

# REPORT ON THE CHALLENGES FACED BY WOMEN IN CIVIL SOCIETY IN AFRICA



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## **LIST OF ABBREVIATIONS**

CEDAW – Committee on the Elimination of Discrimination against Women

CSO – Civil Society Organisations

LGBTI – Lesbian, Gay, Bisexual, Transgender and Intersex

NGO – Non-Governmental Organisation

OAU/AU – Organisation of African Unity / African Union

UN – United Nations

WHRD – Women Human Rights Defenders

WOZA – Women of Zimbabwe Arise

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Last but not least we thank the staff of CIVICUS who coordinated the research process and contributed to the production of this report. They include Mandeep Tiwana, Caroline Lai, Adam Nord, Sifiso Dube, Judith Seda and Margaret Fish. We believe this report will highlight some of the challenges faced by women human rights defenders in Africa to a broader audience and enable action to address them.

## 1. ABSTRACT

Over the last few decades there have been renewed calls from civil society activists and the international community to protect Women Human Rights Defenders (WHRDs) and uphold their rights across the African continent in accordance with myriad international treaties, commitments made at multilateral and bilateral forums, as well those contained in domestic legislation. It is encouraging to note that a large number of African governments have acceded to or ratified at least one of the international or regional conventions or protocols on women's rights, and most have adopted national laws aimed at protecting the rights of women in their respective jurisdictions. Despite these encouraging signs, there nevertheless exist huge challenges for women engaged in the defence of human rights on the continent as the lofty values enshrined in law are often times ignored in practice on the ground.

The overall environment for women in civil society in Africa is challenging. In most places, it is not conducive enough for them to effectively carry out their responsibilities without intimidation and harassment. Even in countries which have ratified laws and protocols on the protection of women's rights, there are clear instances where government officials or security forces have shown a lack of understanding of these laws and, in some situations, a blatant disregard for them.

In light of these challenges, CIVICUS undertook to study the major challenges faced by women in civil society in Africa. The study uses the term 'Women Human Rights Defenders' (WHRDs) to refer to individuals/activists and Civil Society Organisations (CSOs) working primarily to protect and promote women's rights in Africa. The end result of the study is not to produce an academic report but to highlight the major issues in a manner that would set the stage for continent wide advocacy to create an enabling environment for WHRDs. This advocacy report assesses the institutional framework within which WHRDs operate.

Overall, it was observed that WHRDs are more prone to targeting, intimidation and harassment in comparison to their male counterparts. CSOs working exclusively on women's rights have to negotiate a fresh set of challenges as opposed to CSOs in general. Furthermore, the risk for WHRDs operating in situations of conflict increases manifold.

The research recommends Government ratification of international and regional protocols that protect women human rights defenders; establishment of institutions, e.g. human rights institutions and others supportive of women's rights such as women's commissions and/or equal opportunities commissions by countries that haven't done so; ensuring the creation of a conducive legal and policy framework that protects the space of women human rights defenders, and analysis of the cultural and legal frameworks that discriminate against women at social and economic levels.

Further recommendations are made that the African Union needs to play a role in ensuring that the voices of women are heard and incorporated in the regional Agenda and that Governments implement resolutions and sign protocols that enforce the protection of women human rights defenders.

It is also recommended that there should be greater solidarity within civil society to focus on the particular needs and situation of women human rights defenders through joint statements,

coalition building and sharing of alerts, capacity building and magnifying these voices at global forums.

The international community also has a role to play in ensuring security and equal opportunities for women human rights defenders. It is recommended that greater pressure should be placed on governments to remove reservations to CEDAW as well as repeal discriminatory legislation based on religious and cultural beliefs.

## **2. INTRODUCTION**

Civil society activism is growing throughout Africa, with governments and international agencies increasingly calling upon non-governmental organisations to run projects and complement government activities. Aside from service delivery, civil society also plays an increasingly important advocacy role – pressing for legal reform and implementation, ensuring non-discrimination in government policy and advocating for the protection of human rights.

However, rather than engage with these critical voices, governments have frequently chosen to silence them, often through harassment, intimidation, threats of closure and even arrests. In Africa, a continent with diverse and complex social, economic and political patterns, it is imperative to look at the varying spaces available for civil society to operate. In many African countries, the lack of actual protection for human rights and justice, halting democratic reforms, the existence of deep-rooted poverty, harmful traditional practices, restrictive laws and social attitudes all pose serious threats to the work of civil society activists in the region.

For African women activists, and women's organisations, these threats are magnified. Defending women's human rights is often seen by state authorities, and even by communities, as a challenge to culture, tradition and a way of life. Through their work, many directly or indirectly challenge social stereotypes regarding the proper role and status of women. As a result, women activists not only face repression by governments, but also by their families and other community members. Ongoing armed conflicts on the continent place women at even further risk of violence. Courageous women civil society activists carry out their work amidst attacks on their reputations, threats to their families and their own personal safety, as well as detention and severe gender-specific abuse and punishment.

Despite barriers, work on gender equality and women rights has been well articulated by women activists and women organisations across the continent. The pressure mounted by women activists in Africa has led to the formation of policies and laws at national and regional levels that enshrine their social, economic and political rights. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the African Union Summit in Maputo in 2002 is a testament to the advocacy work by African women's networks as well as human rights organisations.

