



Strategic Advocacy
Human Rights

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**Submission¹ to the United Nations Special Rapporteur on the situation of HRD.
Challenges faced by WHRDs working in conflict, post-conflict, or crisis-affected settings.
Questionnaire²**

1. Are you doing human rights work in a conflict, post-conflict, or crisis-affected setting? Please describe the conflict context in which you work.

Yes, we are.

In Afghanistan, before August 2021, the situation could be described as a conflict situation, with the Taliban playing the role of an armed opposition group against the government. The country was considered one of the most dangerous places to work for human rights defenders and humanitarian workers³. Security issues, such as large scale attacks, targeted attacks, as well as kidnappings, targeted harassment and threats were common issues faced by WHRD.

Today, the situation, although ambiguous, could be described as a crisis situation. There is a de-facto government -contested by some sectors of the society and even armed opposition groups like the ARF and the ISISKP.

In Colombia, according to the [ICRC](#) (2022), there are six non-international active conflicts. A situation where non-state armed groups are fighting against each other, and also, are fighting against the state. In addition, since 2016 due to the peace process agreement, there is also a post conflict situation right now which involves an incomplete peace implementation and the challenges from all those activities and stages, including a protection crisis.

In Kenya, there are many differences between communities and cultures, where people are fighting to show who is right and who dictates the rule of law and what people can do or not. The context is based on traditions, customary law and religious law. Further the state of violence against women and LGBTQI people could also be considered a state of crisis.

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² This submission is going to be reflective of the situation in three different countries as examples: Afghanistan, Argentina, Colombia and Kenya.

³ The Women, Peace and Security Index, 2021, URL: <https://giwps.georgetown.edu/the-index/>

As particular consequences, there are protection risks from or post conflict related violence which directly affected WHRDs, making for example, impossible to continue working on the field, becoming victims of the deprivation of human rights such as freedom, education, work, and a dignified life.

2. What challenges does the conflict, post-conflict or crisis situation present to your work as an activist?

Unsafe working conditions, demands from governments and non-state armed groups, the threats, the lack of protection from the State, the lack of support system and political support – make the profession for women in this context, unfavourable and oftentimes, risky and dangerous.

Even if WHRDs are from different countries and contexts, the challenges they face are always the same:

- Hostilities from the government/community
- Impunity
- Stigma, including harmful anti-gender narratives and defamation, using gender stereotypes to question and delegitimize them.
- Targeting including family members
- Disappearances
- Hostilities
- Killings
- Threats
- Intimidation
- Gender based-violence, physical harassment and psychological abuse
- Lack of legal representation
- Lack to access to remedies
- Lack of recognition and documentation of the issues against them

And the reason, apart from religion, culture, conflict situation or laws, is because countries and especially governments are fearful and believe that WHRDs can destabilise the country. It is for this reason that they try by all means to make them even more vulnerable, to keep them always under control, out of the public sphere, without a say in decision making and without the capacity or means to protect and defend their rights and the rights of others.

3. What is the impact of your work in your view; do you believe the work you are doing, in broad terms, is contributing towards promoting and protecting human rights and/or building sustainable peace?

Yes. All the activities at least, at the very minimum, raise awareness. It is very important for society to be aware of the fact that there is not just one version of governance, democracy, model of peace, religion, culture or way of life.

For example, before the Taliban came to power, in Afghanistan there were a lot of activities aiming at contributing to sustainable peace, which included women and girls as allies to solve conflicts and to raise media and fundraising campaigns. Women were so empowered that they also were involved in peace negotiations.

Now, the situation is very difficult and different. Women in Afghanistan are telling the world what's happening to them, showing there is not only one truth. WHRDs explain the situation, and lived realities of women, differently. Particularly WHRDs in Afghanistan are describing and linking the violence against women in Afghanistan as an issue concerning international peace and security. They are also, in collaboration with women in Iran, capturing and defining the term gender apartheid to describe the situations of Iran and Afghanistan, and, call for recognition and action.

