, globalization, climate change and human trafficking, all of which have a disproportional impact on women and girls. This Policy is designed to provide guidance to stakeholders at all levels, and to ensure a gender perspective in their planning and programming processes. Priority areas of focus for Namibia in the revised policy include: (1) Poverty and Rural Development, (2) Education and Training, (3) Health, Reproductive Health and HIV and AIDS, (4) Gender-Based Violence, (5) Trade and Economic Empowerment, (6) Governance and Decision-Making, (7) Media, Information and Communication, (8) Environment, (9) Issues of the girl-child, (10) Peace-building and Conflict Resolution, and Natural Disaster Management, (11) Legal Affairs and Human Rights, (12) Gender Equality in the Family Context.

532. Apart from Chapter 3 of the Namibian Constitution the above laws address safety and protection of all women including those involved in the work of human rights and gender. In addition, gender issues in Namibia are regarded as cross cutting and are mainstreamed in national development plans and considered in all other national strategies and programmes.

Question 3: Response from the Government

533. As explained in No's 1 and 2 above, women and persons working on women's rights and gender issues are protected by law and if their work is hindered, they have the law on their side for protection.

Question 4: Response from the Government

534. Non-Governmental organizations in Namibia are organised under one umbrella body called NANGOF and are free to engage in various discussions of national concern. NANGOF works closely with the Government on many issues e.g., sensitization or awareness raising on human rights and gender issues, such as GBV, etc, National NGOs are not limited and have free access and/or connections with regional and international NGOs.

Question 5: Response from the Government

535. As mentioned above, there is no threat or danger that prompts protection for women or persons working on women's rights and gender issues. Should they find themselves needing protection, there are mechanisms in the law to protect them. So far, Namibia has no recorded cases of the defenders of human rights and gender issues being threatened in any way.

Nepal

Question 1: response from the Government

536. The women human Rights defenders and those working on women's rights and gender issues enjoy the rights required to perform their activities and have been well protected by law. Many non-Governmental organisations are also active in this field.

537. However, the women human rights defenders and those working on women's rights and gender issues might sometimes face some challenges on the ground while carrying out their activities. Such challenges are structural and include:

538. Lack of general awareness and education about human rights in local level populations;

539. The existence of a male-dominant mindset in some sections of society though it is on the wane;

540. Superstitious belief in some backward sections of society.

Response from Peace Brigades International - Nepal

Heightened vulnerability of women human rights defenders post-conflict

541. When post-conflict situations violate victims' rights on truth, justice and reparation, women human rights defenders that promote them and give legal assistance to victims are likely to face violations. In this context of weak state structures and less resources for post-conflict concerns, the women's movement and activists are challenged to cope with violence particularly from non-state actors that have taken over state power.

Multi-layered discrimination and barriers to women human rights defenders access to justice

542. Even where there are legal provisions against discrimination, in practice the realities of living within a hierarchical Hindu-based community see that discrimination remains widespread. People from the dalit caste are particularly targeted in daily life, considered polluted and only able to perform tasks that higher castes would not deign to. Ethnic groups, such as the Tharus, are still considered almost at the bottom of the social structure, though they represent 7% of the population. Women across Nepal suffer the effects of a society which is conservative and patriarchal. When a woman becomes a women human rights defenders and steps out of her defined social role, she becomes vulnerable - often unsupported or even threatened and abused by her own community and even family. People of 'third gender' find it hard to be accepted in communities and are often left unprotected by law enforcers, so that physical violence, arbitrary arrest and rape are still common. The problems become structural when access to justice for discriminated groups is made difficult by State authorities who are more likely to underestimate and disregard claims made by dalit, women, LGBTI, ethnic minorities and other discriminated groups, than those of any other people.

543. Police and district administrators are often embedded within local communities and share conservative attitudes towards the role of women in society. As such, when women human rights defenders take cases of domestic abuse or rape to police, they are often not taken seriously and told to settle the case 'locally', outside of the law. When women human rights defenders face threats or abuse from perpetrators or their own communities, in many cases police do not afford them protection. The attitude from State Security Forces undermines the respectability and legitimacy of Women Human Rights Defenders and leaves them further vulnerable to attack either from a 'justified' public or from perpetrators who are thus made aware of their own immunity to the law.

544. Political interference in criminal cases is a widespread phenomenon across Nepal. Political parties and their youth wings have much power at village and district levels. In cases of domestic abuse and rape, political interference is common, where intervention on behalf of the perpetrator is made by a political party in return for political allegiance. At times political parties have been known to support women human rights defenders, only resulting in the politicisation of human rights work. Political parties and their youth wings at times threaten women human rights defenders with violent consequences to their continuing to work.

Holistic needs

545. There are aspects of security of human rights defenders that are gender-specific, which entails addressing gender-based forms of violence and their gendered consequences. It calls for providing a range of comprehensive support for the well-being of women human rights defenders and addressing visible yet often neglected gendered concerns, such as provisions for child care, health care, and psycho-social support.

Question 2: response from the Government

546. The Interim Constitution of Nepal, 2007 is progressive in regard to protection and promotion of women's right in Nepal. Empowerment as well as social security of women is guaranteed under the constitution. Most importantly, it contains provisions regarding rights of women which ensure the rights of all women including women human rights defenders. The Constituent Assembly, having the mandate to write a new democratic constitution for the country, is a symbol of inclusiveness and proportionality. A third of its members are women.

547. National Human Rights Commission (NHUMAN RIGHTSC), a constitutional body established according to the Paris Principles, is one of the important pillars for the promotion and protection of human rights including women human rights defenders.

548. The National Women Commission (NWC), constituted by “National Women Commission Act 2006” is a statutory body, the objective of which is to protect and promote women’s rights in Nepal and bring women into national mainstream. As a public institution and women’s rights defenders, other objectives of the commission are to:

- Formulate policy regarding women’s rights and invite the Government to their implementation;
- Assess whether the national and international obligations regarding women’s rights are put into practice. It may recommend the Government implement these obligations if it has not done so;
- Raise awareness in opposition to discrimination against women;
- Work for gender equality and women’s empowerment;
- Make recommendation for any correction to be made to law;
- Provide legal assistance to women victims.

549. Additionally, NWC investigates any petition as to the encroachment of women’s rights or victimisation of women owing to any social act or violence. It can take statements of any person or witness, carryout field investigations (if required), organise public hearings, take appropriate action to stop certain acts if known in advance, advocate for bringing a person to justice who is found guilty and monitor whether or not he/she is punished.

550. Furthermore, the Government of Nepal has established a special women’s cell under Nepal Police to deal with issues relating to the rights of women. Indecent behaviours against women in public places is criminalized as public offences under Some Public Offence and Punishment Act 1970. The Right to Information Act 2007 guarantees the right of a person to obtain information from any public authority.

551. The National Plans of Action on CEDAW and Beijing Platform of Action framed in 2004 are being practically implemented. The Government of Nepal has adopted temporary and special measures for full development and advancement of women. More than 150 laws provided for affirmative provisions for women in education, health, and employment, and strive to secure gender justice.

552. Trade Union Act, 2002 of Nepal allows the people to form trade unions for the protection of labour rights. Organisation Registration Act, 1974, National Directives Act, 1962 and Social Welfare Council Act, 1992 allow forming organisations with the objective of promoting and protecting the interest and rights of the specific class section or group of people. Under these provisions more than 25,000 non-Governmental organisations, professional societies and community based organizations have been registered.

553. Working Journalists Act, 1993, Press Council Act, 1991, Nepal Bar Council Act, 1993, Nepal Nursing Council Act 1995, Nepal Medical Council Act, 1963, etc, are some legal instruments for protection of professional workers. Any encroachment upon the rights of women professionals are condemned and defended by various institutions under these acts.

554. Additionally, free media in Nepal have been playing vital role as a distinct institution by creating atmosphere conducive to the functioning of women human rights defenders.

Achievements

555. The activities of women human rights defenders have played important role in protecting and promoting human rights in Nepal. Several instances are illustrated as follows:

556. In far western Nepal, some section of the population follow the practice of keeping women out of their houses during their menstrual period compelling them to stay in cowsheds. Women's rights defenders filed a case in Supreme Court demanding for an order to end such cruelty against women. The Supreme Court declared this practice discriminatory and asked Government to immediately stop it.

557. Women's rights defenders filed a case in the court demanding for equal rights over the parental property. Consequently, owing to their active advocacy, the Interim Constitution of Nepal, 2007 guaranteed the equal right of women in parental property.

558. Women's rights defenders successfully campaigned in quashing the legal provision of divorce on the ground of infertility of women.

559. It may be worthwhile to note that a women's human rights defender Ms. Anuradha Koirala of Nepal was recently declared "CNN Hero" by the renowned television channel CNN in recognition of her contributions in the field of protection of women's rights.

Response from Peace Brigades International - Nepal

560. The Supreme Court of Nepal ruled in 2010 that protective mechanisms should be set up by the State for human rights defenders, with awareness of the specialised needs of women human rights defenders. To date, this has not been implemented.

PBI Recommendations for Nepal Government

561. Recognise the crucial role of human rights defenders in combating impunity and promoting the rule of law. Give human rights defenders, including women human rights defenders, legitimacy and recognition in public events and statements as a way to prevent acts of threat and intimidation against them.

562. Ensure the protection of human rights defenders by incorporating into national law the 1998 UN Declaration on human rights defenders.²⁵ In line with this, develop a policy on the protection of human rights defenders which would include the creation of district security mechanisms- including safe-houses and provisions for relocation and the creation of secondary safe environments - in cooperation with the National Human Rights Commission.

563. Take measures to protect journalists, and ensure that complaints of harassment of journalists and human rights defenders receive prompt response, impartial and effective investigation and prosecution, and that adequate measures for their safety be taken.

564. Recognise the importance of the work of women human rights defenders by instructing state authorities to fully cooperate by fairly and impartially investigating cases raised by women human rights defenders and by implementing gender-appropriate security measures aimed at preventing abuses and, if prevention fails, providing an adequate response. These should be developed in line with recent Supreme Court rulings in Nepal on

²⁵ Also known as the 'UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms' <http://www2.ohchr.org/english/issues/defenders/declaration.htm>

women human rights defenders protection, the 1998 UN Declaration on human rights defenders and in consultation with women human rights defenders.

565. Develop and maintain effective and accountable policing and military standards that uphold UN law enforcement, criminal justice and human rights instruments that contribute to the protection of human rights defenders, provide them recourse for protection and enable them to carry out their work safely. Implement education, training and monitoring so that police, military and security sector officials of all levels/ranks are aware of human rights and provide equal protection of the law to all persons without discrimination on any grounds and, in particular, to ensure that all persons are protected from illegal acts and have the right to free movement, peaceful assembly and free expression.

Question 3: response from the Government

566. The organisations working for women's rights have formed an alliance called "National Alliance for Women Human Rights Defenders". They carry out activities required for keeping themselves safe and organised. If any person/activist/defender is threatened by the state or other bodies or individuals, these individuals, these organizations raise collective voice to concerned authority,

567. In 2006, the women human rights defenders adopted a declaration at the National Consultation on Women Human Rights Defenders. Though there are many organizations working for women's rights separately, they get united when the question of the security of defenders arises.

Question 4: response from the Government

Protection programmes and/or tools for women defenders and those working on women's rights and gender issues

568. Nepal is making a democratic transition. It is in the process of creating and consolidating institutions to protect and promote the rights of all. Specific tools and programmes are being framed within the overall framework of democratic laws, institutions and process in the country. Learning from the past, the democratic Government is fully committed to the protection and promotion of human rights of all including those of women.

Response from Peace Brigades International - Nepal

569. There is a distinct lack of protection mechanisms in Nepal for human rights defenders, including women human rights defenders.

570. Women's Rehabilitation Centre (WOREC) works across Nepal. They have set up a women human rights defenders network which covers 70 of Nepal. However, protection infrastructure such as safehouses for women human rights defenders, are much needed. WOREC alone cannot provide for all the women human rights defenders across Nepal without further support and State-provided security mechanisms.

571. Peace Brigades International has begun a pilot project in Dhanusha district working with members of the women human rights defenders network in 5 VDCs (Village District Councils). PBI will provide international presence, including physical accompaniment, to put pressure on political parties to cease interfering in cases, and on the police to take the women human rights defenders seriously and abide by due legal process.

Question 5: response from Peace Brigades International - Nepal

572. South-Asia suffers from the lack of a specific regional human rights mechanism, such as the Inter-American Commission on Human Rights.