In spite of the above mentioned threats, no comparative research had been conducted that assesses the challenges faced by women in civil society across Africa. While country specific research has been produced by some local organisations, including Women of Zimbabwe Arise, and international organisations such as Amnesty International, Front Line and Defending Women, Defending Rights, there is a lack of research that attempts to provide a continent-wide survey of the issues. Such comparative assessment is extremely important, both to identify the challenges encountered by African women's civil society organisations, and to seek ways to

address them in a systematic manner. The research and subsequent advocacy work will benefit women, national institutions and networks working on human rights and the protection of civil society activists, in addition to becoming an important reference for regionally integrated work.

The main purpose of this research was to identify the challenges faced by women's civil society organisations in Africa as a result of their work.

### **3. METHODOLOGY**

The methodology used in putting together the report includes desk research, face to face interviews with individual activists in three diverse countries (Egypt, Uganda and Zimbabwe) and responses received from a survey sent out to CSOs working on women's rights across the continent.

In carrying out the study, responses were elicited from a wide range of experienced individuals and organisations on the major systemic challenges facing WHRDs; the overall environment in which WHRDs operate; evaluation of existing laws, regulations and policies which seek to protect WHRDs; and the general cultural or religious context which impedes WHRDs.

#### *Country selection criteria*

The primary research was conducted in three selected African countries to investigate the challenges facing African women civil society activists, from household to national level. The countries selected were Zimbabwe, Egypt and Uganda. The criteria used to identify these countries included:

- i) Regional diversity. To ensure a diversity of perspectives, three countries were selected from among the various regions of Africa.
- ii) Prevalence of significant risk to civil society, particularly for women's organisations. For example, lack of freedom of speech, association, restrictive laws relating to civil society, culture and norms that affect the role of women civil society activists.

The research examined the legal, political and social environments in which women civil society activists in these countries operate. CIVICUS worked with partner organisations in the selected countries to gather the necessary information. Based on the findings the report was developed, highlighting the challenges and making recommendations.

#### *Gathering secondary data, identifying partner organisations and networks*

The methodology included desk research for gathering secondary data regarding the challenges facing women's organisations in Africa. Existing research and other resources were drawn from a variety of sources, including: CIVICUS' own reports, Amnesty International, Human Rights Watch, Front Line, Urgent Action Fund, International Campaign for Women Human Rights Defenders, and others. CIVICUS also mobilised existing partners in each of the countries and through them established further contacts with relevant organisations and individuals.

#### *Interviews and Focus Group Discussions*

CIVICUS gathered information and testimony through a series of individual interviews where participants were asked to identify challenges they face both individually, such as threats and harassment, and as civil society organisations, such as restrictions on registration, funding and organisational activities.

Partner organisations also held focus group discussions with other women’s organisations in their country and within the local community. These discussions served as opportunities to compile research data, as well as to enhance cooperation and reflection among the participating women civil society activists.

## 4. RESULTS AND DISCUSSIONS

### 4.1 THE INSTITUTIONAL FRAMEWORK FOR WOMEN HUMAN RIGHTS DEFENDERS AND CIVIL SOCIETY ORGANISATIONS WORKING ON WOMEN’S RIGHTS IN AFRICA

#### 4.1.1 *General Legal Instruments and Declarations on Human Rights*

The African Union (AU), formerly the Organisation of African Unity (OAU), recognises the importance of protecting human rights and the role of human rights defenders within the continent. The **African Charter on Human and Peoples’ Rights** (adopted: 1981; came into effect: 1986), laid the foundation for the basic rights of African peoples within the OAU system. The Charter provides for the freedoms of expression, association, assembly, religion, movement and due process of law irrespective of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status. The Charter establishes and lays the foundation for an African Commission on Human and Peoples’ Rights (“the Commission”) to promote fundamental freedoms and ensure their protection in Africa. The Commission serves as the governing body in all matters relating to human and peoples’ rights by formulating and setting in place principles, rules and recommendations, on which African governments may base their legislation. Additionally, the Charter allows for individuals and non-governmental organisations (NGOs) to make complaints about human rights violations to the Commission.<sup>1</sup>

The **Grand Bay (Mauritius) Declaration and Plan of Action** (1999) adopted at the first OAU Ministerial Conference on Human Rights in Africa stressed the importance of the UN Declaration on the Protection of Human Rights Defenders by the 54<sup>th</sup> Session of the UN Commission on Human Rights and appealed to the Member States of the OAU to adopt and implement the declaration in Africa. The Grand Bay Declaration acknowledged the strides African States and NGOs had made in the advancement and protection of human rights throughout the continent and urged States to establish independent, national human rights institutions and provide them with sufficient financial resources to adequately meet and fulfill their mandate and objectives in the promotion of human rights throughout the country. Additionally, the Declaration urges all African States to work assiduously towards the elimination of discrimination against women and the abolition of cultural practices which dehumanise or demean women and children. The Declaration also acknowledges the need to address violence against women and end particular discrimination of women and children living with disability and HIV/AIDS. It “welcome[d] the decision to elaborate a protocol to the African Charter for the more effective protection of women’s rights and calls on the [AU] to convene a meeting of government experts to examine the instrument”.<sup>2</sup>

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<sup>1</sup> [http://www.africa-union.org/official\\_documents/Treaties\\_%20Conventions\\_%20Protocols/Banjul%20Charter.pdf](http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/Banjul%20Charter.pdf)

