

Elements for a draft resolution - protecting women human rights defenders

The General Assembly,

PP1. *Guided* by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and other relevant instruments, including the Convention on the Elimination of all forms of Discrimination against Women (CEDAW),

PP2. *Recalling* its resolution 53/144 of 9 December 1998, by which it adopted by consensus 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 annexed to that resolution, and reiterating the fundamental importance of this Declaration and its promotion and implementation, (Ref: A/RES/66/164 pp1)

PP3. *Recalling also* all previous resolutions on this subject, including resolution 66/164 of 19 December 2011, and Human Rights Council resolutions 16/5 of 24 March 2011 and 22/6 of 21 March 2013, and acknowledging the attention given by the Human Rights Council to the importance of women human rights defenders and of enabling their work in recent resolutions and the panel debate convened in June 2012, (Ref: A/RES/66/164 pp2)

PP4. *Recalling further* the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action and their review outcomes, as well as the agreed conclusions and resolutions of the Commission on the Status of Women,

PP5. *Acknowledging* that women who engage in defense of all human rights and all people who engage in defense of rights of women and rights related to gender, individually and in association with others, play an important role, promoting and striving for the protection and realization of human rights and fundamental freedoms at the local, national, regional and international levels,

PP6. *Noting with deep concern* that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats and harassment and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of civil or criminal proceedings, (Ref: A/RES/66/164 PP3)

PP7. *Gravely concerned* that women human rights defenders are at risk of and suffer violations, including systematic violations of their fundamental rights to life, liberty and security of person, to psychological and physical integrity, to privacy and respect for private and family life, to freedom of expression and opinion, association and peaceful assembly, and in addition can experience gender-based violence, rape and other forms of sexual violence, harassment and verbal abuse, and attacks on reputation, online and offline, at the hands of State actors, including security forces, and non-State actors, in both public and private spheres, (Ref: A/HRC/16/44)

PP8. *Deeply concerned* that historical and structural inequalities in power relations and extremism have direct implications for the status and treatment of women, and that some women human rights defenders' rights are violated and their work stigmatized accordingly under social norms that serve to condone violence against women or perpetuate practices involving such violence, (Ref: VDPA part II para 38, A/RES/65/187:pp11, A/RES/67/146, A/HRC/16/44, CSW 57:B jj)

PP9. *Gravely concerned* that impunity for violations against women human rights defenders persists due to factors including a lack of reporting, documentation, investigation and access to justice, taboos around gender-specific violations such as sexual violence and the stigmatization that may result from such violations, and a lack of recognition of the legitimate role of women human rights defenders, all of which entrench or institutionalize forms of gender oppression, (Ref: A/HRC/16/44)

PP10. *Aware* that information technology-related forms of violence against women and women human rights defenders, including online harassment, cyber stalking, privacy violation, censorship and hacking of email accounts, mobile phones and other electronic devices with a view to discrediting them and/or inciting other violations against them, are a growing concern and manifestation of systemic gender-based discrimination, requiring effective and human rights compliant responses, (Ref: A/HRC/23/50, A/HRC/23/40 para 45, E/CN.6/2013/4:15, CSW 57)

PP11. *Further concerned* that all forms of discrimination, including racism, racial discrimination, xenophobia, and related intolerance, can lead to the targeting or vulnerability to violence of women human rights defenders prone to multiple, intersecting or aggravated forms of discrimination and disadvantage, (Ref: (A/HRC/Res/14/12: PP9, A/HRC/Res/17/11: PP11)

PP12. *Recalling* the obligation of States to take concrete steps to prevent threats, harassment, violence, including gender-based violence, by State and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms for all, including women human rights defenders in this regard, who face particular risks of violence, (A/HRC/Res/13/13: PP7, CSW 57th: az)

PP13. *Mindful* that domestic law and administrative provisions and their application should enable the work of women human rights defenders, including by avoiding any criminalization or stigmatization of the role, behaviors and activities of women human rights defenders and the communities of which they are a part or on whose behalf they work, as well as avoiding impediments, obstructions, restrictions or selective enforcement thereof contrary to international human rights law, (Ref: A/HRC /Res/22/6: PP10, A/HRC/16/44: 70)