573. Under the EU Guidelines on Human Rights Defenders (revised in 2008), EU missions in Nepal can adopt a range of different measures to protect women human rights defenders. In 2007, a working group on the implementations of the guidelines was set up. Comprised of EU diplomats, OHCHR HUMAN RIGHTS, PBI and NGOs, members meet quarterly to discuss issues and ways of engaging on protection of HUMAN RIGHTS. A local implementation strategy was developed and is currently being revised. A series of 5 emblematic cases have been selected by the NGOs present in the group which will be used by all members of the group to focus advocacy concerns about human rights defenders' protection and impunity. Two trips to remote districts have been undertaken by delegations from the group – to the East and Far West of Nepal respectively. Attempts have been made to make membership of the group inclusive. In relation to women's rights and gender issues, women human rights defenders organisation 'Women's Rehabilitation Centre (WOREC)' and LGBTI organisation 'Blue Diamond Society' are NGO members. Members of the group could potentially take advocacy action in relation to women human rights defenders emergency cases – e.g. as in the case of the human rights defender Jai Kishor Labh.

574. Whilst the EU working group is active, there is still more that can be done to support women human rights defenders who are marginalized due to their gender and the lack of recognition given to sexual, reproductive, economic, social, cultural and environmental rights in comparison with "traditional" civil and political rights. Women human rights defenders based in remote areas away from the capital are particularly vulnerable and should continue to be a focus.

575. Support and encourage the Nepal Government to implement gender-sensitive human rights defenders protection mechanisms, following the recent Supreme Court directives on the need for protection mechanisms for human rights defenders.

576. Full dissemination and implementation of the EU Guidelines for the Protection of human rights defenders with particular emphasis on meeting, visiting and consulting with women human rights defenders, both in Kathmandu and regions where they are at risk.

577. Take opportunities to raise the profile and demonstrate support of human rights defenders, e.g. hosting HUMAN RIGHTS from district at central and district levels on public platforms, including at EUWG events and meetings.

578. Cases of sexual violence against women human rights defenders need to be attended to by personnel who are qualified from a gender perspective. The victim must be consulted during each step of documentation and action.

Nicaragua

Question 1: response from the Government

579. Por lo general para los organismos no gubernamentales o personas que trabajan en función de los derechos humanos de mujeres y asuntos de género. Generalmente siempre que existen eventos o actividades que son conocidos de previo por la institución policial o que surgen de manera espontánea (marchas, manifestaciones, plantones, mítines), la presencia de fuerzas policiales oportuna y suficiente permite disminuir posible riesgos de actos de violencia, tanto para la ciudadanía como para los promotores o defensores de derechos humanos. Además de establece comunicación directa entre los mandos policiales a cargo de la cobertura de la actividad con los dirigentes de los sectores involucrados y con

los miembros de los Organismos no gubernamentales de Derechos Humanos en aras de evitar actos de violencia con consecuencias de graves alteraciones al orden que pongan en peligro la integridad física de las personas y el daño patrimonial de terceros. En los casos que amerita los niveles de comunicación y coordinación se realizan entre Jefes superiores con los representantes de los organismos involucrados.

Response from Movimiento Autónomo de Mujeres (MAM)

580. En Nicaragua defender los derechos de las mujeres es un riesgo y con énfasis cuando se trata de los Derechos sexuales y reproductivos, dado que a partir del Octubre del año 2006 se ha penalizado totalmente el aborto y el gobierno actual ha realizado actos de persecución a las activista y defensoras, tales actos se han caracterizado por ejemplo:

581. Pretensiones de criminalización a las activistas: en Octubre 2007 se inicio una denuncia contra 9 defensoras donde se acusaba de Asociación, intigación y apología del delito del aborto. Las defensoras fueron sometidas a una seria de actos investigativos por la fiscalía durante 2 años y medio. En octubre 2008 fueron allanadas de forma arbitraria las oficinas del Movimiento Autónomo de Mujeres (MAM).

582. Hostigamiento a organizaciones de mujeres por órganos estatales como: Ministerio de Gobernación (oficina encargada de velar por el cumplimiento de obligaciones de las organizaciones civiles), Ministerio del Trabajo (multas sin mayores fundamentos) Dirección de impuestos (supervisiones contantes).

Response from OYANKA

583. Los desafíos precisamente es seguir comprometidas en la lucha por la defensa y promoción de los derechos de las mujeres Niñas/os. Esto a la vez genera muchos riesgos que producto de la profundización del patriarcado, la desigualdad, la violencia la impunidad, la corrupción, el avance del fundamentalismo, esta poniendo en peligro la vida de las que estamos defendiendo derechos humanos de las mujeres. Un Ejemplo claro, nuestro centro esta ubicado en el ultimo municipio por el norte de Nicaragua en la frontera con Honduras, tiene ausencia de juzgados especializados lo que provoca que hay que acompañar a las victimas de violencia a la cabecera departamental (70 Kms) con sus testigos, y asumiendo todos los gastos de transporte y alimentación, ya que si no fuera así no hubiera acceso a la justicia por los niveles de pobreza que tiene el país y particularmente nuestro municipio. Las instituciones existentes en el municipio carecen de los medios necesarios para realizar su trabajo, si hay que capturar a un agresor hay que suministrar el vehículo a la policía, o buscar un taxi, lo que pone en riesgo la vida de las defensoras que se movilizan con la policía, normalmente lo policía no va sola a realizar estas capturas, no existe un funcionario del Ministerio publico permanente, lo que permite acumulación de expedientes y retardación. También se han dado casos de denuncias de violencia sexual de parte de funcionarios, y la única alternativa ha sido la denuncia pública, lo que también provoca amenazas a las defensoras y al centro específicamente.

584. Los espacios de participación de las mujeres en la toma de decisiones nacionales y locales han sido desmantelados; ejemplo de esto es la desaparición de la Comisión, Nacional de Lucha contra la violencia y las comisiones intersectoriales de los gobiernos locales, transformándose en comisiones Estatales, cerrando las posibilidades de participación política directa de la ciudadanía en la planificación del desarrollo y en la toma de decisiones relacionadas con la violencia contra la mujer, niñez y adolescencia.

Response from Si-Mujer

585. Por el trabajo que hacemos en defensa de los derechos humanos de las mujeres, adolescentes y jóvenes hemos sido perseguidas de la siguiente manera.

586. Octubre 2007: Denuncia ante la Fiscalía (Ministerio Público) por varios delitos. Esta denuncia fue interpuesta por el Director Ejecutivo de la ANPDH, con el patrocinio de un miembro de la Conferencia Episcopal de Nicaragua y funcionarios del Ministerio de la Familia. La investigación que fue iniciada contra Ana María Pizarro, Luisa Molina, Martha María Blandón, Martha Murguía, Violeta Delgado, Mayra Sirias, Juana Jiménez, Lorna Norori y Yamileth Mejía, todas reconocidas defensoras de los derechos de las mujeres en Nicaragua.

587. Esta institución abrió un Expediente Fiscal y realizó una investigación por los supuestos delitos de: Asociación ilícita para delinquir; apología del delito de aborto Delito contra la administración de justicia; encubrimiento del delito de violación.

588. El CENIDH -Centro Nicaragüense de Derechos Humanos- y la CPDH -Comisión Permanente de Derechos Humanos-, acompañaron a las 9 feministas ante diversas instancias para denunciar la violación de sus derechos humanos por parte del gobierno y de la jerarquía de la Iglesia Católica de Nicaragua. La parte fundamental de esta acusación se basó en el juicio ya cerrado por la propia Fiscalía en marzo del año 2003; que dictaminó que no hubo delito cuando se practicó el aborto terapéutico de la niña Rosita, dado que se actuó de acuerdo a la ley, Art. 165 del Código Penal, vigente en ese momento.

589. Setiembre 2008: denuncia ante la Fiscalía (Ministerio Público) por varios delitos. Se inició otro proceso basado en una denuncia pública ante al Fiscalía en donde se llamó a declarar a representantes del MAM, CINCO, la Red Nicaragüense de Comercio Comunitario (RENICC), la Coordinadora Civil, el Grupo Venancia de Matagalpa, la Red de Mujeres Municipalistas de Nicaragua, FORUM SYD, y OXFAM GRAN BRETAÑA por supuestos “hechos delictivos” no definidos por el Ministerio Público. En septiembre de 2008, fuentes del gobierno mencionaron la intención de presentar cargos por blanqueo de dinero contra 17 organizaciones no gubernamentales que han realizado críticas al gobierno. Durante las primeras semanas de octubre, varias integrantes del MAM fueron citadas a declarar ante el Ministerio Público. Igualmente, en estas semanas se convocó a Carlos Fernando Chamorro, de la organización CINCO.

590. Ambas denuncias fueron desestimadas por la Fiscalía, la primera, dos años y medio después, en febrero 2010. La segunda en enero 2009. En ambos casos el gobierno no tuvo argumentos que sustentan las denuncias por lo que no pudo pasar las mismas ante los juzgados de Nicaragua.

591. Necesidades de seguridad que son específicas de las mujeres: la única necesidad que tenemos es la plena vigencia de la Constitución y el respeto por el Estado de Derechos por parte del gobierno de Nicaragua.

Question 2: response from the Government

592. La Directora General de la Policía Nacional y la Jefatura Nacional de Nicaragua ha orientado a Jefes y Jefas de las estructuras policiales a todos los niveles, adopción de medidas orientadas a la seguridad y protección de mujeres y personal que trabajan en temas de derechos humanos de las mujeres y asuntos de género, como son entre algunas:

593. Facilitar la atención inmediata de cualquier requerimiento en materia de seguridad que realicen promotoras de derechos humanos y asuntos de género. Estas medidas son aplicadas cuando son solicitadas y se brinda el acompañamiento con personal policial a los activistas de derechos humanos cuando en el desempeño de sus labores deben internarse en zonas que tienen algún nivel de riesgo para su seguridad personal, generalmente en zonas rurales.

594. En caso que la institución policial lo considere necesario o sea requerido, se brinda resguardo y protección de instalaciones o sedes de los organismos no gubernamentales de Derechos Humanos.

595. Mantener una comunicación fluida y directa con los Organismos de Derechos Humanos y sus principales dirigentes para facilitar la atención de cualquier requerimiento en materia de seguridad, la cual se atiende de forma inmediata.

596. Disponer el tendido territorial del personal de Inspectoría General de la Policía Nacional (Asuntos Internos y Supervisión y Control) para la atención e investigación de denuncias, visitas a celdas preventivas policiales, capacitación de las fuerzas policiales por parte.

597. Disponer del tenido organizativo que trabaja con la Policía Nacional, Comisiones de Prevención del Delito, Comisiones de Convivencia y Seguridad Ciudadana, Promotores de Jóvenes contra la violencia juvenil y mujeres promotoras contra la violencia familiar y sexual, en función del acompañamiento y apoyo en conjunto con el personal policial en el territorio.

Response from Movimiento Autónomo de Mujeres (MAM)

598. Entre las necesidades de seguridad:

Para activistas o defensoras y sus organizaciones

- Defensa legal, garantizar recursos para contratación de equipos jurídicos
- Protección de defensores por los mecanismos de sistema de derechos humanos. Ejemplo: medidas cautelares de protección individual y para organizaciones
- Resguardo de información de las organizaciones, seguridad informática y física de instalaciones
- Protección física de defensoras en casos de persecución política
- Ámbito internacional para contrarrestar agresiones
- Acciones de solidaridad con activistas y sus familiares más cercanos. Ejemplo: hijos e hijas
- Acciones de denuncia y repudio internacional a los órganos represores.

599. Las estrategias han sido entre las organizaciones de mujeres y organizaciones de derechos humanos que litigan en órganos de Sistema de Protección de DH (OEA, ONU).

600. Se ha combinado la estrategia jurídica y las acciones de denuncia política, tanto en el ámbito local, nacional e internacional.

Response from OYANKA

601. Lo desconocemos.

Response from Si-Mujer

602. La denuncia realizada a nivel nacional internacional, ante organizaciones defensoras de derechos humanos de Nicaragua y ante la Comisión Interamericana de Derechos Humanos de la OEA, el Comité Contra la Tortura, la Federación Internacional de Derechos Humanos. Ambas fueron publicadas en el 2008 y 2009 en el Observatorio Internacional de Derechos Humanos.

603. Amnesty Internacional publicó en el Informe 2008 la situación de Nicaragua, mencionado como tema central la eliminación del aborto terapéutico en el Código Penal y sus consecuencias.

604. En Octubre 2008 publicó un llamado internacional de solidaridad con las 8 feministas denominado Defender el derecho de las mujeres a la vida y a la salud. Defensoras de los derechos humanos en Nicaragua donde denuncia ampliamente la situación de la acusación del gobierno, que a esa fecha ya lleva 12 meses in ser cerrada, ni pasar a los juzgados.