<sup>2</sup> [http://www.africa-union.org/official\\_documents/decisions\\_declarations/grandbay%20declaration.pdf](http://www.africa-union.org/official_documents/decisions_declarations/grandbay%20declaration.pdf)

The **Kigali Declaration** (2003) adopted by the African Union Ministerial Conference on Human Rights in Africa reaffirms the principles brought forth by the Grand Bay Declaration and “recognise[d] the importance of civil society organisations (CSOs) in general and human rights defenders in particular, in the promotion and protection of human rights in Africa”. The Kigali Declaration further encouraged Member States to not only protect but also engage CSOs in decision-making processes with the aim of consolidating participatory democracy and sustainable development. It also urged CSOs to be independent and transparent.<sup>3</sup>

During the 35<sup>th</sup> Session of the African Commission on Human and Peoples’ Rights, the Commission adopted a **Resolution on the Protection of Human Rights Defenders in Africa** (2004), which created the post of *Special Rapporteur on Human Rights Defenders in Africa* to seek, receive, examine and act upon information on the situation of human rights defenders, engage in dialogue with institutional bodies and Member States on the protection of human rights defenders, develop and recommend strategies and raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders in Africa.<sup>4</sup>

On the civil society front, a Pan-African Conference on Human Rights Defenders was organised in Kampala in April 2009 where several African and international NGOs, the diplomatic corps and four African Union commissioners met to discuss and adopt the **Kampala Plan of Action for Human Rights Defenders** (KAPA; 2009). The KAPA calls for greater cooperation between different African networks of human rights defenders, improved training to help implement African and international protection mechanisms and increased response by States, intergovernmental organisations and NGOs on the protection of human rights defenders. The KAPA has potential for success due to the collaboration and consolidation between regional mechanisms to protect human rights defenders.<sup>5</sup>

#### **4.1.2 Women Specific Legal Instruments in Africa**

The African Union has been able to make an important contribution to international legal standard setting on women’s rights through the **Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa** (Maputo Protocol; 2003). The Maputo Protocol lays forth explicit rights and protections guaranteed to women, including the rights to dignity, life, integrity, security and equal status, and protections similar to those afforded to men in marriage and divorce. Notably, the Protocol calls upon States to integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities. The Protocol recognises the right of women to live in a positive cultural context and also lays stress on the health of women, including sexual and reproductive rights, which is one reason it has been sharply criticised by some religious and traditional groups. Unfortunately, only 28 of the 53 Member States of the African Union have ratified the Maputo Protocol.<sup>6</sup>

The Southern African Development Community (SADC), made up of 15 Southern African and island nations, adopted a **Protocol on Gender and Development** (2008), which espouses the basic principles of the Maputo Protocol and sets specific goals to be achieved by 2015, such as to enshrine gender equality and equity in all SADC constitutions and to ensure that these rights

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<sup>3</sup> [http://www.africa-union.org/Structure\\_of\\_the\\_Commission/Political%20Affairs/x/KIGALI%20DECLARATION%20as%20adopted%20in%20Kigali.pdf](http://www.africa-union.org/Structure_of_the_Commission/Political%20Affairs/x/KIGALI%20DECLARATION%20as%20adopted%20in%20Kigali.pdf)

<sup>4</sup> [http://www.achpr.org/english/info/hrd\\_res\\_appoin\\_3.html](http://www.achpr.org/english/info/hrd_res_appoin_3.html)

<sup>5</sup> [http://www.protectionline.org/IMG/pdf/Final\\_KAPA\\_Banjul\\_ENG.pdf](http://www.protectionline.org/IMG/pdf/Final_KAPA_Banjul_ENG.pdf).

<sup>6</sup> <http://www.achpr.org/english/women/protocolwomen.pdf>

are not compromised by any provisions, laws or practices. The Protocol also enjoins State parties to put in place affirmative action measures for women, ensure equal access to justice and protection before the law as well as eliminate gender based violence.<sup>7</sup> So far only twelve of the SADC Member States have signed and ratified the Protocol. Interestingly, amongst member States of SADC, there is no consistent correlation between the ratification of the Maputo and SADC Protocols.

While the Maputo and SADC Protocols are integral to the advancement of women in Africa, more needs to be done. Since the adoption of the Maputo Protocol seven years ago by the African Union, just over 50 percent of the nations have ratified the Protocol, symbolising the highly controversial and sensitive nature of the topic. With basic human rights, there is far more agreement and understanding of the need to adopt protocols and declarations to ensure that those basic rights are enshrined in everyday life throughout Africa. However, the unification behind an understanding of women's rights does not resonate as strongly, especially due to traditional and cultural norms. Although some countries have established Women's Ministries, these still lack substance in terms of catering for human rights issues affecting women and they also tend to be biased towards ruling party affiliates.

