

WE HAVE THE RIGHT TO DEFEND OUR RIGHTS!

OBJECTIVE

To become familiar with and recognize not only national and international laws and instruments that protect our rights as women and as human rights defenders, but also strategies that can help make our rights a reality.

ESTIMATED
TIME

4 hrs / 30 min

MATERIALS

Flipcharts, markers,
colored cards

The Report of the Special Rapporteur states:

13. The Declaration on Human Rights Defenders sets forth the rights of human rights defenders and stipulates that everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Report of the Special Rapporteur on the situation of Women Human Rights Defenders.

Note for the facilitator: For this topic, prior to the session the facilitator should do some simple research into the laws protecting human rights in the country in which they are conducting the training: for example, whether or not the government(s) have signed and ratified the international conventions and standards for women's rights; whether there are laws or protocols for the protection of human rights defenders, etc., and how women and their movements helped get these laws passed.



SESSION 1. 1 hour / 30 minutes.

National and international legal frameworks that protect women's rights.

Activity: Recognizing our knowledge and contributions.



Introduction:

We will explore the contributions that women have made to the enactment of laws and policies favorable to our human rights. First, we will recognize and share our knowledge about these efforts. As you will see, this activity will be a challenge for all of us since women's contributions and public participation are not always sufficiently visible and valued.

Step 1.

In pairs, participants respond to the following questions, using different colored cards for national and international levels of engagement.

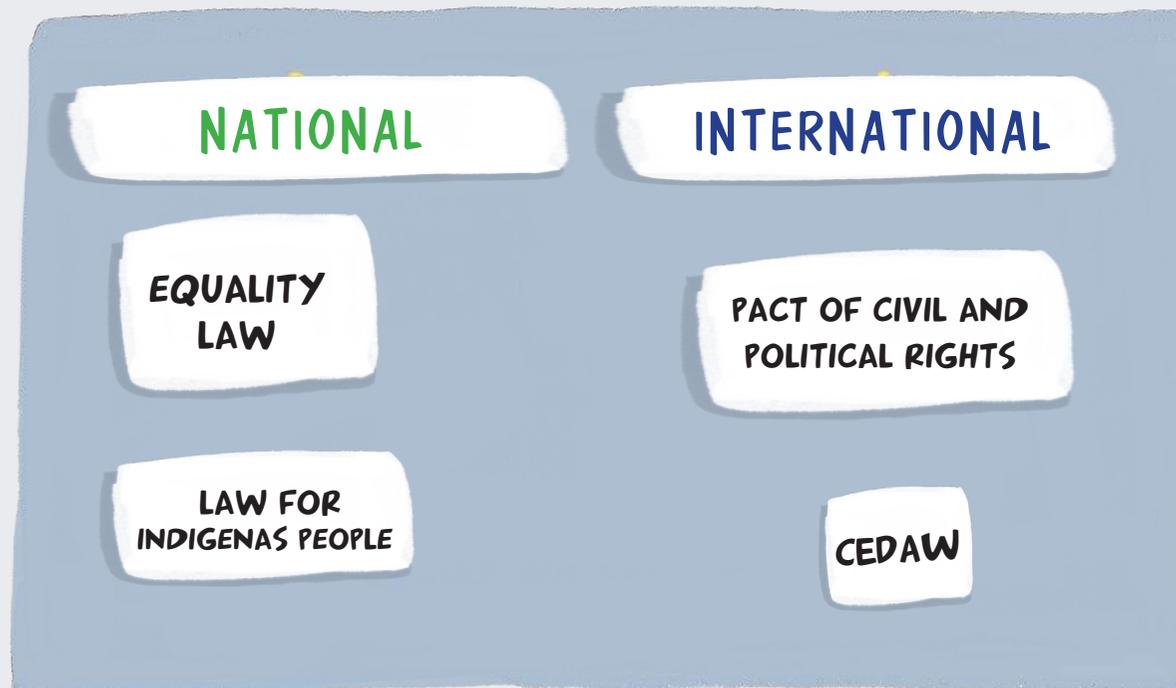
Do you know of any national human rights laws or policies to which women have contributed? If so, can you mention one? (Write it on a card.) How did women contribute to its creation?