605. Una campaña de solidaridad de Amnesty incluido el envío de 12,000 faxes al Presidente de la República y al Fiscal General, así como la recepción en SI Mujer de 2,600 tarjetas de 25 países del mundo, donde integrantes de Amnesty manifiestan solidaridad con las mujeres perseguidas.

606. Amnesty Internacional publicó en el Informe 2009 la situación de Nicaragua, haciendo énfasis en la violación por parte del gobierno de Nicaragua de los derechos sexuales y derechos reproductivos especialmente por la eliminación del aborto terapéutico del Código Penal, violencia sexual contra las mujeres y niñas, libertad de expresión, entre otras violencias.

607. Cómo se han tomado en cuenta las necesidades específicas de las mujeres defensoras: no se ha tomado en cuenta por parte de las instituciones del Estado nicaragüense ninguna necesidad específica de las mujeres.

Question 3: response from the Government

608. Valoramos que la Policía Nacional realiza acciones y seguirá comprometida a brindar la protección efectiva a las defensoras de los derechos de mujeres y asuntos de género, a través del sistema policial que funciona a nivel nacional, utilizando tanto los recursos humanos como materiales necesarios para tal fin, consecuente con sus principios doctrinarios de protección, respecto, promoción y defensa de los derechos humanos de las y los nicaragüenses y de los ciudadanos extranjeros.

Response from Movimiento Autónomo de Mujeres (MAM)

609. Ha sido utilizando la presión política internacional y local, tales como: marchas de repudio, cartas denuncias, visitas a cuerpo diplomático acreditados en el país, acciones de repudio frente a embajadas del país agresor.

Response from OYANKA

610. Rotación de las defensoras, salir a las comunidades de dos en dos, fomentar cursos de defensa personal.

Response from Si-Mujer

611. Protección Efectiva: No hubo medidas de protección efectiva por parte del gobierno a pesar de las reiteradas solicitudes al respecto.

612. En ningún caso el gobierno de Nicaragua ha reconocido la persecución, por el contrario, sus órganos de prensa oficiales como la TV, la prensa digital, radios y periódicos impresos han contribuido a sustentar denuncias con falsos argumentos, calumniando, denigrando y ofendiendo a las mujeres defensoras de derechos humanos, propiciando que sus organizaciones partidarias las ataquen en cualquier demostración pública, lo cual ocurrió durante marchas y manifestaciones, donde las feministas han sido atacadas con morteros, piedras, amenazas e intimidaciones, sin que la Policía Nacional actúe en su defensa.

Question 4: response from the Government

613. A las acciones descritas en el numeral 2, podemos agregar las siguientes medidas de protección que la policía nacional brinda a defensores de derechos humanos:

614. El personal policial y civil que labora en las Comisarías de la Mujer y la Niñez, también ejercen las funciones de Defensores de los Derechos Humanos de las Mujeres maltratadas, enfrentando riesgos de ser agredidas por los victimarios. En el momento de la atención, para disminuir los riesgos y como un mecanismo de protección las Comisarías de la Mujer son construidas en las instalaciones de la Policía, con el objetivo de brindar seguridad y protección al personal que labora en dichas Comisarías, así como a las víctimas que atienden.

615. La Policía Nacional realiza esfuerzos por brindar y fortalecer las coordinaciones de trabajo del personal de las 61 Comisarías de la Mujer, con defensoras de los derechos de la mujer y asuntos de género de diversos organismos no gubernamentales de derechos humanos, con expresiones organizadas de la Sociedad Civil, con facilitadores del Poder Judicial, con las 3,754 promotoras voluntarias solidarias a nivel nacional, que se encuentran alrededor de cada Comisaría de la Mujer y la Niñez, en el desafío de la detección de casos de violencia intrafamiliar y sexual así como brindar acampamiento a las víctimas en los barrios y comunidades de todo el país.

616. Como principales fortalezas podemos mencionar:

617. Que hasta la fecha producto del trabajo policial coordinada con otras instituciones del Estado y expresiones organizadas de la comunidad, no se han presentado situaciones o hechos en que resulten como víctimas por agresiones físicas (delitos contra la integridad física) promotoras o defensoras de los derechos de mujeres y asuntos de géneros.

618. Existe comunicación sistemática entre personal policial que trabaja en la materia con representante de los organismos no gubernamentales de derechos humanos.

619. No existen registros policiales, de causas que indiquen que existe persecución, represión actos de violencia o maltrato en contra de las defensoras de los derechos de las mujeres y asuntos de género que junto a otros sectores sociales que están en desacuerdo con algunas política, ley o instrumento sobre temas vinculantes se movilizan o protestan libremente, haciendo uso de sus derechos en todo el territorio nacional.

620. Entre los desafíos señalamos los siguientes:

621. Profundizar las relaciones de coordinación de trabajo con los organismos institucionales y no gubernamentales que trabajan en temas de derechos humanos y asuntos de género, para identificar las necesidades y demandas que requieran desarrollar medidas policiales para la protección y la seguridad de las y los defensores de los derechos de las mujeres.

622. Continuar fortaleciendo la promoción, respeto y defensa de los derechos humanos, a través de la formación y capacitación del personal policial.

623. Mejorar el sistema de monitoreo y seguimiento del cumplimiento de las recomendaciones vinculantes a la institución policial que surgen de los informes que presenta el Estado sobre los instrumentos internacionales en materia de derechos humanos.

Response from Movimiento Autónomo de Mujeres (MAM)

624. La mayor herramienta ha sido en uso de las tecnologías de información (web, correos electrónicos, redes sociales, etc) para la denuncia y la búsqueda de solidaridad para defensoras y el repudio para agresores (estatales). Esto ha permitido la denuncia oportuna y que la información circule de forma masiva sin importar las fronteras, pero se corre el

riesgo del boicot y acciones de represalias nacionales que ponen en mayor riesgo a las víctimas.

625. Utilización de de los mecanismos de sistema de Derechos Humanos: acciones de urgencia. Esto por un lado fortalece las acciones ya que le impregna legitimidad jurídica a la demanda, pero los tiempos de tramitación no coinciden con la necesidad protección inmediata de las víctimas.

626. Acceso a capacitaciones sobre seguridad informativa. Son importantes pero para las organizaciones muchas veces no son sostenibles en la implementación por las dificultades de contar con recursos económicos o humanos destinados para este fin.

Response from OYANKA

Fortalezas

627. Se cuentan con una diversidad de organizaciones de mujeres dispuestas a colaborar con los informes alternativos.

628. El acceso a la justicia por victimas de violaciones a derechos humanos.

629. El acceso a la justicia por mujeres victimas de violencia.

Desafíos

630. La capacitación al poder judicial en temas relacionados con derechos humanos.

631. Asegurar que las instituciones encargadas de la promoción, defensa y tutela de las garantías constitucionales de los ciudadanos y sus derechos humanos, como el Poder Judicial, la Procuraduría de los derechos humanos, asumen sus mandatos independientemente y fuera del bipartismo ambiente.

632. Mantener y promover los espacios de participación directa de las mujeres al nivel nacional y local en la toma de decisiones relacionadas con la violencia contra las mujeres y asegurar su participación y su representación por la sociedad civil, incluido ONG reconocidas en la experiencia acumulada en este tema, en las nuevas instancias.

633. Asegurar la independencia de las instituciones para la protección de los derechos de las mujeres, como la Procuradora especial de la mujer y el Instituto Nicaragüense de la Mujer; otorgarles los recursos suficientes para alcanzar un mejor grado de efectividad.

Response from Si-Mujer

634. Medidas Cautelares: no se han desarrollado “programas” sino iniciativas destinadas a garantizar la seguridad de las mujeres acusadas, sin embargo, ninguna de las cuales han sido aplicadas por el gobierno de Nicaragua.

635. El Observatorio de la transgresión feminista/petateras y Asociadas por lo Justo y el Centro por la Justicia y el Derecho Internacional (CEJIL), solicitaron ante la Comisión Interamericana de Derechos Humanos MEDIDAS CAUTELARES para garantizar el derecho a la integridad personal, consagrado en el artículo 5, el derecho a la vida, consagrado en el artículo 4, las garantías judiciales y la tutela judicial efectivas, consagrados en los artículos 8 y 25, todos en relación con el artículo 1.1 de la Convención Americana sobre Derechos Humanos, de los miembros de las siguientes Organizaciones de Derechos Humanos: Ana María Pizarro, Luisa Molina, Martha María Blandón, Martha Murguía, Violeta Delgado, Mayra Sirias, Juana Jiménez, Lorna Norori y Yamileth Mejía y Pedro Javier Pizarro (hijo de Ana María Pizarro), Centro de Investigaciones para la Comunicación (CINCO), el Movimiento Autónomo de Mujeres de Nicaragua (MAM), la Red de Mujeres contra la Violencia (la RED) y en particular de los defensores y las

defensoras de derechos humanos Carlos Fernando Chamorro y Patricia Orozco, de conformidad con el artículo 25 del Reglamento de la Comisión.

¿Cuáles son las fortalezas y los desafíos principales de estos programas?

636. No son debilidades de las organizaciones sociales ni de las instituciones de derechos humanos del sistema interamericano, ni de la Comisión de Derechos Humanos de la ONU, sino que la debilidad se sustenta en la total omisión por parte del gobierno de Nicaragua de las recomendaciones o condenas que ha recibido desde el año 2007 por la violación de derechos humanos de las mujeres.

Question 5: response from the Government

637. Respecto a los mecanismos regionales de protección, la Corte Interamericana de Derechos Humanos, la Policía Nacional requirió en fecha del 14 de noviembre del 2008 adoptar de forma indefinida la aplicación de medidas cautelares de seguridad para la protección de la vida y la integridad personal de la Doctora Vilma Núñez de Escorcia, Directora del Centro Nicaragüense de los Derechos Humanos CENIDH, requerimiento que al día de hoy la Policía Nacional se encuentra cumpliendo.

Response from Movimiento Autónomo de Mujeres (MAM)

638. En el caso de Nicaragua la Comisión Interamericana de Derechos Humanos y los distintos comités de derechos humanos (ONU) han mostrado preocupación en sus recomendaciones sobre el hostigamiento a las defensoras.

639. La UE ha realizado distintos llamados al gobierno y se han condicionado algunos fondos de apoyo presupuestario.

Response from OYANKA

640. La convención sobre toda forma de discriminación contra la mujer.

641. El protocolo facultativo de la CEDAW que establece un mecanismo de exigibilidad que permite a las mujeres buscar justicia, aunque no ha sido ratificado por Nicaragua responde a las necesidades de las defensoras.

642. La protección contra la tortura y otros malos tratos en Nicaragua.

Response from Si-Mujer

643. En Ginebra, Suiza, tuvo lugar el 9 de junio de 2010 la adopción por el Consejo de Derechos Humanos de Naciones Unidas del Informe del Examen Periódico Universal (EPU) practicado a Nicaragua en el mes de febrero del 2010. El Estado de Nicaragua rechazó valiosas recomendaciones, muchas ya formuladas anteriormente por Órganos de Tratados de Naciones Unidas, entre ellas la recomendación de adherirse al Tratado de Roma que crea la Corte Penal Internacional y la recomendación que le alentaba a adherirse al Protocolo Facultativo a la CEDAW. De igual forma, el Estado desestimó adecuar su legislación a la definición de tortura proporcionada.

644. Por el Código Penal y establecer dicha conducta como un delito en el Código Penal Militar, recomendación que ya había realizado anteriormente el Comité contra la Tortura. En relación con la violencia contra la mujer, el Estado rechazó restituir el aborto terapéutico haciendo caso omiso de las recomendaciones de cuatro Órganos de Tratados y de las numerosas recomendaciones que sobre el tema presentaron los Estados en la sesión del EPU de febrero.

645. El comité de Derechos Humanos de la ONU y el Comité de Derechos Económicos, Sociales y Culturales de la ONU recomendaron al gobierno de Nicaragua que se reforme la legislación sobre el aborto. Estas recomendaciones nunca fueron tomadas en cuenta.

Nigeria

Question 1: response from First Lady's Save Our Youths Campaign

646. Women Human rights defenders are usually unpopular among the male folk because Africa and Nigeria are culturally male chauvinistic. Once you are a female defender you do not usually get much cooperation from the men except a few enlightened ones. Where really highly placed individuals are concerned with the human rights abuse, several distractive tactics such as grounding your vehicle and IT disconnections and even anonymous threats and text messages on kidnapping and robbery sent to your phone. When female legislators took a stand on their male counterpart who married a 13 year old girl, the matter did not go very far because the courts exonerated the Senator for lack of evidence.