#### **4.1.3 International Protection for Women's Rights**

The **Convention on the Elimination of all Forms of Discrimination against Women** (CEDAW; adopted: 1979; entry into force: 1981) is often called the 'international bill of rights for women' due to its comprehensive provisions, seeking equal protections and rights for women. As of May 2009, 186 States have ratified or acceded to the treaty. Within Africa, Somalia and Sudan are the only African nations that have failed to ratify CEDAW. All ratifying States of CEDAW are obligated to the following: ensure and provide for gender equality in all relevant legislation in all aspects of economic, social, cultural and political life; repeal all discriminatory existing provisions; enact provisions to guard against discrimination against women and establish public institutions to guarantee effective protection of women against discrimination.<sup>8</sup>

During the Third World Conference on Women, the 157 countries present adopted by consensus the **Nairobi Forward-Looking Strategies for the Advancement of Women** (1985), which provides for equality amongst genders, women's autonomy and power, recognition of women's unpaid work and advances in women's paid work.<sup>9</sup>

More notably, during the Fourth World Conference on Women, the **Beijing Declaration and Platform for Action** (1995) was adopted, advocating for the advancement and empowerment of women in all sectors of economic, social, cultural and political life. The Beijing Platform stresses the necessity of changing values, attitudes, practices and priorities at the national, regional and international levels in order to ensure equality between men and women. All stakeholders – governments, public, private and non-governmental sectors – must be actively engaged.<sup>10</sup>

Recently, the Beijing Platform underwent a 15-year review to ensure the implementation of the provisions within the Beijing Platform and to provide a forum where member States could share

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<sup>7</sup> <http://www.sadc.int/index/browse/page/465>

<sup>8</sup> <http://www2.ohchr.org/english/law/cedaw.htm>

<sup>9</sup> <http://www.un-documents.net/nflsaw.htm>

<sup>10</sup> <http://www1.umn.edu/humanrts/instree/beijingmnu.htm>

experiences and good practices, along with brainstorming how to overcome obstacles and challenges to come.

UN Women or the UN Entity for Gender Equality and the Empowerment of Women was established in July 2010 to support intergovernmental bodies in formulating policies, global standards and norms regarding women, assist States in implementing international standards and forging partnerships with civil society, and hold the UN system accountable for its commitments on gender equality.<sup>11</sup> UN Women was formed by consolidating the [Division for the Advancement of Women](#) (DAW), [International Research and Training Institute for the Advancement of Women](#) (INSTRAW), [Office of the Special Adviser on Gender Issues and Advancement of Women](#) (OSAGI) and [United Nations Development Fund for Women](#) (UNIFEM).

## **4.2 THE SITUATION FACED BY WOMEN HUMAN RIGHTS DEFENDERS COMPARED TO THEIR MALE COUNTERPARTS**

Women working in civil society as human rights defenders face additional challenges because of their work compared to their male colleagues. These challenges arise due to a multitude of factors aptly summed up by Hina Jilani, former UN Secretary General's Special Representative on Human Rights Defenders, in her report submitted to the UN Secretary General in 2002 (paragraphs 90-94):

Women human rights defenders are on par with their male colleagues in putting themselves on the front line in the promotion and protection of human rights. In doing so, however, as women they face risks that are specific to their gender and additional to those faced by men.

In the first instance, as women, they become more visible. That is, women defenders may arouse more hostility than their male colleagues because as women human rights defenders they may defy cultural, religious or social norms about femininity and the role of women in a particular country or society. In this context, not only may they face human rights violations for their work as human rights defenders, but even more so because of their gender and the fact that their work may run counter to societal stereotypes about women's submissive nature, or challenge notions of the society about the status of women.

Secondly, it is not unlikely that the hostility, harassment and repression women defenders face may themselves take a gender-specific form, ranging from, for example, verbal abuse directed exclusively at women because of their gender, to sexual harassment and rape.

In this connection, women's professional integrity and standing in society can be threatened and discredited in ways that are specific to them, such as the all too familiar calling into question of their probity when – for example – women assert their right to sexual and reproductive health or to equality with men, including to a life free from discrimination and violence. In this context, for example, women human rights defenders have been tried (using laws

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<sup>11</sup> <http://www.unwomen.org/>

criminalising conduct amounting to the legitimate enjoyment and exercise of rights protected under international law) on spurious charges brought against them simply because of their views and advocacy work in defence of women's rights.

Thirdly, human rights abuses perpetrated against women human rights defenders can, in turn, have repercussions that are, in and of themselves, gender-specific. For example, the sexual abuse of a woman human rights defender in custody and her rape can result in pregnancy and sexually transmitted diseases, including HIV/AIDS.

Certain women-specific rights are almost exclusively promoted and protected by women human rights defenders. Promoting and protecting women's rights can be an additional risk factor, as the assertion of some such rights is seen as a threat to patriarchy and as disruptive of cultural, religious and societal mores. Defending women's right to life and liberty in some countries has resulted in the life and liberty of women defenders themselves being violated. Similarly, protesting against discriminatory practices has led to the prosecution of a prominent women's rights defender on charges of apostasy.<sup>12</sup>

#### **4.3 MAJOR CHALLENGES FACED BY WOMEN IN CIVIL SOCIETY IN AFRICA**

Besides some of the challenges faced by their peers in other parts of the world, women in civil society on the African continent have to contend with a number of additional challenges. Given the vast cultural and geographical diversity in Africa, the nature and extent of challenges differs from region to region. Nevertheless, despite the differences, there are some common challenges faced by women human rights defenders (WHRDs) on the continent. These include the following.