Do you know of any international human rights instruments to which women have contributed? If so, can you mention one? (Write it on a different colored card.) How did women contribute to its creation?



Step 2.

The responses are shared in plenary and the cards are taped to the wall, distinguishing the national laws and policies from the international ones. This discussion provides the basis for the following activity.



Activity: Participatory presentation to expand and deepen knowledge

Preparatory Step:

The facilitator develops a presentation on the following text using as references the previous research that was prepared on national laws.

Note: The following text is divided in three parts. At the end of each part, there are a few questions that the facilitator can ask the group after presenting the section's content. To make the presentation more dynamic, the facilitator can write the central ideas and illustrations on newsprint or project them on a PowerPoint screen that everyone can see. A song or poem might be used to motivate the group.

Step 1.

The facilitator gives the prepared presentation and asks the group the related questions after each part. An optional Power Point presentation can be found at this link:

https://justassociates.org/sites/justassociates.org/files/presentation_our_rights_our_safety.pdf

WOMEN → **ORGANIZING AND ADVOCACY**

- **LAWS**
- **RULES**
- **PROTOCOLS**

HOW WOMEN FOUGHT TO GET THE VOTE?



WOMEN'S CONTRIBUTIONS TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS LEGAL FRAMEWORKS

First part

Women contribute to the construction of laws, standards, protocols and various mechanisms for advancing human rights. While our governments often fail to respect our rights or comply with the laws that protect them, it is important to remember that no law supporting women's rights has been passed without a previous struggle, without women who have raised their voices, organized and challenged power and traditional norms. For example, we need to remember the decades of struggle carried out by millions of women around the globe to obtain the right to vote, country by country, each victory inspiring the efforts of others.



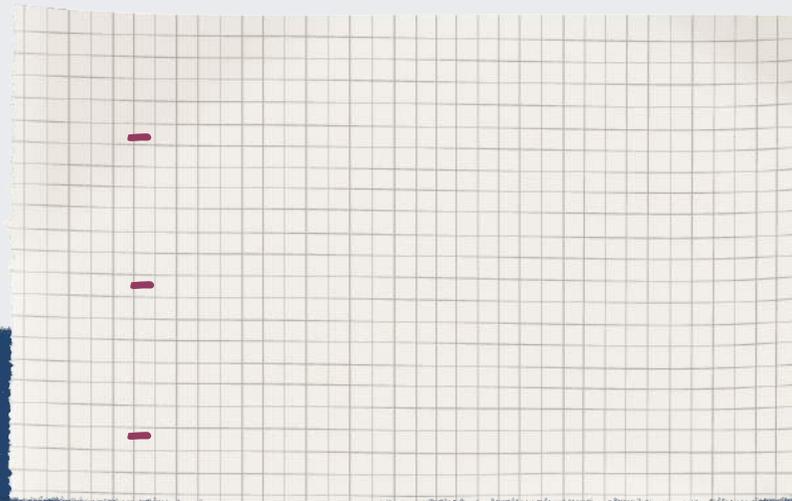
QUESTIONS TO THE GROUP:

Do you remember how women struggled to get the vote here in this country? Do you remember the names of some of the women who participated in that struggle? If so, say them out loud so we can honor them.



In this country, women, their communities and organizations have pushed for the enactment of important laws for the full recognition of our human rights. Despite the resistance and obstacles that we face in their implementation, these are achievements that we must acknowledge and use in our strategies for change.

In addition to the laws that the group mentioned in the earlier exercise, other important laws are:



HERE



The facilitator adds additional information she has researched about country-specific laws to which women have contributed over the years. Write each of these laws on a card and add them to those that the group mentioned in the previous activity.

Second part

Now let's learn about experiences from other places, where women's efforts made it possible to establish laws and policies supporting their rights. These experiences are inspiring!