PP14. *Reaffirming* that the empowerment and autonomy of women and the improvement of their political, social and economic status are essential to the respect of all human rights, the achievement of representative, transparent and accountable government, democratic institutions, and sustainable development in all areas of life, (Ref: A/Res/58/142; PP7)

PP15. *Welcoming* the opportunity afforded by the Post-2015 Development Agenda for the global community to advance the human rights and fundamental freedoms of all persons, including gender equality and non-discrimination;

1. *Calls upon* all States to promote, translate and give full effect to 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, including by taking robust and practical steps to protect women human rights defenders; (Ref: A/RES/66/164 op1, op11)

2. *Welcomes* the reports of the Special Rapporteur of the Human Rights Council on the situation of human rights defenders, including A/68/262, A/67/292, and A/HRC/16/44 related to the situation of women human rights defenders, and *recalls with appreciation* related reports of

her predecessor, the Special Representative of the Secretary-General on the situation of human rights defenders, including E/CN.4/2002, A/61/312, A/HRC/4/37; (Ref: A/RES/66/164 pp2)

3. *Stresses* that respect and support for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights, and *condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms; (Ref: A/HRC/RES/22/6 pp9, A/RES/66/164 op3)

4. *Expresses particular concern* about systemic and structural discrimination and violence faced by women human rights defenders, and *calls upon* States to take all measures necessary to ensure their protection and to integrate a gender perspective in their efforts to create a safe and enabling environment for the defense of human rights; (Ref: A/HRC/RES/22/6 OP12, A/RES/66/164 OP4)

5. *Urges* States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy and the rule of law, as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against women human rights defenders; (Ref: A/HRC/RES/22/6 op5, A/HRC/Res/14/12:op7 and A/Res/67/144 pp13)

6. *Calls upon* States to exercise due diligence in preventing violations against women human rights defenders and in combatting impunity by ensuring that violations, including gender-based violence, committed by State and non-State actors, online as well as offline, are promptly and impartially investigated, prosecuted and punished; (Ref: A/Res/67/144 OP11; A/HRC/Res/13/13 PP7, A/HRC/16/44)

7. *Calls upon* States to ensure that the promotion and protection of human rights are not criminalized or met with limitations in contravention of international human rights law, and that women human rights defenders are not prevented from enjoying universal human rights owing to their work, including by ensuring that all legal provisions, administrative measures and policies affecting women human rights defenders are clearly defined, determinable and non-retroactive, and that legislation aimed at preserving public morals is compatible with international human rights law; (Ref: A/HRC/Res/22/6: op11)

8. *Urges* States to promote and protect the human rights of all women including their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence; and adopt and accelerate the implementation of laws, policies and programmes which protect and enable the enjoyment of all human rights and freedoms, including their reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and their review outcomes; and *reiterates* the right of anybody, individually and in association with others, to promote and protect the human rights of all women; (Ref: CSW 57th session para B nn)

9. *Underlines* the fundamental principle of the independence of the judiciary, and that procedural safeguards must be in place in accordance with international human rights law, in order to protect women human rights defenders from unwarranted criminal action and sanction as a result of their work in line with the Declaration referred to in paragraph 1 above; (Ref: A/HRC/Res/22/6 OP11)

10. *Further underlines* the need for all appropriate measures to be taken to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and other practices based on the idea of inferiority or superiority of either of the sexes or on stereotyped roles for men and women, in accordance with international human rights law, thereby addressing harmful attitudes, customs, practices and gender stereotypes that underlie and perpetuate violence against women and women human rights defenders; (Ref: CEDAW art 5a, A/HRC/Res/14/12: PP8)

11. *Urges* States to strengthen and implement legal, policy and other measures to promote gender equality, empower women, promote their autonomy, and to promote and protect the equal participation and full involvement and leadership of women in society, including in the defense of human rights, and to facilitate their active participation in decision making processes, including peace, transitional justice, political transition, constitutional reform processes, and development; (Ref: A/HRC/Res /14/12 OP3, A/HRC/RES/15/23 OP9, A/HRC/RES/23/25 OP15)