647. Other problems and challenges include the weak Human rights defending frame work which does not give any special protection to organizations and individuals involved in Human rights defending. Even though there is a National Human Rights Commission there is no framework on ground for the protection of human rights defenders such as hot line access and special police protection. There is no whistle blowers identity protection policy or law. The police is too busy solving serious criminal cases to bother about human rights abuses and their defenders. In fact many husbands who have battered their wives and children to the point of inflicting serious bodily harm are asked to go home and settle with their wives, that the police have no time for family matters. In such situations the human rights defender runs the risk of being challenged and accused by the husband's relations or even the victim's relations of interfering in the family matter.

648. The strategy used by most women human rights defenders is to partner with highly placed Government departments and officers who provide some form of protection on an informal basis and who can help to issue letters on special request on behalf of the defender.

Question 2: response from First Lady's Save Our Youths Campaign

649. Women's rights are usually the least in the list National human right priorities in most African countries. Human rights are not justiciable based on the constitution. But based on the domestication of some international conventions legal action and advocacy is being carried out. If the United Nations passes a resolution on the special police protection for individuals and agencies working on women's rights issues, and the resolution is endorsed by the African countries and the African charter on Human and Peoples rights, and the National assembly, then female human rights workers and those working on women's rights issues will have some protection.

650. A United Nations resolution on a local to global approach in protection of female human rights defenders and those involved in women's rights issues which should involve an international organization such as the Commonwealth or the United Nations giving some support and protection to the human rights defenders working at the grass roots will help improve the working atmosphere of the defenders. The national Governments will not want to be seen to be negligent about the protection of those defenders recognized by the United Nations working on human rights issues. Active Human rights defenders and organizations should be given special mandates by the United Nations which will require them to make periodic reports to the United Nations and to participate in missions which will help to provide good human rights defending environment for the women and other vulnerable persons.

Question 3: response from First Lady's Save Our Youths Campaign

651. Working with bigger NGOs and CSOs such as churches will help to remove the focus on the defenders and place it on the partnering organizations.

652. Researching into existing Government and organization policies which promote the ideals of human rights is usually a good place to start when dealing with corporate rights abuses or with officers working with corporate or other recognized organizations.

653. Getting the Judiciary to recognise and support ones activities especially in the area of alternative dispute resolution is also a good protection mechanism.

654. Using friendly techniques which appeal to the peoples conscience and public image rather than confrontation methods work better and yield better results where the abuser is ignorant of the legal implication of his/her actions.

655. Establishing hot line support network with both trusted public, international and private groups who share your vision

Question 4: response from First Lady's Save Our Youths Campaign

656. Education on how to meet needs and rights within their own environment. These include how to analyse an abusive situation and to know how to avoid it and or minimize it.

657. Help to develop a strong support group that will be highly respected by the abuser and will deter him or her from carrying out any abuses which may come to the knowledge of the support group.

658. Training of Total Justice Assessment Officers who will gather information on the rights abuses, get a proper analysis of the situation, and make necessary recommendations appropriate measures to take in solving the problem.

659. Total justice assessment reports sent to the Security and Civil Defence offices, the Attorney generals office and the judiciary with effective analysis of the type of abuse, the reasons for the abuse the possible solutions both Social, Economic, Cultural, Environmental, Legal and Political.

660. Letters to Abusers informing them of the information gathered and asking them give an explanation why the law will not take its full course.

Question 5: response from First Lady's Save Our Youths Campaign

661. Setting up the ECOWAS Human Rights Court is one of the steps taken by the regional institutions to address human rights protection. This measure is exclusive because of the cost involved in travelling to the court location, hiring a lawyer and funding the process over the long period which the case will be heard. Many of the people whose rights are abused can hardly afford a roof over their heads how much more to hire a lawyer to plead their case. Decisions taken at this court is not binding on the various countries until the rulings are ratified or transmitted to the parties by their countries judiciary. During this time lag grievous harm would have been sustained by the defender.

Norway**Question 1: response from the Government**

662. In general, women human rights defenders and those working on women's rights and gender issues face few risks in Norway.

663. However, there are individuals and groups working on women's rights and gender issues in Norway who are subject to risks and challenges. Different groups of defenders may face different challenges, according to the type of work they carry out.

664. One important group is women human rights defenders working specifically on women's rights related to ethnic, religious and racial gender discrimination. Some of these defenders also work with issues related to sexuality and reproductive rights. These defenders may face risks and challenges because of their gender and because their work challenges cultural, religious or social norms about women's rights. This group of defenders may also face challenges based on racist motives; either from individuals or from groups in society.

665. Challenges and risks may take different forms ranging from verbal abuse to threats, harassment, and sometimes also direct physical attacks. Exclusion, prejudice or public vilification by social actors, sometimes leading to self-censorship, are among other challenges these defenders can face.

666. The threats, harassment and attacks described above are in many cases reportedly carried out by individuals or groups of individuals belonging to the same ethnic, cultural or religious group as the human rights defenders themselves. Threats may also come from other groups in society that may act with racist motives. These groups may not amount to many persons, but information shows that they are often well organized and can have a strong voice, and may also use the media as a channel to pose threats.

667. Some human rights defenders working on the broad aspect of women's rights in Norway may also face challenges and risks in their work. There are cases of defenders who have received threats for instance due to their work with shelters and safe houses for female victims of violence.

668. Women human rights defenders who are refugees or asylum-seekers in Norway is another important group. This group may experience threats from actors in their home country while staying in Norway.

Question 2: response from the Government

669. In recent years the Government of Norway has implemented several measures in order to eliminate and prevent violence against women. Legislative measures and protection programmes have been designed to protect women. These measures also apply to women human rights defenders and defenders working on women's rights and gender issues, but there is no specific protection programmes related to this group as such. The situation for human rights defenders and their protection is a priority to the Norwegian Government, and the authorities are in general aware of the challenges and seek to support persons in danger or under threat.

670. As a follow-up to the Human Rights Council Resolution on Human Right Defenders adopted in March 2010 (HRC/RES/13/13), Norway has established a national focal point for human rights defenders. The focal point is the Section for Human Rights and Democracy in the Norwegian Ministry for Foreign Affairs (MFA). The focal point will be a contact point for human rights defenders in Norway. The aim is that the focal point will identify specific needs for protection and prevention, including those of women human rights defenders, and ensuring the participation of human rights defenders in the development and implementation of specific protection measures.

671. As a result of Norway's UPR, a new inter-ministerial coordination mechanism has been established. Through the coordination mechanism, the MFA will regularly update other ministries about the status, challenges and possible measures related to human rights defenders in Norway.

Question 3: response from the Government

672. According to several women human rights defenders and defenders working on women's rights and gender issues in Norway, there is a need to focus on preventive measures. For instance, psychological violence can be prevented by strong networks among human rights defenders and other actors within civil society. It is important to work to get broad support from various actors.

673. Educational work and outreach is equally important in order to create understanding of the challenges human rights defenders face.

Question 4: response from the Government

674. N/A

Question 5: response from the Government

675. N/A

Papua New Guinea**Question 1: response from anonymous NGO**

676. There is no recognition on the work/role of the human rights defenders in Papua New Guinea.

677. It is much more difficult for women defending Women Human Rights in the highlands of Papua New Guinea given the high level of gender discrimination and low status of women as well as gender based violence's is becoming a norm. Women defending Women Human Rights are becoming victims themselves, often assaulted and harassed and even killed.

678. No protection for Human Right Defenders, no support mechanisms in place to provide support or turn to when facing difficulties.

679. Human Rights Defenders are working individually in isolation.

Question 2: response from anonymous NGO

680. We are not aware of any if in existence. As far as we understand and know there has not been any specific legislative measures or protection strategies adopted or implement to address the safety and protection of Women Human Rights Defenders.

Question 3: response from anonymous NGO

681. Our own experiences as a human rights defenders and especially trying to protect the rights of women, we have to build our social security network by contributing towards any social obligations such as bride price, funeral expenses and community obligations with in our tribe and family so that our tribal people can provide some form of protection for us and our families.

682. For example, from our experiences, (1) a defender was blocked off from using the main road to get his/her children to school by one tribe, this tribe chased the other tribe members out of their traditional land into tribal land in a recent tribal war. The tribe who put a blockage knew that the defender was working with the Internally Displaced People (women and children) to provide support for them and relocate them among his/her tribal members to take them into their land. When the tribe members heard of the blockade and the assault and the defender was point at gun point, they mobilized and confronted the tribe

which put a blockade on the defender's vehicle to pass though and gave orders for them to lift the blockage. The defender was advised not to use the road again for his/her own safety and that of his/her children.

683. (2)Our group members try to intervene to stop domestic violence's in most cases where wives/girls friends get beaten up (very badly by) husbands or partners. We also get beaten as well. Most of our staff get punches and sticks. We are advised to stay out of it as it is none of our business. Because of the absence of the state, it is unsafe for women human right defenders to intervene to protect women getting beaten, tortured or getting killed.

Question 4: response from anonymous NGO

684. Our organization is now in the process of forming an association of survivors (tortured victims over alleged sorcery and others) to collectively raise our concern to authorities and collectively protect each other if possible. Raise awareness on the impact of gender-based violence and the roles of human rights defenders. So far there has been very good responses and survivors are coming forward and want this issue to be talked. They also want the perpetrators to be dealt with accordingly.

685. We also try to work together with the different churches in the region for them to acknowledge that they have a role to play, protect the human rights defenders. One activity will be to document stories of human rights defenders and gender-based violence cases and seek technical and financial assistance to strengthen the work of human rights defenders. The other is the setting up of a committee to look at the safety issue of women and children and human rights defenders in the region and seeking collaboration with key stakeholders such as the Government, churches, other organizations and business houses to collectively address the issue and get the Government's attention to look at the safety issue of human rights defenders.

Question 5: response from anonymous NGO

686. Not aware of any regional human rights mechanisms to address specific protection needs of women defenders.

Philippines

Question 1: response from Tanggol Bayi (Defend Women)

687. Women human rights defender in the Philippines are mostly subject to harassment, threats, intimidation, abuse, even rape and other forms of violence, including extrajudicial killings, enforced disappearances, illegal arrests and detention, among others. The counter-insurgency policy of the previous Government (of Gloria Macapagal Arroyo) is extended by the new Government (of Benigno Aquino III) and he will be coming out with a similar blueprint next year. This policy has resulted to thousands of EJKs, EDs and human rights violations among women human rights defenders, among them are the following women victims under the previous Government: 153 women victims of EJK, 31 victims of enforced disappearances, 63 women political prisoners who are still imprisoned.

Question 2: response from Tanggol Bayi (Defend Women)

688. The Anti-Torture Law was passed last November 2009, and we are still awaiting for consultations among human rights organizations and women's organizations on its implementing rules and regulations. In the law, it was indicated that rape and other forms of violence against women can be considered as forms/acts of torture.

Question 3: response from Tanggol Bayi (Defend Women)

689. Urgent action, emergency support, legal assistance and strong national and international advocacy and networks can help women human rights defenders who are at risk. Organizing women human rights defenders is also very important in keeping them safe, while legislative advocacy for national legislation on women human rights defenders and women human rights defenders is also very important.

Question 4: response from Tanggol Bayi (Defend Women)

690. Urgent alerts, emergency support (through sanctuary houses, emergency financial and logistical support) and legal assistance are very important protection programmes and tools for women human rights defenders at risk. At the same time, these tools will not be as effective if not interlinked with the advocacy/campaign at the national and international levels.

Question 5: response from Tanggol Bayi (Defend Women)

691. None yet, in our opinion.

Portugal**Question 1: response from Women's Association against Violence (AMCV)***Main challenges*

692. Taking into account that in the majority of the societies, around the World, we observe a high level of illiteracy on Human Rights which leads to a poor human rights culture, Portugal is not an exception.

693. In spite of its geostrategic position – member of the European Union, member of NATO, member of the Council of Europe, member of the United Nations - Portugal suffers the same lack of Human Rights Culture.

694. This context constitutes an enormous obstacle to the development and empowerment of Women Human Rights.

695. Being so, the women defenders and those who work on women's rights and gender issues confront themselves with a high level of isolation, without national networks of women rights NGO that could support them, without recognition from the State and considered as trouble makers.

696. So the crucial issue is centred on the Mission and the Strategy adopted by those who work in these areas.

Risks

697. Below are some of the main risks:

- Lack of an active citizenship
- No recognition of Citizen's Human Rights
- Violation of Human Rights
- A fragile Social Society
- Maintenance of Poverty
- Low level of Education

- Tolerance towards violence
- Arbitrary Justice
- Lack of Resources
- Annihilation of Women Human Rights NGO

Question 5: response from Women’s Association against Violence (AMCV)

698. The European Union and the Council of Europe have designed during the last 20 years documents and instruments in the area of Women Human Rights which were adopted and defended by those who work in these areas.