##### ***4.3.1 Deeply entrenched patriarchy within society***

Throughout much of the continent, patriarchal mores govern society with the odds stacked against women both in the workplace and at home. Women in civil society have to fight an uphill battle against cultural norms used to exclude women from decision making forums and downplay their voices. Women human rights defenders defying or speaking against these norms are seen as challenging the fabric of society itself. As a community activist from Nigeria put it, "According to our cultural and social beliefs women are to be seen, not heard. The patriarchal system, social barriers and harmful traditional practices all conspire against women human rights defenders".<sup>13</sup>

An activist from Mozambique informed CIVICUS that in some communities where the masculinity of a man is viewed from the prism of his number of women, when a woman introduces the notion of gender equality to the discussion, men feel obliged to win over the person/facilitator of these kinds of debates.<sup>14</sup> The cultural environments in which some WHRDs

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<sup>12</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G02/111/22/PDF/G0211122.pdf?OpenElement>

<sup>13</sup> Information given to CIVICUS through questionnaire (*Note: All names and organisations withheld to protect identity of the respondents*)

<sup>14</sup> Information given to CIVICUS through questionnaire

operate work against them because they are generally perceived to be inferior to men and therefore do not enjoy the same social and economic privileges. This situation is compounded by the fact that some women are not literate and do not have access to processes through which they can express their rights.

In addition to the challenges that human rights defenders face, women defenders have the vast challenge of trying to assert themselves as beings with equal capabilities as their male counterparts. A woman head of an association of NGOs in Uganda reported that male colleagues do not take NGOs headed by women seriously. Women activists are often the subject of ridicule at civil society meetings through mischievous questions about the positions taken by them such as, “So what are you women up to now?”<sup>15</sup>

The situation is heightened in countries where religion dictates social norms on highly sensitive and controversial issues such as polygamy, child marriage, inheritance and divorce. Oftentimes, women human rights defenders are viewed with distrust and vilified as women of loose morals, traitors or spies because they do not conform to societal norms. Activists report being verbally abused and accused of trying to defy religion by introducing “decadent” western cultures and ideals. A young woman working with a group promoting feminist ideology amongst the youth in Egypt has reported being called a “prostitute” on a number of occasions for seeking to challenge the morality of men.<sup>16</sup> Arguing against the gender bias in religious texts comes with a whole set of additional challenges which incite open hostility, as an activist from Mozambique found out when presented with the argument that God created man first and then went on to create women.<sup>17</sup> An activist from Tanzania reported:

Practically speaking, acceptance of women’s rights violations is not limited to those who have low academic education, but cuts across and is silently accepted even by the educated people because of their socialisation processes. Talking about women’s rights, you get more women coming up to confess that they have been the cause of problems in their families by not listening to their husbands; they don’t see quickly the aspect of their human rights being violated. This makes change to be very slow and activism work very demanding and energy draining.

In countries faced with religious insurgency such as Somalia, the situation is one of heightened risk. Violent conflict fuelled by religious fundamentalism has fostered growing intolerance towards women perceived to be challenging religious norms. A Somali women’s rights group had its office bombed by insurgents to intimidate its staff and stop them from continuing their work.<sup>18</sup>

#### **4.3.2 Sexual harassment and gender based violence**

Women human rights defenders (WHRDs) report extreme vulnerability to the risk of sexual harassment and gender based violence due to the nature of their work, particularly when challenging powerful elements in government or society. Most WHRDs contacted in this study reported either themselves being victims of sexual harassment or gender based violence or being privy to their colleagues or close associates experiencing the same.

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<sup>15</sup> Information given to CIVICUS through face to face interview

<sup>16</sup> Information given to CIVICUS through face to face interview

<sup>17</sup> Information given to CIVICUS through questionnaire

<sup>18</sup> Information given to CIVICUS through questionnaire

The perpetrators vary from being police, military or other government officials to non-State actors such as religious and community leaders. Sometimes, WHRDs are harassed by their own colleagues. In a worryingly large number of instances where WHRDs are victims, the perpetrators remain at large, further emboldening them or others to persecute WHRDs. A woman activist from Sierra Leone reported, “Lack of protection from abuse and intimidation is one of the biggest challenges marring our work. The government is very slow to respond to issues faced by women human rights defenders which exposes one to great dangers”.

Sexual harassment and assault can have a profound impact on a woman’s ability to continue her work in civil society. Thus threats to violate the boundaries of a woman’s physical sanctity are used as an effective intimidation tool by perpetrators to make her feel helpless. Above all types of sexual harassment or violence, most women fear rape, of themselves and/or their family. As stated by a WHRD in the Democratic Republic of Congo, “They finally got me when they threatened my children – I couldn’t focus any more. They called and told me, ‘We have your daughter, and we are raping her now’”.<sup>19</sup>

The issue is further exacerbated as often the offence of rape is not reported due to the fear of being further victimised either through violence or stigma. This is one reason for the percentage of prosecuted rape cases remaining extremely low when compared to the total number of cases taking place. According to an activist from Nigeria, “Because of social and cultural beliefs, some issues [assault, rape and abuse] are not to be discussed openly and so victims face discrimination if they report abuse”.<sup>20</sup> WHRDs also have to contend with the dangers of themselves being victimised when they offer support to victims of sexual harassment or gender based violence. An activist from Mozambique reported being subjected to threats of sexual violence herself when she urged a 14 year old victim of rape to testify against the perpetrator in court. She felt that the perpetrator was emboldened to do this because there was no structure in the country to protect women human rights defenders.<sup>21</sup> Nevertheless, despite the difficulties and dangers, WHRDs continue to speak out against the perpetrators and carry on in their quest for justice.

