



## Threats Will Not Disappear with Silence: Challenging Corporate Actors to Speak Out For and Support Women Human Rights Defenders



By Sarah Brooks

This article is part of the WPP Publication bundle “Women, Peace & Security: Business as Usual?”, providing a critical exploration of the link between the private sector and the implementation of the Women, Peace & Security agenda.

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### About Sarah Brooks

Sarah M. Brooks joined International Service for Human Rights (ISHR) in 2015 to lead their work with human rights defenders and organizations in East Asia, particularly in countries with restrictive operating environments. She is currently the focal point on women human rights defenders. She worked in international affairs, with a focus on labor rights and supply chain issues, for four years prior to joining ISHR, including a contract for the International Labor Organization in Bangkok. Sarah did her graduate studies at the University of Michigan and holds an MA in Chinese Studies and a Master of Public Policy.

In conflict, post-conflict, and transitional contexts, the work of human rights defenders is severely limited in law and in practice by state and non-state actors. This holds even in countries that are *relatively stable*. Conflict situations are characterized by lack of good governance and rule of law, along with a concomitant uptick in violence. This exacerbates the risks defenders face and complicates their efforts to seek effective remedy. Conflict and unrest can also incentivize the worst sort of private sector investment: large-scale development and infrastructure projects that prioritize corporate profits over community benefits or overlook countries’ obligations and business responsibilities to protect human rights. Moreover, conflict situations impact the human rights of women and girls, in particular, increasing the risk of gender-based violence (GBV) and creating barriers to poverty alleviation.

From the perspective of the International Service for Human Rights (ISHR), this year’s review of United Nations Security Council resolution 1325 gives states and the UN itself opportunity for a clear-eyed look at how increased securitization - whether due to conflict, counterterrorism measures, or to private investment - impacts the efforts of women human rights defenders to protect and promote human rights. Three intersecting and evolving areas of ISHR’s mandate are relevant to understanding the situation of women human rights defenders through a gender and security lens: our work in states in transition, our work with women human rights defenders, and our work with activists seeking to promote corporate accountability.

### Overview

ISHR seeks to exploit opportunities often available in a post-conflict period, such as the redrafting of constitutions and legislation and the resurgence of independent civil society voices, to establish a clear path toward respect for the critical work of human rights defenders during **transition**. For example, ten years ago Côte d’Ivoire was in the midst of a devastating internal political conflict that divided the country and destroyed communities. Now, it is one of only a handful of states to have adopted legislation explicitly recognizing and protecting human rights defenders (Law No 2014-388 of 20 June 2014). And though implementation remains ongoing, Ivorian civil society is engaged in the process. Heard here are the vibrant voices of women human rights defenders endeavoring to ensure the law respond to their specific protection needs. Article 9 explicitly recognizes that women human rights defenders must be protected from threats and all forms of violence and discrimination.



Our work with **women human rights defenders** in countries as diverse as Mexico, Egypt, Afghanistan, and China has highlighted their enormous power and potential in pursuing meaningful changes. These concern issues related to reproductive rights, gender equality, and protection from GBV, as well as broader calls for democratic elections, police and judicial reform, and government transparency. ISHR and our partners, however, have also observed a worrying trend of protection gaps for women human rights defenders, including gender-based work barriers and risks, including sexual violence, as they work. In 2013, the UN adopted its first standalone resolution on women human rights defenders<sup>1</sup>, and we are now engaged in a process with partners across the globe to help ensure that states move forward on timely implementation of UN General Assembly resolution 68/181.

Private sector investments to developing economies outnumber overseas development assistance by a factor of 13 to one, producing significant leverage on the part of businesses. At the same time, new frameworks for understanding the relationship between business and human rights, such as the UN Guiding Principles on Business and Human Rights, have gone a long way to create a common language and set of expectations for the corporate responsibility to respect, while also maintaining that governments remain the primary duty-bearers for the protection of human rights. ISHR's focus on **defenders working to promote corporate accountability** sees promotion of human rights and provision of access to remedy as a fundamental part of doing business and, increasingly, a legal obligation. A complementary, parallel process that aims to draft an international instrument (e.g. a treaty) to hold transnational and other corporations accountable for abuse also could be a potential tool for defenders - if its drafting process takes their perspective sufficiently into account.