699. Nevertheless, these instruments do not have a mandatory status and because they are optional, all the effort and responsibility on defending Women Human Rights are put on those who work in the field namely Women NGO.

700. For example in the area services for women survivors of violence the unique reference we identify in the context of the CoE is the “Combating violence against women: minimum standards for support services” which is a good document by not very useful because is optional.

Serbia

Question 1: response from the Government

701. The main challenges and risks faced by women human rights defenders and other persons dealing with women’s rights and gender equality are associated with a misunderstanding on the part of patriarchal mentality and conservative and traditionalist circles existing in Serbia. This refers above all to the challenges and risks that are faced by persons whose work focuses on the rights of sexual minorities.

Question 2: response from the Government

702. The entire Section Two of the *Constitution of the Republic of Serbia* is devoted to human and minority rights. The Constitution guarantees the dignity and free development of individuals; right to life; inviolability of physical and mental integrity; prohibition of slavery, servitude and forced labour; right to freedom and security; humane treatment of persons deprived of liberty; special rights in case of arrest and detention without decision of the court; detention only upon the decision of the court; stipulated duration of detention; right to a fair trial; special rights of persons charged with criminal offense; legal certainty in criminal law; right to rehabilitation and compensation; right to equal protection of rights and legal remedy; right to legal person; right to citizenship; freedom of movement; inviolability of home; confidentiality of letters and other means of communication; protection of personal data; freedom of thought, conscience and religion; rights of churches and religious communities; conscientious objection; freedom of thought and expression; freedom of expressing national affiliation; promotion of respect for diversity; prohibition of inciting racial, ethnic and religious hatred; right to information; electoral right; right to participate in management of public affairs; freedom of assembly; freedom of association; right to petition; right to asylum; right to property; right to inheritance; right to work; right to strike; right to enter into marriage and equality of spouses; freedom to procreate; rights of the child; rights and duties of parents; special protection of the family, mother, single parent and child; right to legal assistance; health care; social protection; pension insurance; right to education; autonomy of university; freedom of scientific and artistic creativity; healthy environment (Articles 23 through 74).

703. The Republic of Serbia has passed a large number of laws and other regulations that regulate human rights in various, specific areas, such as: the Law on Refugees, the Broadcasting Law, the Law on Protection of Rights and Freedoms of National Minorities, the Public Information Law, the Law on the Prevention of Violence and Misbehaviour at Sports Events, the Law on Liability for Human Rights Abuses, the Law on Free Access to Information of Public Importance, the Law on Environmental Protection, the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Corruption and other Grave Offences, the Law on Employment and Unemployment Insurance, the Law on Social and Economic Council, the Criminal Code, the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, the Law on Enforcement of Penal Sanctions, the Law on Misdemeanours, the Law on Organization and Jurisdiction of Government Authorities in Suppression of High Technological Crime, the Law on the Protector of Citizens, the Family Law, the Labour Law, the Civil Procedure Code, the Law on Higher Education, the Law on Health Care, the Law on Health Insurance, the Law on Police, the Law on Citizenship, the Law on Prevention of Discrimination against Persons with Disabilities, the Law on Asylum, the Law on the Constitutional Court, the Law on Travel Documents, the Law on Personal Data Protection, the Law on Organization of Courts, the Law on Foreigners, the Law on the Anti-corruption Agency, the Law on the Foundations of the System of Education, the Law on National Minority Councils, the Law on Prohibition of Discrimination, the Law on Employment and Unemployment Insurance, the Law on Professional Rehabilitation and Employment of Persons with Disabilities, and the Law on Gender Equality. Passing of the above mentioned laws represents the effectuation of the harmonization of Serbia's legislation with the international and European standards in the area of human rights.

704. The Government of the Republic of Serbia has adopted a number of strategies relevant to the protection and promotion of human rights, such as: the Poverty Reduction Strategy, Strategy to Combat Human Trafficking in the Republic of Serbia, National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons, Health Development Strategy for Young People, National Strategy on Aging, National Strategy on the Reform of the Judiciary, Development Strategy for Social Protection, National Employment Strategy for the period from 2005-2010, National Strategy to Combat HIV/AIDS, National Action Plan for Children, Strategy for Improving the Position of Persons with Disabilities, Development Strategy for Expert Education in the Republic of Serbia, Strategy for Childbearing Promotion, National Youth Strategy, Sustainable Development Strategy, National Strategy for Prevention and Protection of Children Against Violence, Strategy on Continuous Health Care Quality Improvement and Patient Safety, National Strategy for Public Health in the Republic of Serbia, Strategy for Improvement of the Status of Roma in the Republic of Serbia, Strategy for Workplace Health and Safety in the Republic of Serbia for the period from 2009 – 2012, Strategy for Managing Migration.

705. The existing National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality Development, whilst focusing on prevention and suppression of violence against women, improvement of victim protection, elimination of gender stereotypes and promotion of gender equality in the media, does not set out specific activities that would expressly relate to women human rights defenders. Draft National Strategy for the Elimination of all Forms of Violence Against Women and Draft Action Plan for the Implementation of Resolution UN SC 1325 in Serbia have already been prepared and are expected to improve the overall safety of all women in Serbia.

Question 3: response from the Government

706. In the event that women human rights defenders feel threatened, they may in the first place contact the Ministry of Interior, or they may file a criminal complaint with the competent Public Prosecutor's Office, or they may contact the Protector of Citizens

(Ombudsman institutions) at the national, provincial or local level, or they may notify the Commissioner for the Protection of Equality, who was elected by the National Assembly in May 2010. In addition to the measures mentioned above, women human rights defenders may also alarm the public through the media.

707. Deciding upon a complaint against the work of the judiciary (of 24 February 2009) which was filed by the RDP B92 AD and in which this Radio and Television Station drew attention to TV B92 journalists who had been accused of breaching the privacy of person and the confidentiality of data while performing their journalistic duty, the First Municipal Public Prosecutor's Office in Belgrade has dropped the charges. In doing so, the First Municipal Public Prosecutor's Office in Belgrade applied the criteria, in accordance with the European Convention on Human Rights and Fundamental Freedoms, which stipulate that in cases involving public figures, where journalists inform the public in the public interest, the principle of data and privacy protection should have a restricted application compared to cases involving private citizens. All such developments are a part of the process of harmonizing and unifying legal practice in the public prosecutors and courts' proceedings, *inter alia*, in proceedings which may relate to the issue of whether or not there are grounds for a criminal prosecution against journalists.

708. In like manner, the Office of the Public Prosecutor of the Republic of Serbia also responds to all other domestic judiciary's acts where violations of fundamental human and civil rights are suspected to have been inflicted upon any person by any judicial body, and where it is necessary to render a final judgment or to reverse or modify a previous final judgment.

709. As regards the criminal proceedings against persons who threatened the safety of journalist and other B92 journalists, a set of measures has been undertaken, within the scope of the Public Prosecutor's legal authority, in order to ensure the protection of the journalists and the unobstructed continuation of their journalistic work. The Office of the Public Prosecutor of the Republic of Serbia has publicly announced that journalists shall be entitled to protection so that they can discharge their duties without obstruction, and that criminal proceedings of this kind contribute to the prevention of violence and hooliganism, that is to say, no jeopardizing of journalists' safety shall be tolerated, moreover because now journalists are granted the *status of official person* under the Criminal Code and consequently a stronger legal protection under the criminal law.

710. The City of Belgrade Police Directorate has presented a Report stating that the journalists employed with the Radio and Television Station B92 (64, Zoran Djindjic Boulevard) have been under a direct police protection, given by police officers of the Ministry of Interior of the Republic of Serbia, since 12 October 2009.

Question 4: response from the Government

711. There are no specific data on programs and/or methods for the protection of these persons.

712. A campaign aimed at raising public awareness of the principles of gender equality and women's rights was launched on March 8, 2009 to mark the 101st anniversary of the first International Women's Day and struggle for women's rights. Throughout the month of March the Danas newspaper (with the print run of 30,000 copies) published a glossary of gender equality terms in installments, aiming to familiarize the general public with the basic terms and principles in this field. This campaign commenced with the publication of a series of releases, articles and guides informing on current women's rights in Serbian legislation and institutions that provide support to women, in the Danas and in the Politika daily newspapers (total print run 210,000 copies).

713. Training in the field of human rights is organized and conducted *inter alia* for the judiciary. The Judicial Training Centre is an organization founded by the Ministry of Justice and the Judges' Association of Serbia in 2001. It provides basic, specialized and permanent training, as well as continuing professional development for judges, public prosecutors and deputy public prosecutors and court and prosecutorial staff and other judicial officers employed in the judiciary of the Republic of Serbia. Within its regular annual programme of training, the Judicial Training Centre also covers various topics related to institutional protection of human rights and standards enshrined in the United Nations and Council of Europe Conventions. Since 2005, judges and prosecutors have been provided with seminars and training courses on the topic of Combating Discrimination (The International Convention on the Elimination of All Forms of Racial Discrimination, standards and practice of the Committee on the Elimination of Racial Discrimination; standards of the European Court of Human Rights, Article 14 of the European Convention and Protocol 12 to the Convention; gender equality and prohibition of discrimination; the Law on the Prohibition of Discrimination). The Judicial Training Centre incorporated the training of judges and prosecutors in combating discrimination in its regular training programme in 2007. The Judicial Academy is the legal successor of the Judicial Training Centre and, in accordance with the Law on the Judicial Academy that was adopted in December 2009, the Academy has assumed the activities previously performed by the Centre.

714. A large number of NGOs in the Republic of Serbia engage in the education in the field of human rights. In cooperation with the Faculty of Political Sciences, and with the support of OSCE and the International Committee of the Red Cross, specialist professional career studies of humanitarian law and human rights have been organized for three years already. The specialist professional career studies are intended for employees of the judiciary and Government bodies, but also for employees of international organizations and NGOs, and for journalists. As well, there are schools for future human rights trainers, judges, prosecutors, attorneys and lawyers, and a Human Rights School for Future Decision Makers. Training on human rights is also provided through numerous seminars, conferences and lectures.

Slovakia

Question 1: response from the Government

715. Present situation and work conditions of women defenders and those working on women's rights and gender issues in Slovakia can be described as satisfactory.

716. There have not been recorded or confirmed any cases which would require specific security measures.

717. The support of gender equality and equality of opportunities belongs to the priorities of the Government of the Slovak Republic, as stated in the Manifesto of the Government of the Slovak Republic for the period of 2010-2014.

718. This issue is supervised by the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

Question 2: response from the Government

719. There has not been any need to adopt any special legislative measures to ensure security of women human rights defenders and those working on women's rights and gender issues in Slovakia.

720. Slovakia is a party to the core international human rights treaties. Besides Constitutional provisions, the Slovak legislation contains specific acts supporting the status and activities of various groups or individuals, including human rights defenders (Act 83/1990 Coll., on Association of Citizens as amended, Act 84/1990 Coll., on the Right to Assembly, Act 85/2005 Coll. on Political Parties and Political Movements as amended, Act 34/2002 Coll., on Foundations, Act 147/1997 Coll., on Non-investment Funds, Act 213/1997 Coll., on Non-profit Organisations Providing Social Welfare Services, Act 211/2000 Coll., on Free Access to Information).

Question 3: response from the Government

721. An effective law protection is present on national level.

Question 4: response from the Government

722. There is no record of any specific protection program.

Question 5: response from the Government

723. EU mechanisms:

- Guidelines on Human Rights Defenders
- EU Guidelines on Violence Against Women and Girls and Combating All Forms of Discrimination Against Women

724. Slovakia is involved in preparation of the Convention on Preventing and Combating Violence Against Women and Domestic Violence within the Ad Hoc Committee on preventing and combating violence against women and domestic violence (CAHVIO).

Somalia

Question 1: response from Girls Association Advocacy For Rights (GAAR)

725. Somalia is small country in the horn of Africa with cultural and religious oriented society where gender inequality exists widely. Gender rights work and defender are assumed to be bad work and evil action that come from the western countries and against the Islam and Somali cultures

Question 2: response from Girls Association Advocacy For Rights (GAAR)

726. In this cultural and religious oriented there is no powerful functioning state granting protection and safety the gender rights defenders. Women working gender issue has been trying to establish mechanism that may provide them protection but they did not succeed their anticipation of safety and protection. They target for the Islamists, faction leaders and clan militias who assassinate, kidnap, abduct, rape and intimidate directly and indirectly

Question 3: response from Girls Association Advocacy For Rights (GAAR)

727. Most women right defender flee from the country the last three years in search of refugee and asylum in foreign countries. The little number remaining strive under the protection and security from private security staff the hired and family or clan militias which may be risk and save.