### **4.3.3 Violence and the threat of violence**

Physical violence and the threat of violence continue to be inhibiting factors for WHRDs in carrying out their work. Women activists in many parts of the continent have to operate in an environment that exposes them to high risks of violence. Mainly due to the threat that WHRDs pose to traditional society, they are often subjected to violence. Often, the main perpetrators against WHRDs tend to be police who use brute force to break up peacefully assembling activists. As stated by an activist in Tunisia, “Police have beaten women activists in public, saying they are prostitutes.” In Uganda, “Women activists who have challenged state institutions through peaceful public protests have been physically assaulted and thrown like cattle into waiting police trucks with utter disregard for their dignity”.<sup>22</sup>

The mere thought of strong-willed women who are not willing to back down from their positions and who demand justice and social change scare those who hold positions of power within their societies. Most often, the fear is irrational. Traditional holders of power worry that women

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<sup>19</sup> Information given to CIVICUS through questionnaire

<sup>20</sup> Information given to CIVICUS through questionnaire

<sup>21</sup> Information given to CIVICUS through questionnaire

<sup>22</sup> Information given to CIVICUS through face to face interview

activists are really trying to create a world without men, or are trying to turn other women against their families. With notions such as these, the seemingly logical reaction is to prevent activists from accomplishing their objectives, which is usually achieved through violence or the threat of violence. In Zimbabwe, members of Women of Zimbabwe Arise (WOZA) who have been highlighting the crisis in the country through regular peaceful demonstrations have been regularly labelled as politically opposed to the government and have had their demonstrations broken up through brute force. A Zimbabwean activist reported:

So sustained has been the onslaught on WOZA members that whenever women gather together for an event, security operatives descend on them looking to break up the meeting forcefully, thinking it is a WOZA event even though oftentimes it may be a simple gathering such as a birthday party.<sup>23</sup>

An activist from Togo emphatically pointed out:

The political systems are not gender responsive enough, partly because there is no adequate appreciation of women's rights as human rights. As a result you have countries writing and submitting reports – even to the Human Rights Council – on how well they are doing in promoting and protecting human rights while there are serious violations of women's rights going on in the country.<sup>24</sup>

Furthermore, the quest for justice is impeded through the limited availability of legal remedies and institutions. An activist from Zambia rued, “The absence of a guiding policy or law on the protection of Human Rights Defenders makes it difficult for a victim to make a complaint because it is difficult to find a basis for it”.<sup>25</sup>

#### **4.3.4 Defamation/Sexuality Baiting/Accusations**

Attacking the reputations of women activists is another key tactic often employed by those opposed to their work. Many times, the defamation hinges on sexuality baiting and spreading of rumours about them to destroy their credibility in society. In social contexts where the status of women is considered inferior to that of men, this creates additional problems for WHRDs. A woman activist from Kenya reported that “women and girls as well as organisations who defend fellow women are labelled lesbians, divorcees. Often times, the name of the organisation is sought to be denigrated by calling it as an organisation training lesbians”.<sup>26</sup>

The situation becomes worse if the organisation or activist is actually working on women's sexuality issues and the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people to have control over their sexuality. An LGBTI activist from Uganda reported that she has lost count of the number of times she has been followed home by law enforcement officials who have also illegally detained her on two occasions.<sup>27</sup>

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<sup>23</sup> Information given to CIVICUS through face to face interview

<sup>24</sup> Information given to CIVICUS through questionnaire

<sup>25</sup> Information given to CIVICUS through questionnaire

<sup>26</sup> Information given to CIVICUS through questionnaire

<sup>26</sup> Information given to CIVICUS through questionnaire

<sup>27</sup> Information given to CIVICUS through face to face interview

Another activist from Uganda explained the reasons for the adverse situation faced by WHRDs:

Societal attitudes, perceptions and practices perpetuate institutions that are the basis for depriving women of their rights, e.g. their subordinate status deprives them of the right to freedom of expression in private and public and therefore women are rarely socialised to effectively voice their views or indeed participate in decision making. Moreover, legal frameworks that are outdated or insufficient to protect the rights of women, e.g. against gender based violence, further subjugates them and reinforces their subordination, retaining property rights such as over land because provisions of the law are dual, i.e. traditional and statutory. Given all these factors, sexuality baiting and defamation of women activists who challenge existing norms is but to be expected.<sup>28</sup>

It is also pointed out that men are not the only people that are resistant to the work of WHRDs. Some women also feel threatened and uncomfortable with the work of WHRDs due to prevailing patriarchal mores in society. Often these women do not want female activists campaigning on their behalf due to the accusations made against the activists.