12. *Invites* leaders in all sectors of society and respective communities, including political, military, social and religious leaders, and leaders in business and media, to express public support for the important role of women human rights defenders and the legitimacy of their work; (Ref: A/HRC/RES/22/6 OP18)

13. *Calls upon* States to implement, effectively and expeditiously, Security Council resolutions 1325(2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010) and 2106 (2013) on Women, Peace and Security, including through the provision of gender-specific training for police officers and law enforcement personnel, inter alia, on the barriers women human rights defenders face to access justice, as a step towards the effective protection of women human rights defenders; (Ref: A/HRC/Res/14/12 OP17)

14. *Strongly calls upon* all States to refrain from, and ensure adequate protection from, any act of intimidation or reprisals against women human rights defenders who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates; (Ref: A/HRC/RES/22/6: OP14a, A/HRC/RES/24/..)

15. *Urges* States to develop and put in place comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women human rights defenders, including by providing adequate resources for immediate and long-term protection and making sure that these can be mobilized in a flexible and timely manner to guarantee effective physical and psychological protection, while also extending protection measures to the children and other dependents of women human rights defenders and otherwise take into account the role of many women human rights defenders as the main or sole caregiver in their families;

16. *Emphasizes* the need for participation of women human rights defenders in the development of effective policies and programmes related to their protection, recognizing their autonomous agency and expertise on their own needs, and to create and strengthen mechanisms for consultation and dialogue with women human rights defenders including through establishing a focal point for human rights defenders within the public administration; (Ref: A/HRC/Res/14/12 PP7, A/HRC/Res/13/13: OP5, A/HRC/16/44: 109)

17. *Urges* States to adopt and implement policies and programmes that provide women human rights defenders with access to effective remedies, including by ensuring:

- a) effective participation of women human rights defenders in all initiatives to secure accountability for past abuses, including transitional justice processes, and ensuring that the guarantee of non-recurrence incorporates overcoming the root causes of gender-based violations in everyday life and institutions; (*Ref: A/HRC/23/50: 97 d iv*)
- b) adequate access to comprehensive support services, including shelters, psychosocial services, counseling, medical care, and legal and social services; (*Ref: A/Res/67/144: OP1*)
- c) that women human rights defenders who are victims of sexual and other forms of violence are attended to by personnel with gender sensitivity and expertise, and consulted during each step of the process; (*Ref: A/HRC/16/44 109 pt 8*)
- d) that women human rights defenders are able to avoid and escape situations of violence, including by preventing the recurrence of such violence in the exercise of their important and legitimate role in accordance with the present resolution; (*Ref: A/HRC/Res/14/12 OP5*)

18. *Further* urges States to promote and support projects to improve and further develop the documentation and monitoring of cases of violations against women human rights defenders, and provide adequate support and resources for those working to protect women human rights defenders, including government agencies, national human rights institutions, civil society, as well as national and international non-governmental organizations; (*Ref: A/HRC/16/44: 109 pt 6, A/HRC/16/44: 109 pt 7*)

19. *Encourages* national human rights institutions to support the documentation of violations against women human rights defenders, and to integrate a gender dimension in the planning and implementation of all programmes and other interventions related to human rights defenders, including through consultations with the relevant organizations; (*Ref: A/HRC/16/44 para 110*)

20. *Encourages* regional protection mechanisms to promote projects to improve and further develop the documentation of cases of violations against women human rights defenders, and to ensure that the programmes for the security and protection of human rights defenders integrate a gender perspective and address the specific risks and security needs of women human rights defenders; (*Ref: A/HRC/16/44 para 111*)

21. *TBD (paragraph on supporting action by the UN system)*

22. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur on human rights defenders for the effective fulfillment of the mandate, including through country visits; (*Ref: A/Res/66/164 OP15*)

23. *Requests* the Special Rapporteur on human rights defenders to continue to report annually on her activities to the General Assembly and to the Human Rights Council, in accordance with the mandate; (*Ref: A/Res/66/164 OP16*)

24. *Decides* to consider the issue at its seventieth session under the item entitled “Promotion and protection of human rights”. (*Ref: A/Res/66/164 OP17*)