Question 4: response from Girls Association Advocacy For Rights (GAAR)

728. There is no tangible security program implemented by the NGOs in Somalia and even an international or regional level program except trainings and asylum provided to few individuals and organization.

Sri Lanka**Question 1: response from anonymous NGO**

729. The lack of democratic space for dissent, restrictions on freedom of expression and association and repression by state and by non-state actors have a significant impact on the capacity of women human rights defenders to engage in any organizing and mobilising on women's rights. In addition, there is a growing conservative trend with regard to attitudes towards women. For example, in October 2010 the Vice Chancellor of a state University in a Colombo suburb ordered some young women who were found on campus in the company of fellow male University students to be submitted for virginity testing. Although the case initially received some media coverage, the women later refused to come forward due to fear of reprisals.

730. The specific security needs of women human rights defenders in Sri Lanka relate to their vulnerability to violations and abuse at the hands of both state and non-state actors. The law enforcement agencies, especially the Police, need to be made aware of the rights of citizens to engage in democratic dissent.

Question 2: response from anonymous NGO

731. The Constitution of Sri Lanka has some fundamental rights guarantees and the GoSL has ratified ICCPR, ICESCR, CEDAW and all other human rights treaties and has obligations under international human rights law. At present the National Human Rights Commission is non-functional. There is no national policy on human rights.

Question 3: response from anonymous NGO

732. Women human rights defenders in Sri Lanka have to ensure their security themselves and in collaboration with other women's rights and human rights groups. There are loose civil society networks that provide legal aid and support. However, in the past year many human rights defenders, including some women, have fled abroad due to the lack of security.

Question 4: response from anonymous NGO

733. There are several international protection programmes such as Protection International that provide advise on security matters, including security of communications. Frontline has provided support for women human rights defenders seeking refuge outside the country on some occasions. Amnesty International, OMCT and other groups do urgent appeals for women human rights defenders when there is a situation of insecurity and potential threats to security of women human rights defenders. The Urgent Action Fund for Women's Human Rights supports actions to provide security for women human rights defenders in their own country and in situations of flight and exile.

734. The main challenge for all these groups is lack of sufficient resources to respond effectively to all the requests for support that they receive. Much of the support available is for cases defined as URGENT or EMERGENCY; there is a need to focus more on the need for sustained and sustainable interventions.

Question 5: response from anonymous NGO

735. There is no regional human rights mechanism for South Asia.

Syrian Arab Republic

Question 1: response from the Government

736. The main challenges and risks faced by men and women defenders of women's rights and their security needs:

737. The defence of women's rights forms part of the State's general approach under the Constitution. Consequently, women defenders of women's issues and rights in the Syrian Arab Republic do not face security challenges when they pursue the legitimate legal course, which guarantees the right to freedom of opinion and expression and to association with lawful and duly licensed organizations. All over the world, the exercise of freedom of expression is regulated by this legal and constitutional principle such that others may also exercise their rights and express their opinions.

738. Consequently, no activists are harassed by security for their involvement or engagement in women's rights and issues even though there has recently been a wide-ranging legal and social controversy on some relevant topics (such as the draft personal status bill and amendments to the Criminal Code in relation to what are termed crimes of honour, in addition to amendments to the nationality law granting women the right to pass on their nationality to their children). When it comes to discussing taboo issues, the greatest challenges and risks are likely to be social or religious, even if the starting point for the discussion is customs and traditions. Nevertheless, no case of assault, detention or persecution for voicing an opinion or espousing an idea on these controversial issues has been recorded. It should be noted that there are sometimes interventions when an association that is not duly licensed engages in an activity; the reason for taking action in such cases would be that the laws governing the establishment of associations had been violated, not because of the nature of the activity or the opinions expressed.

Question 2: response from the Government

739. Legislative measures, including constitutional provisions, adopted to address the security and protection of men and women human rights defenders:

740. The Constitution is the supreme law in the Syrian Arab Republic. It is the real guarantee of women's right to expression and of equality as it embodies numerous important principles and guarantees with regard to freedoms, rights and general duties in accordance with the law.

741. With regard to women's rights per se, the Constitution does not discriminate between men and women in any of the relevant provisions. Article 25 of the Constitution provides that:

“1. Freedom is a sacred right. The State shall protect the personal freedom of citizens and safeguard their dignity and security.

“2. The rule of law is a fundamental principle of society and State.

“3. Citizens are equal before the law and have equal rights and duties.

“4. The State shall guarantee the principle of equality of opportunity for citizens.”

742. Moreover, article 26 guarantees all citizens, without discriminating between men and women, the right to participate in all aspects of life in accordance with the law: “Every

citizen has the right to participate in political, economic, social, and cultural life, as regulated by law.”

743. Article 27 refers to the enjoyment by citizens of their freedoms and exercise of their rights in accordance with the law: “Citizens shall exercise their rights and enjoy their freedoms in accordance with the law.”

744. With regard to women in particular, article 45 of the Constitution provides that the State shall be responsible for affording women every opportunity to participate in public life and to contribute to society, as follows:

745. “The State shall guarantee women every opportunity to participate fully and effectively in political, social, cultural and economic life and shall eliminate the barriers to women’s advancement and participation in the construction of Arab socialist society.”

Long- and short-term strategies and programmes

746. In this regard, it should be noted that under the tenth five-year plan, the need to make qualitative improvements to the lives of Syrian women and to mainstream gender issues (equality between men and women) as basic variables in programmes and projects for implementation was a priority issue. However, in view of prevailing attitudes to women, it is no easy matter to achieve gender equality in economic, social and political life. In order to do so, attitudes need to change on the one hand and, on the other hand, some of the existing legislation needs to be reviewed.

747. The Syrian Commission for Family Affairs, in cooperation with the United Nations Development Fund for Women (UNIFEM) and the General Women’s Union prepared an operational plan of action to mainstream gender into the national development programmes and plan and so expedite the implementation of the eleventh five-year plan, in order to complement efforts to achieve gender equality and ensure women’s effective participation in the development process.

748. That plan is divided into four main thematic areas, which identify the key issues for mainstreaming gender into the national plan, as follows.

749. The thematic area concerned with economic issues envisages that men and women should be guaranteed equal rights. Their access to and utilization of economic resources should be facilitated, women’s contribution to the economic activity rate should increase and some kind of gender balance should be achieved. Employment opportunities should be created, poverty should be eliminated and community participation should be fostered. These proposals are being jointly implemented by the Ministry of Agriculture, the Ministry of Social Affairs and Justice and the Ministry of Economy.

750. The thematic area addressing social issues calls for the achievement of equality, improved access by men and women to secondary and higher education and to decision-making positions, the promotion and protection of women’s health and changes to female stereotypes in the media. The Ministry of Education, the Ministry of Health, the Ministry of Higher Education and the Ministry of Information are jointly implementing this thematic area.

751. The thematic area concerned with service and environmental issues seeks to build and deploy women’s capacities in the formulation of environmental policy and measures at all levels. It is implemented by the Ministry of State for Environmental Affairs and the Ministry of Local Administration (Syrian Governorates).

752. The thematic area dealing with institutional, administrative and legislative issues is implemented jointly by the Office of the Prime Minister, the People’s Assembly, the Ministry of Justice, the State Planning Commission, the leadership of the branches of the

Front, the General Women's Union, the Syrian Commission for Family Affairs, the National Institute of Public Administration and the Higher Institute of Business Administration. It envisages building the capacities of national institutions (Governmental and civil society) to promote gender issues at various levels and granting women greater access to influential and decision-making positions, in order to bring about a qualitative shift and increase gender equality.

Question 4: response from the Government

753. There are no specific measures to address security challenges that women, defenders of women's rights or those working on women's rights may face, as the rights for which they are calling and the associated positions are guaranteed by the Constitution for women as for men, without discrimination or distinction.

754. Defenders of women's rights in the Syrian Arab Republic do not face harassment or arrest because they call for women's rights; however, measures may be taken in connection with activities relating to women's rights that involve an unlicensed association, or one that violates the law on the establishment of associations and their functions.

Thailand

Question 2: Response from the Government

755. Legislative measures to protect women human rights defenders and those working on women's rights and gender issues have been found in certain laws such as Domestic Violence Act of 2007, which provides protection for witness or defenders of women's rights to domestic violence, and the Witness Protection Act of 2003 which guarantees the protection of witnesses in various types of offences including sexual abuse.

Question 3: Response from the Government

756. The Sub-committee on Children, Women and Gender Equality was established under the National Human Rights Commission of Thailand (NHUMAN RIGHTSC) to oversee the protection of women and children's rights. Any women human rights defenders who need protection can lodge a complaint with the NHC through this sub-committee which will investigate the case thoroughly. If the sub-committee deems the case as an infringement of human rights, it would coordinate with the relevant agencies to tackle the problem.

757. Under the NHUMAN RIGHTSC, the sub-committee on the rights of the community has also been set up to oversee the protection of local community rights. During the past years, there has been an increasing number of women who became core leaders in defending their rights to preserve natural resources, the environment or traditional livelihoods which have been affected by development projects in the community area. If these women are at risk of being threatened by conflicting parties they can lodge complaints with the sub-committee. After having examined the complaints the sub-committee will refer the cases to the relevant state authorities who will subsequently provide protection to those human rights defenders in accordance with the Witness Protection Act.

758. The Department of Rights and Liberties Protection under the Ministry of Justice is another avenue for women human rights defenders to seek assistance or lodge complaints in the case of protection needs. The Department serves to redress human rights violations by providing protection, assistance and remedies to witnesses, victims and defendants in criminal cases. The human rights defenders can enter the witness protection programme provided by the Ministry in accordance with the Witness Protection Act.

Question 5: Response from the Government

759. Various training programmes have been provided to women human rights defenders which aim to raise awareness on their roles in the protection of victims of human rights abuses, especially women and children. The training activities aim at providing these human rights defenders knowledge on comprehensive and systematic measures in providing support and assistance for the victims. In addition, the human rights defenders will be provided with guidance to cope with human rights violations as well as on how to protect themselves when dealing with domestic violence cases.

Ukraine**Question 1: response from the Government**

760. The Ministry of Ukraine for Family, Youth and Sports is not aware of any cases where the safety of individuals or organizations working in the area of defending women's rights or on women's rights and gender issues has been threatened. There is broad support for the activities of civil society organizations with which the Ministry works.

Question 2: response from the Government

761. When requested by voluntary associations, the Ministry sponsors specific measures of nationwide importance, particularly monitoring activities, international and national conferences, competitions, social advertising and awareness-raising campaigns, etc. Civil society organizations have full access to the formulation and implementation of State policy on gender through participation in the working groups that prepare draft legislation and in community councils, as community advisers to leaders on gender issues, as experts in evaluating and addressing cases of gender-based discrimination, and as co-organizers of public awareness campaigns. There is continuous social monitoring of the effectiveness of the policy on equal rights and opportunities for women and men, and of implementation of the provisions of the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

Question 3: response from the Government

762. According to information from the Ukrainian Parliamentary Commissioner for Human Rights, the number of communications concerning protection of gender rights in 2010 was less than 0.2 per cent of the total number of those received from deputies at all levels and non-Governmental community organizations, and communications submitted to the authorities. Information from other sources (Report on human rights protection in Ukraine, Ukrainian Helsinki Human Rights Union and United States Department of State) gives no examples of defenders of women's rights or those working on women's rights and gender issues striving to keep themselves safe.

Question 4: response from the Government

763. There are no protection programmes or tools for defenders of women's rights and those working on women's rights and gender issues.

Question 5: response from the Government

764. No specific measures to protect human rights that touch on the issue of the specific protection needs of women's rights defenders and those working on women's rights and gender issues have been adopted by the relevant regional mechanisms.

United States of America

Question 1: Response from the Centre for Reproductive Rights

765. The physicians and staff who ensure women's ability to access safe abortion are routinely targeted for violence by anti-abortion extremists. Dr. George Tiller, an abortion provider in Kansas, was murdered in his church on May 31, 2009 by an anti-abortion extremist who unabashedly announced that he committed the murder because Dr. Tiller provided abortions. In the years prior, anti-abortion extremists subjected Dr. Tiller to harassment, intimidation tactics and violent attacks including a prior shooting in 1993 that wounded both his arms.