- In **Colombia**, after the 2016 Peace Agreements between the guerillas and the government were signed, women were able to get the Gender Subcommittee established as a mechanism to incorporate women's rights, demands and needs.

- In **Indonesia**, a country where female heads of household are not allowed the same rights as males, the organization PEKKA succeeded in getting women granted legal

status as recognized as heads of household. Obtaining this legal documentation is a prerequisite to accessing social services.¹



¹ Zulminarni, Nani, Valerie Miller, Alexa Bradley, Angela Bailey, and Jonathan Fox. 2018. "Movement-building for Accountability: Learning from Indonesian Women's Organizing." Accountability Research Center, Accountability Working Paper 3 https://accountabilityresearch.org/wp-content/uploads/2018/10/WP3-Indonesia_Oct18_web-1.pdf



- In South Africa, because of the colonization and racist apartheid regime, women lost their right and access to land. When apartheid was eradicated, legal changes in land tenure did not guarantee that women would gain access to homes and land. Thanks to women's organizing, the law allowing this inequality was changed. Traditional authorities often refuse to recognize this legislation, however, so women continue to struggle.

- In Syrian Kurdistan, despite living in a context of war and violence, women were able to get child marriage and polygamy banned in their communities. In addition they established a system in which each leadership position must be jointly held by a man and a woman.



QUESTIONS TO THE GROUP:

What do you think of these examples? Do you know of any laws from other countries that women's struggles have made possible and that have advanced the rights of women and those of their people? What are some?

Third part

Women's struggles for the recognition and expansion of their rights have also led to international achievements. One of the most important was the enactment of the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**.

QUESTIONS TO THE GROUP: Who is familiar with the Convention on the Elimination of All Forms of Discrimination against Women? Please raise your hand.

Perhaps you wonder why it is so important. Let's look at some of the reasons:

- Approved by the United Nations in 1979, CEDAW has been signed and ratified by 187 countries, which is 96% of those in existence! It is a binding instrument, which means that ratifying States have a legal obligation to comply with it.
- It establishes the obligation of the States to eliminate "...any distinction, exclusion or restriction made on the basis of sex ...in the political, economic, social, cultural, civil or any other field...", i.e., [and] to eliminate all forms of discrimination against women.
- Its aim is to achieve equality, -- that men, women and all persons are born with equal dignity and

rights. Equality also means that the diversity of people's identities and needs cannot be grounds for discrimination.

- In each of the 187 countries, many women and feminist collectives and organizations have used CEDAW not only to advance laws supporting their rights but also to legitimize equal rights and conditions between men and women, and to demand effective governmental policies and actions.

QUESTIONS TO THE GROUP: Do you know if your country has ratified CEDAW?

Additional relevant aspects of CEDAW in Spanish can be found at: Alda Facio. CEDAW en 10 minutes. UNIFEM
<http://americalatina.genera.org>



SESSION 2. 1 hour / 30 minutes.

Exercising our right to defend our rights.

Activity: Reflection to explore our strategies.

Introduction:

We know that defending, protecting and disseminating human rights and, in general, fighting for justice, equality and peace is a right that all people have and that it is expressed in rights related to freedom of expression, assembly, association, etc. We also know that the right to defend human rights is not respected by many of our governments or by those group and persons who oppose our participation. Given this reality, we have developed a variety of strategies to exercise our right to defend our rights.



Step 1

In small groups answer these questions:

What obstacles have we encountered as women in exercising our right to defend human rights (in our families, our organizations, our communities and with the State)?