Yet, at the end of the day, the message from around the globe, as articulated in the 2015 report of the UN's special rapporteur on human rights defenders to the General Assembly,<sup>2</sup> is disheartening. Defenders working on land rights, the environment, and promoting corporate accountability are vulnerable to surveillance, attacks, enforced disappearances, defamation or libel campaigns, and killings. The report also notes that states' failure to investigate or penalize corporate abuse - and in some cases, states' complicity in blocking efforts to reveal abuse - creates a culture of impunity and invites greater risk of retaliation.

### **Private Sector, Public Abuse: Extractives Companies and Women Human Rights Defenders**

In many countries, at the heart of the three complementary areas of work are women. Often from indigenous or minority groups, these women defend the rights of those affected by the extractives sector. It is therefore important to acknowledge that:

- **Women are often more dependent on access to land.** According to the International Labour Organization (ILO), women engage in unpaid agricultural work at a rate that is three to eight times higher than men and are thus likelier to have their livelihoods directly linked to land access.<sup>3</sup> Extractives companies, in particular, have significant impacts on local communities' arable land use, access to natural resources, and integrity and security, including claims to land.
- **Women are often more exposed to certain corporate abuses.** Most company codes of conduct require community engagement before the beginning of a major project; in the case of indigenous peoples, international law has set a minimum standard of free, prior, and informed consent (FPIC). However, in some cultures women may not be at the table, and their interests therefore not taken into account. Women are vulnerable to GBV from workers, managers, and contractors engaged in a project, and - along with their children - more exposed to environmental hazards in their daily household tasks.
- **Women are often more constrained in their ability to seek remedy.** Many countries continue to have laws on the books that limit women's ability to legally inherit, control, or manage land. If a woman seeks to be involved with

project planning or to file complaints or suits to defend her rights, she may risk verbal harassment, damage to her reputation, and social exclusion for crossing lines that demarcate acceptable gendered behaviors. “Our meetings are interrupted by officials and we suffer moral attacks, including being called prostitutes,” said one partner in Tunisia.<sup>4</sup>

In other words, women are most impacted by extractives and other natural resource development projects. At the same time, they are most disenfranchised, being excluded from consultations and decision-making processes.

On the back of the extractives industry often comes the security sector. Companies frequently protect their installations for oil, gas, and mining through agreements with public security organs, or through contracts with private security contractors. In many cases, the presence of security forces can increase *insecurity* in the communities of operation. Security forces linked to extractives have been charged with committing human rights abuses, such as enforced disappearances and extrajudicial killings - with or without the direction of the state or the company. Sadly, this has also included GBV<sup>5</sup> and a chilling environment for women’s social and economic participation, for example, intimidation and harassment in public spaces and during peaceful protest.<sup>6</sup>

In part to mitigate the risks associated with security contractors, the extractives industry and the US and UK governments established the Voluntary Principles on Security and Human Rights in 2000. The VPs, as they are called, outlined expectations for risk assessments; interactions between companies and public security, including conduct and accountability; and interactions between companies and private security, such as the inclusion of contractual provisions outlining the need to respect human rights. However, there is little in the VPs, or in their indicators, that speaks to the important role of women human rights defenders.<sup>7</sup>

A few country-specific examples come to mind. They are pulled from the extensive lists of cases against defenders working on land, environment, and promotion of corporate accountability compiled by ISHR’s NGO partners around the world:

- **Guatemala.**  
In 2014, 16-year-old Topacio Reynoso was killed, and her father injured, in relation to their advocacy around and resistance to Tahoe Resources’ Escobal mine in the southeastern department of Jalapa. In a letter from MiningWatch Canada requesting investigation into her death, the NGO noted: “increased police and military presence in the area impacted by this mining conflict has not contributed to greater security for or less violence against human rights defenders.”<sup>8</sup> The same has been said by ISHR’s partners working in El Salvador.
- **Mexico.**  
Since 2007, indigenous defender Bettina Cruz Velázquez has pressed for transparency and consultation in relation to energy projects in Oaxaca. She has also sought intervention and protection from the local authorities. For this work, she has been the subject of reprisals in the form of criminal proceedings initiated by the Federal Government of Mexico and accompanying threats and detentions by “agents of the state.”<sup>9</sup>
- **Myanmar.**  
Su Su Nway, a lawyer and activist working on national labor and land rights was detained for 20 days and tried from July to August 2015 on criminal charges for allegedly trespassing on farmland seized by military forces under the ruling junta.<sup>10</sup> The Women’s League of Burma has noted: “Rapid investment in resource rich ceasefire areas is driving an increase in the presence of the military, resulting in burgeoning human rights abuses and undermining the safety of women.”<sup>11</sup>

- **South Africa.**  
Following a violent confrontation between workers at the Lonmin mine and the South African Police Service in 2012 - now known as the Marikana Massacre - widows of the workers have not been adequately compensated and continue to live in substandard conditions, despite the company committing in principle to address both problems. The commission of inquiry set up by the South African government has found Lonmin free of all responsibility.
- **Thailand.**  
Since 2009, the Khlong Sai Pattana community has fought against a palm oil plantation seeking to forcibly evict villagers to improve access to farmland. Women defenders Montha Chukaew and Pranee Boonrat were shot dead in 2012. In October 2014, the local government committed to providing reprieve and ensuring access to the community, but no investigation into the two defenders' deaths has taken place.<sup>12</sup>

### Breaking Ground with Businesses: A Proactive Approach to Advancing Human Rights?

There is growing global consensus that human rights defenders and civil society have a critical role in the creation of stable, prosperous, and conflict-free societies - which are also better places to do business. However, as Mexican defender Alejandra Ancheita has highlighted, women defenders working in the area of business and human rights face more challenges. In 2014, she said: "The fact that women human rights defenders face specific threats has been well established. However, the existing protection mechanisms have not yet adjusted to incorporate this reality."<sup>13</sup> Ancheita has urged for a "holistic" approach to protecting women human rights defenders that starts from a gendered understanding of the environment in which they operate.

### So what might this look like?

- For organizations and coalitions of women human rights defenders, that would mean rebutting arguments for discrimination, harassment, and women's second-class citizenship that is rooted in relativist discourses of culture and society. It would mean advocating legal and policy changes by government where this discrimination is enshrined in law.
- It would mean that all stakeholders must ensure the commitment of authorities at all levels, corporate actors, and the international human rights system, thus ensuring that the perspectives of women human rights defenders be taken into account. This would hold even beyond typically "gendered" policymaking, and extending to the development, adoption, and implementation of frameworks or measures for issues distinctly relevant to women defenders, such as natural resource development, economic growth and investment, and post-conflict rebuilding. It would also mean that policy efforts should not unintentionally hinder the work of women defenders.

Despite the ongoing abuses by a range of corporate actors around the world - and concern with chronic underreporting and impunity, in particular, for women victims of abuse and women defenders - both state and non-state actors can contribute to an enabling environment for human rights and the work of women human rights defenders.

### How could they do that?

- For extractives companies, especially those operating in conflict, post-conflict, or transitional contexts, this might start with implementing their **own internal processes and consultations** that include the views of women and girls. Moreover, they should be conducted in a way that keeps the experience of communities affected by their work at the center of the consultation.

Globally, discourses of business and human rights consistently see “license to operate” as not merely corporate social responsibility, but central to good, sustainable business practices.