Another example is Francia Márquez in Colombia. A female leader, afro, WHRD, land restitution defender, and also, a victim. She worked for more than 20 years defending and protecting her rights and the rights for her community, and now, she's the vice-president of the country.

In Kenya, there are changes though the evolution appears small and incremental. Women have been appointed as experts in law and policy review work on sexual and gender-based violence. At the grassroots, WHRDs and HRDs of diverse backgrounds are working together, confronting and collaborating with their community, local police and local government to proactively protect women from violence and discrimination and find new avenues and ways to overcome barriers in access to holistic legal and social justice.

4. How do any of the following increase the risks you face as a WHRD working in a conflict, post-conflict, or crisis-affected setting: your ethnicity, race, religion, identity, sexual orientation and gender identity, disability, gender, age, geographical location, class, social status, or profession?

Women's gender is the most important factor in all aspects -conflict, post conflict and crisis affected settings- which increases, compounds and determines the risks for WHRDs.

But, each context is unique and complex on its own and they raise specific situations and vulnerabilities for the WHRDs working within them. They are not silos; they are a mix of vulnerabilities that intersect and configure new and more difficult vulnerabilities. For example, being a black, transgender, or ethnic minority woman in one context increases the risks faced to that person when compared to a woman without those vulnerabilities.

In the case of Afghanistan, being a woman in itself is wholly determinative as women are regarded as the property of man. The misuse of religion and the new de facto laws for example have prohibited women from leaving the home, working, studying, working in an NGO and even working as a lawyer to defend the rights of women. Even women cannot debate or participate in a meeting to discuss politics, laws or other important issues of their own country with other men. The government will not listen to WHRDs because women are considered intellectually deficient and should also therefore concern themselves with matters of the home and reproduction only. Also, due to gender norms, it is difficult as a woman to be accepted into conversations to discuss peacemaking.

In Argentina, there is systematic violence within social networks, directed towards WHRDs and activists, who express themselves about gender issues⁴. This violence is not isolated and is not committed by a particular individual, it is committed by groups of people who operate anonymously in these networks with extreme violence, identifying women or LGBTIQ human rights defenders in order to threaten, dehumanise

⁴ <https://www.pagina12.com.ar/376013-ataques-coordinados-en-redes-a-feministas-como-operan-los-tr>

and harass them until the defenders decide to close their social networks and stop playing an active role in gender violence.

In Colombia, WHRDs working in conflict contexts on the field are many times used like “war weapons”. It means that if they are kidnaped, or if they get involved in trouble with a non-state armed group, they can be sexually assaulted, threatened and also, killed, just to send to the community a message of fear and revenge.

In Kenya, there's a difficult balance between statutory laws and cultural norms on gender. Many WHRDs are harassed which makes it difficult for them to offer their services.

Laws are really strict with activism. You need permission from the police which is rarely granted. On many occasions, the police often antagonise activists, ending in targeted attacks.

5. Are there particular types of work you do in this context that may increase the risk you face, for example documentation of violations; advocacy – local, national, or international; supporting victims directly; being part of movements seeking accountability?

By definition, being a WHRD is always a risky activity. Activities which require accountability and justice for perpetrators of violence, or, state omission or state perpetration are riskiest because such successful efforts can lead to imprisonment, disciplinary action of individuals, and in the case of state, it can lead to political fall-outs, loss of confidence by the public and eventually loss of power.

6. What barriers have you faced in participating in peace processes? What steps would you recommend that would enable you to participate in the future?

In Afghanistan, they don't accept women because “peace belongs to man, not to women”.

No one implements law, this is the main problem. In the country, the culture is based on the ideas of a man and government decisions should not be made by women.

To mention some steps that would enable WHRD to participate in the future:

- To allow active and systematic consultation with local actors and leaders, including women's organisations of civil society.
- To facilitate spaces for dialogue with other WHRD. Peer to peer/peer exchange between different agencies and organisations of women.
- To create women's ministries or secretariats at the local and national levels to empower women and consolidate their positions, achievements and achievements.

7. Do WHRDs operate in a safe physical and virtual environment? What steps do you as a WHRD take to mitigate the risks that you face in your work?