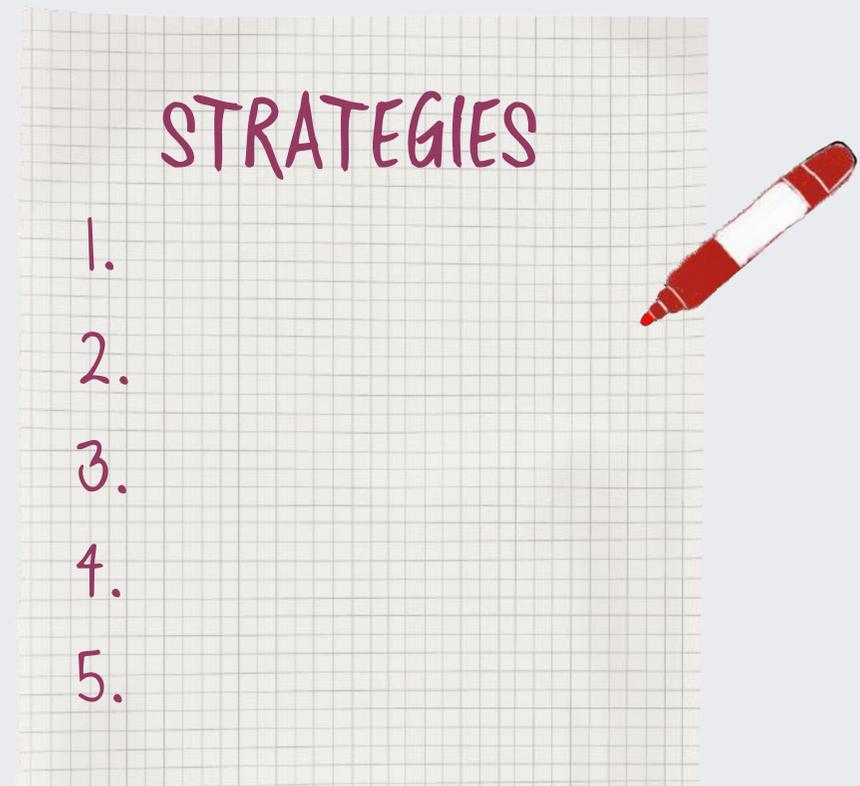
What strategies have we used personally and collectively to assert our right to defend human rights and to overcome any obstacles (to protest, to speak freely, to organize, to demonstrate in public, etc.)?

Step 2

Identify the strategies that are common to the small group.

Step 3

Think about what symbols or images can be used to represent these strategies. On sheets of colored paper, sketch drawings or symbols that represent these.



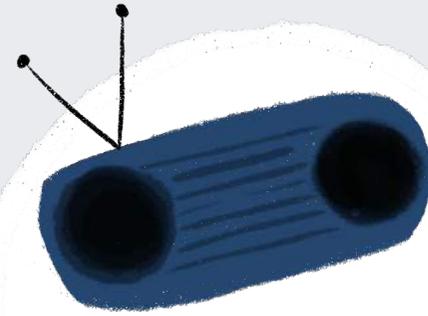
IDEAS:



SPEAKER
Protest



CAMP FIRE
Shelter



RADIO
Community watch



YARN
Group of women

Step 4

In plenary, share and explain the drawings and symbols. These images may be left in the meeting room or exhibited in the organizations' headquarters, as they represent the strength, the ideas and the ways in which we manage to participate and enforce our rights as human rights defenders.

SESSION 3. 1 hour / 30 minutes.

Understanding the legal framework for the defense of human rights.

Activity: Reading and group reflection on the right to defend rights in the local context.

Step 1

The facilitator provides each participant with a copy of the following text. Enough time is allotted to read it. If the group or a participant has reading difficulties, it is important that they receive support for this exercise, such as reading it aloud together.



TEXT: Understanding the UN Declaration on human rights defenders and other instruments for defending our right to defend human rights.

In 1998, United Nations General Assembly unanimously adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (abbreviated as the Declaration on human rights defenders). Thanks to the work of human rights organizations, this Declaration established that promoting, disseminating and defending human rights is a right in itself, as can be seen in the following table.¹

Art. 5. For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- a) To meet or assemble peacefully;
- b) To form, join and participate in non governmental organizations, associations or groups;
- c) To communicate with non-governmental or intergovernmental organizations.