#### ***4.3.5 Shrinking space for civil society and the rollback in the freedoms of expression, association and assembly in African countries***

Ever since 9/11, the space for civil society to express, associate and assemble has been steadily shrinking globally and particularly in Africa. From Cape Town to Cairo, Nairobi to Luanda, African civil society has increasingly found itself cornered and impeded in its work as restrictive measures and undemocratic practices have multiplied. A number of new laws and policies have been introduced to restrict the work of civil society. There are also increasing reports of motivated prosecutions, harassment, physical abuse and threats to the lives of civil society activists for challenging well entrenched power structures. These adverse trends present a serious impediment for WHRDs in their work to protect and promote women's rights. The following are some illustrative examples:

In September 2009, Guinea witnessed one of the most horrific attacks in living memory on street protests organised by civil society. At least 157 protestors were killed and over a thousand wounded during a military crackdown on a large scale public demonstration in the capital city, Conakry. The protest was sparked by indications given by the leader of the military regime, Captain Moussa "Dadis" Camara that he may stand for the national presidential election scheduled in January 2010, reneging on a previous promise not to contest the election. A number of female protestors were raped and sexually assaulted by soldiers in broad daylight. Nothing substantial has been done to date, either by the national government or the international community, to bring the perpetrators to justice.<sup>29</sup>

In Uganda, many women's rights groups have expressed extreme frustration with the introduction of an anti-homosexuality bill which, although shelved for now due to international pressure, did manage to invoke considerable anxiety. Apart from punishing sexual relations between people of the same sex with life imprisonment, the wide ambit of the bill called for closure of any civil society organisation that promotes the rights of the LGBTI community. Since most women's rights groups have been critical of the

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<sup>28</sup>Information given to CIVICUS through questionnaire

<sup>29</sup><http://www.civicus.org/press-release/1166>

widespread homophobia prevalent in Ugandan society, many felt that this provision was a signal to them to discontinue their advocacy activities and challenging inequalities within society.<sup>30</sup>

In Ethiopia, the controversial Charities and Societies Proclamation brought into force in early 2010, has cut off the funding base of Civil Society Organisations (CSOs) engaged in women's rights advocacy. Under the law, any CSO that receives more than 10 percent funding from abroad is relegated to a service delivery role through prohibitions from working on key areas including advancement of human and democratic rights, gender equality, conflict resolution and accountability of law enforcement agencies.<sup>31</sup>

A leading women's rights activist from Egypt reported, "The law governing associations is already extremely restrictive and now the government is planning to introduce a harsher law which will enable them to shut down at will organisations they deem unsuitable, putting at risk most advocacy related activities".<sup>32</sup> The NGO Bill grants the Minister of Social Solidarity unchecked authority to deny registration or de-register and liquidate any organisation. It also seeks to deter human rights advocacy related work by seeking to limit the scope of NGOs' work to "social care, development and community awareness raising" and requires NGOs to obtain official permission before entering into partnerships with or seeking resources from foreign organisations.<sup>33</sup>

Zambia's new NGO law introduced in August 2009 seeks to undermine the independence of CSOs by vesting a government-dominated NGO registration board with far-reaching powers. These include: (i) the power to approve the area of work of NGOs, which allows the government to determine their thematic and geographic areas of functioning and exercise control over their affairs, (ii) the power to provide policy guidelines to harmonise the activities of NGOs with the national development plan, which co-opts NGOs into assisting in the fulfilment of the political priorities of the government reflected in the plan, and (iii) the power to advise on strategies for efficient planning and coordination of activities of NGOs, which treats NGOs as government subsidiaries as opposed to independent entities free to formulate and execute their action plans in line with identified priorities.<sup>34</sup>

In South Africa, a Protection of Information Bill, known by its opponents as the Secrecy Bill, is being considered by the government with the potential to create numerous obstacles for civil society and media groups exposing corruption and other government malpractices. The bill will give officials extensive powers to formally classify information as secret if it is in the "national interest" as defined through very broad and vague provisions. These include omnibus categories such as "all matters relating to the advancement of public good", the protection of trade secrets of state organs including "profits, losses or expenditures of any person" and the "pursuit of justice, democracy, economic growth, free trade, a stable monetary system and sound international relations".<sup>35</sup>

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<sup>30</sup> <http://www.civicus.org/press-release/1359>

<sup>31</sup> <http://www.civicus.org/press-release/993-new-law-will-cripple-ethiopian-civil-society>

<sup>32</sup> Information given to CIVICUS through face to face interview

<sup>33</sup> <http://www.civicus.org/csw/csw-take-action/1354>

<sup>34</sup> [http://www.civicus.org/media/446-CIVICUS-Zambia-NGO-Bill-2009-submission%208\\_7\\_09.pdf](http://www.civicus.org/media/446-CIVICUS-Zambia-NGO-Bill-2009-submission%208_7_09.pdf)

<sup>35</sup> <http://www.civicus.org/civicus-home/1449>

As the above examples show, WHRDs face multiple challenges which are exacerbated in an overall disabling environment for civil society to exercise the freedoms of expression, association and assembly in Africa.

## 5. CONCLUSIONS

Although many African countries have adopted the international and regional instruments that protect human rights such as The African Charter on Human and Peoples' Rights, a lot still needs to be done in terms of practically implementing these instruments to protect human rights defenders, especially for women who are more vulnerable in this aspect. Despite strides that have been made in terms of acknowledging the role and the rights of women, the research found that the deeply rooted cultural, religious and patriarchal perceptions continue to have a major influence on the lives of WHRDs. These factors are a major challenge. As one means of addressing this challenge, the role of the Special Rapporteur on Human Rights Defenders could have a special focus for women human rights defenders in Africa. This would ensure that the governments who have ratified the international protocols to protect human rights are obliged to practically implement activities and create an environment that is conducive for human rights defenders to operate and enhance the CEDAW provisions.