No. Socio-economic, religious, political and patriarchal disparities create unsafe physical and virtual environments. Many women human rights defenders experience sexual and physical harassment and assault but are forced to cope with it or keep silent, for fear of reprisals against them, to keep their jobs, or because of the lack of laws and authorities to support their reports and initiate actions to stop these situations.

There are many challenges regarding the geographical location which makes it more difficult to have or implement activities in the field. Also, it is very difficult to denounce and seek help from the government/authorities because of the distance between rural and urban areas.

There is also lack of regulation for platforms/apps, and the difficulties that social networking companies do not have offices in many countries. Likewise, media attacks and online abuse are not sanctioned or properly investigated by the judicial system, resulting in the silencing of the attacks.

8. What are protection gaps for women human rights defenders in the area where you work? What further protection measures would you like to see:

- from states?
- from the UN?
- from civil society?
- from your community?

In general, there are no safe spaces for women to talk about their own issues and many courts and judicial systems are lacking a differential/gender approach.

In Afghanistan, the Taliban who is the main perpetrator of violence and discrimination against WHRDs is the de facto government. UN agencies are still in Afghanistan and they can support women to the extent that the Taliban require the UN to be present for humanitarian support. However, in 2023, female employment within the UN itself was prohibited. In the case of Afghanistan, regional states play a major role but as women's rights have been politicised and are seen as western rhetoric, regional states do not take western condemnation and demand for change seriously. Also without a security or economic incentive, regional countries are not concerned about the status of women. Sustained protection measures will require stronger support by regional governments on that front, even if through backdoor diplomacy.

In Argentina, violence against WHRDs discourages the work of WHRDs. Currently, there are no effective tools to identify the perpetrators and put an end to this type of action.

In Kenya, they would see from the government, jurisprudence that seeks to promote and uphold the rights of women, further ruling or decisions drafted with a gender lens taking into consideration the various intersections.

Governments must work together and with authorities to reduce impunity rates and be able to properly investigate cases to punish the perpetrators, and facilitate access to justice. For prevention, more work needs to be done to also bridge the gap (both the trust and communication gap) between WHRDs and governments.

From civil society, it is important to collaborate in raising awareness of the work of women human rights defenders, highlighting their contributions in conflict resolution, in the development and implementation of strategies for the benefit of the communities.

9. Have you been able to access funds and donors in general? If not, what obstacles have you been facing?

Women and small organisations are not able to get access to funds and donors easily and funding remains heavily concentrated in western-led INGOs. Such funding allocations may also have roots in racial bias, post-colonial concepts of the "developing world" and unconscious bias.

In Afghanistan donors are really interested in supporting WHRDs due to women-led advocacy. Noting this however, 77% of civil society collapsed after the Taliban took over. Implementation of the projects themselves is more challenging due to Taliban policies, making it difficult to even speak about women's rights.

10. Do you, and WHRDs in your country in general, have access to effective remedies to human rights violations that take into account the gender-specific barriers women may face when reporting attacks and seeking justice? Are investigations of threats and attacks against WHRDs carried out promptly and exhaustively, and are they adequately prosecuted?

No.

In Afghanistan, WHRDs cannot speak publicly about violations they have endured. For example, some of the WHRDs who were detained and later released, were imposed with a gag order and prohibited from travelling or participating in human rights activities. Many WHRDs are also under surveillance.

In Argentina, crimes which are committed against WHRDs are categorised as "contraventions", giving them a minor connotation. This is compounded by the lack of regulations, enabling this systematic action with practically no consequences for the offender and leaving women defenders without effective tools for their protection.

In Kenya, the state does not have the capacity to ensure that WHRDs receive remedies.

Within states, there is insufficient understanding of the risks that WHRDs face, and, language under international law does not comprehensively address and capture this face of the women's crisis.

Whilst there is a growing recognition of "survivor rights" in the field of women's international human rights, the concept of the right of a WHRD to civil society activism, and participation in governance, democracy, implementation of the rule of law is a concept not fully developed.