Art.6. Everyone has the right, individually and in association with others:

- a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms.
- b) To freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms.
- c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms.

¹ Resolution A/RES/53/144: <https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

While it is not a binding or mandatory instrument, [State compliance is not mandatory], it contains a series of principles and rights from other international instruments that are legally binding, such as the International Covenant on Civil and Political Rights.

To make this Declaration useful to women, feminist and human rights organizations succeeded in getting the United Nations General Assembly to approve a Resolution on Women Human Rights Defenders, adopted on December 18, 2013. This Resolution recognizes the important participation of women in the defense of human rights. It also notes with concern the particular threats and harassment directed at women human rights defenders and establishes different measures that States must take to protect them.²

Due to the pressure of civil society organizations, some countries have established specific laws and mechanisms at the national level to protect human rights defenders. Here are two examples:

→ In Mexico, the Act for the Protection of Human Rights Defenders and Journalists³ was passed in 2012. This law requires authorities to implement measures to ensure the life, physical integrity and safety of persons at risk as a result of their work. Colombia, Brazil, Honduras and Guatemala also have official protection mechanisms.

→ In Mali, the National Act on Human Rights Defenders was enacted in 2017. This law contains provisions to foster an environment conducive to the work of defenders. The Ivory Coast and Burkina Faso also have legal systems to protect defenders.⁴

Unfortunately, the application and enforcement of these protection mechanisms has been very weak. Throughout the world, impunity in cases of violence against defenders is very high, and women activists, indigenous and environmental defenders, and LGBTI activists are among the most affected.

² This Resolution can be found at: https://www.ishr.ch/sites/default/files/article/files/roughguide_unresolutionwhrds_0.pdf

³ For further information in Spanish: <https://www.gob.mx/segob/documentos/conoce-mas-sobre-el-mecanismo-de-proteccion-de-personas-defensoras-de-derechos-humanos-y-periodistas>

⁴ For further information: <https://www.ishr.ch/news/mali-ground-breaking-new-law-strengthens-legal-protection-human-rights-defenders>

In some regions of the world, regional human rights organizations exist that help interpret and monitor the full implementation of international human rights standards in the regional context. These systems have been used by human rights organizations and activists when their rights have been violated and they have not found justice in their own country. In some cases, these systems can require States to implement urgent protective measures when a person, community or organization requires this action to safeguard their life and physical integrity.

- ➔ In the Americas, there is the Inter-American System for the Protection of Human Rights.
- ➔ In Europe, the European Council, the European Union and the Organization for Security and Cooperation in Europe, each has its own regional human rights mechanisms and instruments.
- ➔ In Africa, there is the African Charter on Human and Peoples' Rights and the African Court of Human and Peoples' Rights.

For further information, consult: A Rough Guide to the Regional Human Rights Systems <https://www.universal-rights.org/nyc/human-rights-rough-guides/a-rough-guide-to-the-regional-human-rights-systems/>

Step 2

In small groups, answer the following questions:

What laws can we identify at the national level that protect the right to defend human rights (e.g. those related to freedom of expression, assembly, association, etc.)?

Are these laws enforced?

Do we know if there is an official mechanism or specific policies to protect persons who defend human rights in our country?

What obstacles do we women face in gaining access to this mechanism?



Step 3

In plenary, each group presents two or three of the reflections that arose from discussing the questions. The participants then reflect upon the question.

What can we do in our country to increase the respect for rights and the protection of human rights defenders?

Step 4

The facilitator summarizes the most important reflections.

Closing

Synthesis of the session. The facilitator briefly reviews the entire session, mentioning the main laws that were identified and the strategies and symbols that participants use to exercise their right to defend rights.



**RIGHTS AND
LAWS**

TO ASSEMBLE

**TO COMMUNICATE
WITH ORGANIZATIONS**

TO SPREAD OPINIONS

**TO RECEIVE PROTECTION
AS A DEFENDER**

TO SAFEGUARD INTEGRITY