Civil society has played a major role in generating sensitivity to the plight of women. However, coordination and collaboration on addressing the plight of WHRDs is still lacking. Advocacy programmes have broadly targeted Human Rights Defenders, but the issues specific to women human rights defenders are deeply rooted and attitudinal and therefore need specific attention. Civil society needs to prioritise the creation of space for women human rights defenders to amplify their voices on human rights issues. Creating space within civil society as well as working on strategies to protect women activists will be crucial to creating relevance for governments who have not implemented human rights instruments with a gender lens. Another vital component of civil society work should also be raising awareness of the challenges faced by African women human rights defenders. The report findings point to a need for work at the grassroots level to gather additional, concrete information of what affects women on the ground.

In Africa, many factors impact on the space for civil society and restrict the freedom of women human rights defenders. One initial step to address these myriad factors could be the creation of regional networks to address the political participation, economic emancipation and social upliftment of women. Through linking these networks with women's and human rights movements internationally, local human rights defenders can amplify their voices at regional and international forums such as the UNHRC and the newly established UN Women. The CIVICUS World Assembly, as a platform that brings together a diverse pool of civil society organisations to discuss issues affecting civil society, could also serve as an opportunity to physically connect women human rights defenders in seeking solutions.

Cycles of violence are visible in many African countries, especially at times of elections. Women human rights defenders have been particularly vulnerable in such political situations, with rape having been used as a weapon for gaining political power. The absence of human rights commissions in many African countries has also left open doors for human rights violations to go unpunished. Establishing independent human rights and gender commissions in African States that could enforce adherence to international and regional human right resolutions would provide a safe platform for women human rights defenders to amplify their voices. Capacity

building for legal practitioners and human rights defenders is also vital for developing the knowledge and networks necessary for effective human rights advocacy.

## **6. RECOMMENDATIONS**

National governments, regional intergovernmental bodies, civil society and the wider international community all have a role to play in ensuring the protection and safety of Women Human Rights Defenders. Based on CIVICUS' research and observations from face to face interviews with WHRDs and their responses to questionnaires, the following recommendations are put forward to these different actors.

### ***National Governments***

- All reservations to CEDAW provisions should be withdrawn to ensure equal protection of the law for women
- Urgent steps should be taken to ratify the Maputo Protocol protecting women's rights by countries that have yet to ratify it
- Countries that have ratified the Maputo Protocol should carry out internal reviews of their compliance with it in domestic law and practice
- Urgent steps should be taken to establish national human rights institutions and other institutions supportive of women's rights such as women's commissions and/or equal opportunities commissions by countries without them at present
- Efforts should be made to ensure that national human rights institutions and other institutions supporting women's rights, such as women's commissions and/or equal opportunities commissions, are both well resourced and independent
- Specific national policy should be articulated with respect to protecting civil society and human rights defenders in general and women defenders in particular
- Specific legislation protecting women's rights defenders should be drafted and implemented in consultation with civil society
- Women human rights defenders should be consulted by government and parliament whenever legislation impacting women's rights is being considered
- Discriminatory legal provisions in respect of marriage, divorce, guardianship and inheritance rights of women should be urgently repealed
- Good practices in respect of women's rights should be shared and encouraged as an example of south-south cooperation

### ***African Union and Regional Bodies***

- Periodic meetings should involve feedback from member states with regard to the steps they have taken to protect women's rights
- Agenda of protecting and expanding space for civil society space through both law and practice should be prioritised to influence national governments to respect civil society freedoms
- Regional bodies should create their own gender protocols and mechanisms to protect women's such as the South African Development Community has done
- Periodic consultations should be carried out with women human rights defenders to shape the intergovernmental agenda towards women's rights issues

- Regional tribunals should incorporate a human rights approach into their work with particular attention to the protection of women's rights
- Special funding should be created to offer financial support to civil society initiatives on women's rights

### ***Civil Society***

- There should be greater solidarity within civil society to focus on the particular needs and situation of women human rights defenders through joint statements, coalition building and sharing of alerts
- Within the continent a focus is needed on building regional coalitions and cross border solidarity to highlight women related issues
- There needs to be greater emphasis on capacity enhancement for women's organisations, particularly with regard to linking international standards with work at the local level
- Civil society coalitions should effectively utilise every possible local, regional and international forum to submit reports on the situation of women's rights and the challenges faced by women human rights defenders
- Efforts should be made to highlight best practices and lessons learnt with respect to women's rights from other southern contexts, including from within Africa but also beyond, such as Latin America and Asia
- Grassroots and community based groups should be provided knowledge and information about engagement and lobbying opportunities on a policy level
- Regular information should be shared with UN and African Special Representatives and Rapporteurs
- Strategies for engaging special human rights courts should be put in place
- Street theatre should be utilised for changing societal attitudes
- Men should be actively engaged in mobilisation strategies on women's rights
- Protection related training and capacity enhancement activities should be undertaken

### ***International Community***

- Women's rights issues and the protection of women human rights defenders should be mainstreamed at major international and regional events
- Greater pressure should be placed on governments to remove reservations to CEDAW as well as repeal discriminatory legislation based on religious and cultural beliefs
- Efforts should be made to bring local women human rights defenders to international forums as a means of directly highlighting the issues faced by them
- Financial support to women human rights defenders should be prioritised

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