766. In many states abortion providers operate in a state of near-constant siege. A center for Reproductive Rights fact-finding report issued in 2009 demonstrated that, in each of the states studied, violence, intimidation and harassment directed at abortion providers is commonplace.²⁶ Clinics where abortions are performed undergo regular harassment.²⁷ According to the Feminist Majority Foundation, in 2010, nearly a quarter of abortion clinics reported one or more incident of severe violence, such as facility invasions, stalking and death threats, and almost two-thirds of clinics experienced intimidation tactics including noise disturbances, harassing phone calls and posters containing the word "WANTED" in large lettering and identifying information about clinic staff.²⁸

767. In addition to being targeted at clinics, abortion providers are often targeted at their homes.²⁹ One physician reported that she stopped providing abortions because "she was hunted down by protestors": dead animals were placed at her home and her house was broken into.³⁰ Anti-abortion protestors picket outside of abortion providers' homes,³¹ go door-to-door in an abortion provider's neighbourhood to advise neighbours that a "baby killer" lives nearby,³² and/or use the Internet to publicise photos and personal information about providers which violates their privacy and causes fear that they will be targeted for further harassment or harm.³³ One provider described the effect on her family of anti-abortion protest activities in her neighbourhood:

²⁶ Center for Reproductive Rights, *Defending Human Rights: Abortion Providers Facing Threats, Restriction, and Harassment* (2009) (hereafter, '*Defending Human Rights*') In conjunction with the published report, the Center for Reproductive Rights interviewed providers about the intimidation and harassment they experience. One of the videos of these interviews is available here: <http://www.youtube.com/watch?v=qKcmGqDc4ts>

²⁷ Some clinics have captured harassing protest activity on video. Family Reproductive Health in North Carolina documented some of the protests they experienced and created a video available here: <http://www.youtube.com/watch?v=qdPziwaDL-I>

²⁸ Feminist Majority Foundation, *2010 National Clinic Violence Survey* (Sept, 2010).

²⁹ A recent documentary on the cable channel MSNBC illustrates the tactics that anti-abortion extremists used to target Dr. George Tiller and everyone who worked with him, including attempts to intimidate local businesses from working with Dr. Tiller's clinic. See *The Rachel Maddow Show: The assassination of Dr. Tiller*, (MSNBC television broadcast Oct, 25, 2010), available at http://www.msnbc.msn.com/id/39826191/ns/us_news-crime_and_courts

³⁰ *Defending Human Rights* at 44

³¹ Feminist Majority Foundation, *supra* note 3, at 6, Chart 5.

³² *Defending Human Rights* at 66

³³ *Defending Human Rights* at 45. Some anti-abortionist extremists also use the Internet to share bomb-making techniques and other violent tactics. See e.g. Ely Portillo, *Man Posts Bomb Instructions on Facebook, Is Charged in Plot*, Charlotte Observer (Sept, 10 2010) <http://www.charlotteobserver.com/2010/09/10/1680125/man-charged-in-abortion-clinic-html>

768. “The Protestors terrified my younger daughters and their friends. My youngest daughter suffered a sleep disorder, nightmares, and fear of just about everyone and everything-including playing in our yard. She cried every night before bed for us to please brick in her bedroom window so that the protestors could not come in and kill her and us. We put alarms in our home and cars...”³⁴

Question 2: Response from the Centre for Reproductive Rights

769. In 1994, the Freedom of Access to Clinic Entrances (FACE) Act was enacted. That law created civil and criminal penalties for, among other things, intentional acts committed in order to prevent people from providing reproductive healthcare service.³⁵ When it is enforced, FACE can be helpful tool in protecting clinics and abortion providers against harassment, intimidation and violence. However, the effectiveness of the law is dependent upon the Government’s enforcement. In one FACE action, a federal court ordered an anti-abortion extremist to stay 25 feet away from the only clinic in Mississippi after concluding that he endorsed violence as a way of opposing aborting. The extremist violated this court order, and subsequent court orders, repeatedly. For several years, the federal Government continued to seek judicial enforcement of FACE against the extremist, but after 2008, despite the clinic’s documentation of ongoing violations, the federal Government stopped responding.³⁶

770. In addition to the federal FACE law, many state and local legislatures have enacted laws regulating the time, place and manner of protests, such as permit and noise ordinances, that may help individual clinics. In particular, providers have reported that laws created “buffer zones” – delineated areas around a health facility and/or individuals entering or leaving it in which anti-abortion activity is restricted- can decrease the level, aggression, and effects of anti-abortion activity. The New York State legislature recently enacted a law designed to specifically protect healthcare workers against violence; the sponsor of the law explicitly cited the experiences of abortion providers in explaining why heightened protection is necessary.³⁷

771. But police often misunderstand these laws or refuse to enforce them. For example, when the entrances to a clinic in Pennsylvania were completely obstructed by a hundred protestors in 2007, police responded, not by dispersing the protestors and clearing the entrances but rather by locking patients and staff in and out of the clinic for three hours, disrupting patient care.³⁸ The importance of responsive law enforcement cannot be overstated; clinics that rated their relationships with local law enforcement as “poor” were twice as likely to experience high levels of violence in 2010 as clinics that rated their relationships more highly.³⁹

Question 3: Response from the Centre for Reproductive Rights

772. Most clinics undertake extensive private security measures to protect their staff and patients. These measures include, but are not limited to, employing armed security guards, installing cameras and security systems, and restricting access to the facility. One clinic in

³⁴ Renee Chelian, Northland Family Planning, Remarks Ctr. For Reprod. Rights Panel: Heightened Barriers, Heightened Obstacles (Nov. 3, 2010).

³⁵ 18 U.S.C. 248 (2006)

³⁶ *Defending Human Rights* at 67.

³⁷ Sam Hoyt, *Reproductive Health Care Providers Deserve Our Protection*, Huffington Post, (Nov. 9, 2009), available at http://www.huffingtonpost.com/sam-hoyt/reproductive-health-care_b_347367.html

³⁸ *Defending Human Rights* at 85.

³⁹ Feminist Majority Foundation, *supra* note 3, at 8.

Pennsylvania bricked over all the windows on the first floor of the building to increase safety.⁴⁰

773. The physicians and clinic staff who provide abortions also take substantial personal precautions. Doctors have reported that they keep loaded guns in their cars and wear bulletproof vests.⁴¹ Many take steps like only driving a rental car to the abortion clinic, or removing licence plates from their own cars before nearing the clinic, to avoid being identified by potentially violent anti-abortion extremists.⁴²

Regional responses

Horn of Africa

Question 1: response from anonymous NGO

774. Arrest and long term imprisonment, character assassination and stigmatization; several women are not able to speak out about the repression they face because of the stigma it creates towards them in their local communities.

775. Women human rights defenders in this region suffer from threats from within their own communities and threats from law enforcement officers. In addition to mainstream human rights, women human rights defenders are challenging cultural and traditional issues and beliefs, which make them vulnerable to threats from within their own communities and even relatives. Often they are accused of defending western values. For example during election times in Sudan, the Public Order regime uses the law to hunt women activists and community leaders, these women are repressed and in certain cases threatened to vote for particular parties.

776. Women human rights defenders identity is often being ignored and under mined by main stream Human rights groups; they tend to treat women defenders as subordinates and do not recognize them as defenders. In many countries defenders communities are driven by a patriarchal agenda that doesn't recognize women and the violations against them as rights issues. In countries like Sudan and Somalia most of the support goes to men defenders while women are left behind to struggle and to generate their own support and protection.

777. False accusations on issues of immorality The legislation in certain countries for e.g. Sudan takes control of personal behavior and those issues of law; Public Order Law in Sudan for example the case of Lubna Hussein who was arrested and accused of " indecent dressing." Recognition of women in the public sphere is a new concept in many Horn countries. They are therefore not very well received and this poses a challenge to women human rights defenders.

778. Risks of being labeled and judged based on fundamentalist beliefs- this is mainly common in Somalia and Sudan.

779. The political regimes and powers in the Horn victimize women and accuse them falsely e.g. the two young girls that were stoned to death in Somalia after accusation of being spies.

⁴⁰ *Defending Human Rights* at 84.

⁴¹ *Defending Human Rights* at 44

⁴² *Defending Human Rights* at 74

780. Women rights defenders are also very vulnerable because their families are under threat as well. An example of this is a women's rights defender based in Somaliland whose 14 year old was raped because of the activist work done by her mother.

781. Women human rights defenders are extremely vulnerable and open to incidents of sexual harassment which are ignored for example at the universities where student leaders are violated but are too inexperienced and fearful to come forward and therefore succumb to the threats.

Question 2: response from anonymous NGO

782. There are several mechanisms and place but they there is no actual implementation of them.

783. The UN peace keeping missions that have been deployed to the Horn countries have limited mandates which hardly cover the protection of women. An example is a case of sexual harassment in Darfur, the incident was reported to the peace keepers in the area and because of the constraints of their mandates, the most they could do was station one of their vehicles in the compound of the victim.

784. Most of these missions are not trusted by the women as the women human rights defenders fear that they are sharing reports and information with the Governments which puts the women human rights defenders in harm's way (e.g. the UNMID in Darfur).

785. The UN missions also lack interest in carrying out actual outreach, in most cases they are inaccessible for example when gender meeting are held in South Sudan , in Darfur, there are hardly any local civil society groups present to join the discussions. Civil society is hardly invited to these meetings.

786. International actors do not want to involve themselves in arguments that revolve around cultural and religious beliefs. They avoid engagement with the Government on these issues and they perceive women issues from a cultural relativist perspective.

787. Women rights defenders organizations that are in the decision making levels are also partly to blame; they are not up to the challenge that advocating for women's rights entails. These women movements have isolated themselves, they continue to use the same discourse and have over the years become ineffective.

Question 3: response from anonymous NGO

788. The women human rights defenders have established personal strategies of protection. They have created their own local networks where they know the right people to ensure their protection. However, you will find that these networks are not well structured/organized.

789. They depend on their local communities and get information from them about potential risks and safety challenges they may face. There is solidarity among the locals to a certain extent.

Question 4: response from anonymous NGO

At the regional level

790. East and Horn of Africa Human Rights Defenders Network at the regional level and Front Line at the international level.

At the National level

791. Member organizations, local Human rights coalitions and civil society organizations operating in the Horn countries

Strengths

- These programs have knowledge of the area which is key for efficient operation
- These programs despite the no conducive environment are contributing toward retaining activism for women rights in the Horn countries and encouraging new young generations of women's rights defenders
- There are groups that consistently produce documentation on the day to day violations against women and girls
- These programs are taking the responsibility of promoting concepts and principles of women's universal rights within the local communities across the Horn

Challenges

- Lack of specific programs focused on women rights defenders
- Lack of recognition of women human rights defenders
- Lack of specific support and understanding of their challenges – also for women human rights defenders they often do not recognize themselves because the work they are doing entails dangers or that they are de facto women human rights defenders

Question 5: response from anonymous NGO

792. African Protocol on the rights of women: this agreement stipulates the right to life, integrity and security of the person, the protection of women and the right to positive cultural context. The protocol has been signed by Djibouti, Ethiopia, Somalia and Sudan. It has been ratified by Djibouti. Eritrea has not signed the Protocol.

Mesoamerica

Question 1: response from Just Associates (JASS)

793. Según el diagnóstico mesoamericano sobre violencia contra defensoras de derechos humanos elaborado por JASS, Consorcio Oaxaca, UDEFEGUA y la Alianza Centroamericana para la Transformación de la Cultura Patriarcal, en la región las defensoras que enfrentan mayores agresiones y situaciones de vulnerabilidad tanto por el trabajo que realizan como por el hecho de ser mujeres defendiendo derechos son: defensoras que trabajan en contra de la violencia de género; defensoras que trabajan por los derechos sexuales y reproductivos; defensoras que trabajan por la diversidad sexual; defensoras que reivindican derechos laborales; defensoras indígenas y esposas e hijas de presos y desaparecidos políticos.

794. Algunas de las formas de agresión por identidad y tipo de trabajo son:⁴³

⁴³ Violencia contra defensoras de derechos humanos, un diagnóstico en Construcción. Síntesis ejecutiva. JASS, Consorcio Oaxaca, UDEFEGUA y la Alianza Centroamericana para la Transformación de la Cultura Patriarcal. 2009. Págs. 5 y 6.

795. Invisibilización, difamación, violencia policiaca y crímenes de odio a defensoras lesbianas, trans y trabajadoras sexuales. Agresiones que favorecen una cultura de intolerancia y violencia y en el que están involucrados actores estatales, familias, comunidades, medios de comunicación y los propios movimientos sociales. Estos ataques se caracterizan por cuestionar y lanzar ofensas en contra de la labor, preferencia e identidad sexual de las defensoras. Quienes protegen a personas que ejercen la prostitución son recurrentemente atacadas por cuerpos policíacos. Al interior de los movimientos sociales se expresa en la invisibilización y desconocimiento del aporte de estas defensoras. En casos extremos la violencia ejercida en contra de estas defensoras, termina en crímenes de odio, muchos de los cuales son escondidos por las autoridades al calificarlos como “crímenes pasionales”.

796. Amenazas y agresiones a las defensoras y a las organizaciones que trabajan en contra de la violencia hacia las mujeres (particularmente la violencia intrafamiliar, el feminicidio y los abusos sexuales de militares). En los centros de atención a mujeres víctimas de malos tratos es común que los agresores de las mujeres que acuden a pedir apoyo, amenacen y ataquen físicamente al personal. Si estos agresores son policías o funcionarios o si tienen amistades entre éstos, las agresiones son más violentas y pueden llegar a prácticas de abuso de autoridad o a detenciones arbitrarias. Por su parte, las defensoras que combaten y denuncian casos de feminicidio o de abusos sexuales de militares suelen ser amenazadas por las autoridades que son denunciadas y por los grupos de crimen organizado que muchas veces están detrás de estos actos.

797. Violencia contra las trabajadoras que defienden sus derechos laborales. Las mujeres sindicalistas enfrentan amenazas, despidos injustificados y hasta la muerte, pues ponen en riesgo fuertes intereses económicos. La situación es aún más vulnerable para las mujeres que intentan defender sus derechos en espacios laborales como las maquiladoras, conocidos por las numerosas violaciones a los derechos laborales de quienes ahí trabajan.

798. Violencia por la defensa de la tierra, el territorio y los recursos naturales de los pueblos originarios. La violencia ejercida por empresas transnacionales, se expande a quienes luchan en contra de los proyectos mineros o las presas. Asesinatos, amenazas, expulsiones violentas de pueblos enteros de su territorio, ventas ilegales de tierras, sobre explotación de los recursos naturales, son algunas de las expresiones de esta violencia. Estas empresas suelen actuar con la complicidad de gobiernos locales y la falta de actuación de los gobiernos federales y las instancias nacionales de derechos humanos.

799. Violencia en situaciones de conflicto: los conflictos agudizan la violencia que enfrentan las defensoras de derechos humanos. En el marco de conflictos declarados con el Estado, son comunes las detenciones ilegales, las violaciones por parte de grupos policíacos, la violencia sexual y política, las amenazas de muerte y hasta el asesinato. En medio del conflicto la violencia intrafamiliar y el feminicidio suelen aumentar dado el clima de impunidad imperante. También los conflictos entre organizaciones o pueblos suelen afectar de manera particular a las mujeres, quienes muchas veces son usadas como botín.

800. Violencia en el marco de actos represivos. Además de ser víctimas de la misma violencia que sus pares hombres (tortura, detenciones arbitrarias, etc.), las defensoras enfrentan violencia sexual e insultos y amenazas dirigidos a su condición de mujeres y su sexualidad.

801. Difamación y amenazas a organizaciones y defensoras que luchan por la despenalización del aborto. Usando la moral sexual dominante y acusándolas de “asesinas de bebés”, grupos religiosos y fundamentalistas desvirtúan el trabajo de quienes defienden el derecho a decidir y la salud de las mujeres. De las campañas difamación (utilizando las

misas, los medios de comunicación, las publicaciones religiosas, etc.), puede pasarse a las amenazas o ataques a las oficinas de las organizaciones y a las propias defensoras.

802. Violencia al interior de las propias organizaciones y movimientos. Difamación, descalificación, restricciones y cuestionamientos al liderazgo, comentarios sexistas, ventilación de su vida privada y comportamiento sexual, acoso sexual y hasta la violación. El testimonio de las mujeres que denuncian es frecuentemente cuestionado o negado. Otras más callan la agresión por miedo a ser expulsadas o acusadas de debilitar el movimiento, de contribuir al ataque de líderes, o de ser "contrainsurgentes". Cuando se atreven a denunciar suelen ser aisladas junto con las organizaciones que las respaldan.

Question 2: response from Just Associates (JASS)

803. Según el diagnóstico mesoamericano sobre violencia contra defensoras de derechos humanos,⁴⁴ la mayoría de las defensoras reconoce que las formas de defensa y protección proporcionadas por las instituciones nacionales e internacionales, son limitadas, poco efectivas y carecen de un enfoque de género. Una de las principales limitaciones de los mecanismos existentes, es que no reconocen a los actores no estatales como parte de los sujetos que violan los derechos de las defensoras y ponen en riesgo su labor.

804. Como toda la sociedad, las defensoras desconfían de los órganos de procuración e impartición de justicia, muchos de los cuales son responsables de la violencia hacia ellas o hacia las mujeres que defienden. La denuncia jurídica es una estrategia poco utilizada, pues por lo general las autoridades no atienden, minimizan los hechos, protegen a los agresores o utilizan la información para aumentar los ataques.

805. Las luchas de las mujeres han logrado un marco normativo favorable a la participación de las mujeres y la no violencia, así como mecanismos de la mujer y otras instituciones especializadas en el combate de la violencia contra las mujeres. Sin embargo el estado de derecho en los países de la región es tan débil, que la legislación vigente pocas veces se cumple y pocas veces se hace uso de las convenciones internacionales en sus fallos.

806. Los mecanismos nacionales de derechos humanos tienen poca capacidad para responder de forma efectiva.

807. Las medidas cautelares y medidas provisionales otorgadas por el Sistema Interamericano de Derechos Humanos han sido un recurso de protección para algunas de las defensoras. Esta medida si bien hace pública la agresión y facilita algunos recursos para la protección, enfrenta algunas limitaciones como: tener que ser protegidas por las instituciones responsables de las agresiones, no reconocer algunos tipos de agresiones, etc.

808. Las acciones urgentes y la denuncia internacional que hacen con apoyo de organizaciones regionales e internacionales, ha sido una forma de inhibir las agresiones y apoyar las denuncias, sin embargo no basta para garantizar la seguridad de las defensoras.

809. Los instrumentos y mecanismos internacionales de derechos humanos, muchos de ellos ratificados por los países de la región, han permitido legitimar las denuncias, atraer la atención sobre las agresiones y, en algunos casos, lograr sanciones internacionales a los Estados. Sin embargo son poco efectivos en momentos críticos y pocas defensoras saben cómo utilizarlos en casos de agresión.

⁴⁴ Violencia contra defensoras de derechos humanos, un diagnóstico en Construcción. JASS, Consorcio Oaxaca, UDEFEGUA y la Alianza Centroamericana para la Transformación de la Cultura Patriarcal. 2009. Pág. 24

Question 3: response from Just Associates (JASS)

810. Según el diagnóstico mesoamericano sobre violencia contra defensoras de derechos humanos.⁴⁵

811. El hecho mismo de reivindicarse como defensoras es un elemento de empoderamiento que permite exigir y defender los propios derechos. Sin embargo muchas mujeres que han tenido que involucrarse en luchas sociales frente a agravios cometidos contra sus familiares (como es el caso de las esposas, madres o hijas de presos o desaparecidos políticos o las familiares de mujeres asesinadas), siguen actuando en el anonimato y sin reconocerse o ser reconocidas como defensoras de derechos humanos.

812. Visibilizar y denunciar públicamente la agresión. Frente a la invisibilidad de las agresiones contra las defensoras, la denuncia pública en diversos medios, es una estrategia que puede inhibir la continuidad de la agresión. A algunas defensoras y sus organizaciones les ha funcionado combinar estrategias de denuncia pública internacional, con manifestaciones públicas a nivel local (marchas, plantones, mítines, etc.). Sin embargo, en algunas ocasiones la visibilidad pública puede aumentar el riesgo, por lo que hay que valorar con cuidado este tipo de estrategias.

813. Medidas personales de seguridad. Cambio de rutas, cambio de horarios, avisar siempre a alguna persona el lugar al que se va, tomar la placa de los taxis, etc. En algunos casos se opta por bajar el perfil de la participación por un tiempo. Estas medidas son más fácilmente tomadas por quienes vienen de la experiencia de las luchas de los ochentas, donde había protocolos y estrategias concretas de seguridad; pero es menos común que las defensoras jóvenes tengan este tipo de cuidados.

814. La solidaridad entre mujeres. Apoyo afectivo, apoyo en el cuidado de hijos e hijas, ofrecer como albergue la propia casa, respaldo para denunciar y enfrentar a los agresores. Hay defensoras que tienen experiencia en situaciones de riesgo y conocen estrategias de protección, sin embargo, esta experiencia no siempre se ha transmitido a las nuevas generaciones.

815. Para muchas defensoras, las organizaciones, colectivos y articulaciones feministas han sido espacios en los que pueden denunciar los casos de violencia con la tranquilidad y confianza de que serán escuchadas y valoradas. Particularmente importantes han sido los espacios lésbico feministas pues muchas veces son los únicos lugares en los que activistas lesbianas pueden expresarse con confianza y respeto.

816. Sin embargo, existen muy pocas organizaciones feministas en la región dedicadas específicamente a la documentación y litigio de casos de violaciones a derechos humanos. Por otro lado, la sobreinstitucionalización de las organizaciones, ha limitado el desarrollo y ampliación de los espacios de autoayuda feminista; tan importantes en décadas pasadas para favorecer la protección y la lucha colectiva de las mujeres y para construir formas de relación más democráticas.

817. Redes comunitarias de seguridad. A pesar de ser entornos y redes que podrían apoyar mucho en la seguridad de las defensoras, en pocos casos se ha intentado establecer medidas de seguridad que involucren al barrio o comunidad.

818. Reconocer las limitaciones personales y organizativas en el momento de tomar un caso que pueda generar algún tipo de riesgo y hacer un análisis de los posibles agresores y las alternativas de protección. Estas medidas pocas veces se ponen en marcha. Por lo

⁴⁵ Violencia contra defensoras de derechos humanos, un diagnóstico en Construcción. Síntesis ejecutiva. JASS, Consorcio Oaxaca, UDEFEGUA y la Alianza Centroamericana para la Transformación de la Cultura Patriarcal. 2009. Pág. 23.

general se asumen los casos por el compromiso personal y organizativo con las víctimas, sin pensar en los posibles riesgos que se puedan enfrentar.

Question 4: response from Just Associates (JASS)

819. Según el diagnóstico mesoamericano sobre violencia contra defensoras de derechos humanos:⁴⁶

820. Seguridad social otorgada por las organizaciones. Una retribución adecuada a la labor de defensa de los derechos humanos, acceso a servicios de salud, fondos de retiro, horarios de trabajo adecuados, son condiciones que mejoran la seguridad y bienestar de las defensoras. Sin embargo, son muy pocas las organizaciones que pueden garantizar esto a sus integrantes.

821. En todos los países hay organizaciones de mujeres que han creado albergues para mujeres maltratadas. Sin embargo estos espacios se utilizan poco para el refugio y la atención física y emocional de las defensoras y sus familias.

822. En algunos países los planes de seguridad son una práctica más frecuente en las organizaciones, como es el caso de Guatemala o, en el contexto del golpe, Honduras; pero otros como México tienen poca práctica en esto.

823. Apoyo de organizaciones de derechos humanos que documentan y llevan casos de violaciones. Sin embargo existen pocas en la región y menos aún que trabajen desde una perspectiva de género.

824. Pactos y alianzas para reconocer y enfrentar la violencia en contra de las mujeres, al interior de los propios movimientos y organizaciones sociales. México y El Salvador tiene experiencias en este tipo de estrategias, sin embargo, los esfuerzos de este tipo son aislados.

825. Contar con redes informales de que pueden apoyar en casos de agresión. Las relaciones personales y de confianza que se han logrado con personas en las instituciones del Estado, las embajadas, el sistema de Naciones Unidas, medios de comunicación, etc., se transforman en alianzas estratégicas al momento de enfrentar una agresión.

826. Impulsar campañas y materiales que desmonten los mitos y prejuicios alrededor del trabajo y valor de las defensoras. Sobre todo el movimiento feminista y lésbico han trabajado mucho en la sensibilización y comprensión de la sociedad, sobre la importancia de los derechos de las mujeres, de las diversidades sexuales; a través de campañas y materiales educativos. También el movimiento trans y de trabajadoras sexuales ha contribuido a combatir los estereotipos y estigmas que están detrás de muchas agresiones a las defensoras.

827. Fondos flexibles de emergencia. Dentro de la filantropía feminista y los fondos de mujeres se ha venido reflexionando sobre la necesidad de recursos para las defensoras que necesiten protección. En algunos casos se han etiquetado algunos fondos específicos para esto. Sin embargo los recursos asignados son insuficientes, muchas veces no pueden ser asignados oportunamente por los procedimientos administrativos y no todos los fondos de mujeres cuentan con este tipo de apoyo.

⁴⁶ Violencia contra defensoras de derechos humanos, un diagnóstico en Construcción. Síntesis ejecutiva. JASS, Consorcio Oaxaca, UDEFEGUA y la Alianza Centroamericana para la Transformación de la Cultura Patriarcal. 2009. Pág. 23.