- **Public recognition** of the harassment of defenders as a human rights violation or abuse, by both state and non-state actors, can serve as an important deterrent, if not a step toward justice. Similarly, working with women defenders’ groups to understand when support is useful - in pressing for policy change or reinforcing the value of their work - would facilitate an enabling environment. In certain instances, companies should seriously consider using their leverage and speaking out when countries seek to enact laws that undermine the ability of women defenders to do their work, be it due to their gender or their profession.
- Extractives and other large natural resource development projects should also ensure that their contractors - in particular, private security forces - be **contractually bound to respect and protect** the work of women human rights defenders. In relation to women’s rights, they should have in place sound training, policies, and procedures.
- For governments, ensuring that **private sector or corporate actors be held fully accountable for human rights abuses** is critical. When the affected are disproportionately women, efforts should be redoubled to proactively identify risks and victims, to combat pervasive underreporting of GBV, and to incorporate the protection needs and concerns of women defenders in peacebuilding and transitional justice processes.

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## Notes

<sup>1</sup> UN Promotion of 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: protecting women human rights defenders [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/68/181](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181)

<sup>2</sup> “Report of the Special Rapporteur on the Situation of Human Rights Defenders,” July 30, 2015, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/70/217](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/217)

<sup>3</sup> Food and Agricultural Organization (FAO) of the United Nations, the International Fund for Agricultural Development (IFAD), and the ILO, “The Gender Dimensions of Agricultural and Rural Employment: Differentiated Pathways Out of Poverty. Status, Trends and Gaps,” (Rome: FAO, IFAD, and ILO, 2010) <http://www.fao.org/docrep/013/i1638e/i1638e.pdf>

<sup>4</sup> ISHR (02 June 2015) Ahlem Beladj: Feminist activist from Tunisia. <http://www.ishr.ch/news/ahlem-beladj-feminist-activist-tunisia>

<sup>5</sup> Heinrich Boell Foundation (June 2015) Policy Paper: Litigation (im)possible? Holding companies accountable for sexual and gender-based violence in the context of extractive industries, <https://www.boell.de/en/2015/09/08/policy-paper-litigation-impossible-holding-companies-accountable-sexual-and-gender-based>

<sup>6</sup> Quijada, J.J. (2014) Improving Extractive Industry Governance: Implementing the Voluntary Principles to Promote Human Rights in Nigeria and Ghana Baseline Study. <http://www.voluntaryprinciples.org/wp-content/uploads/2015/01/Global-Rights-VPs-Baseline-Study-Nigeria-Ghana-Final-2014.pdf>

<sup>7</sup> VP indicators suggest that companies should evaluate potential security arrangements in consultation with women’s groups and based on the percent of women security forces deployed.

<sup>8</sup> Quijada, J.J. (2014) Improving Extractive Industry Governance: Implementing the Voluntary Principles to Promote Human Rights in Nigeria and Ghana Baseline Study. <http://www.rightsaction.org/action-content/daughter-killed-father-wounded-gun-attack-likely-linked-tahoe-resources-goldcorp-inc>

<sup>9</sup> Women Human Rights Defenders International Coalition. (2014) Justice for Bettina Cruz Velazquez. <http://www.defendingwomen-defendingrights.org/2014/10/15/justice-for-bettina-cruz-velazquez>

<sup>10</sup> AWID (2015) Burma/Myanmar: Release of Ms. Su Su Nway, leader of the Myanmar Farmers Union, <http://www.awid.org/get-involved/burmamyanmar-release-ms-su-su-nway-leader-myanmar-farmers-union#sthash.PZjprszJ.dpuf/>



<sup>11</sup> Women's League of Burma (2014) 'If they had hope, they would speak': The Ongoing Use of State-Sponsored Sexual Violence in Burma's Ethnic Communities, <http://www.burmapartnership.org/2014/11/if-they-had-hope-they-would-speak-the-ongoing-use-of-state-sponsored-sexual-violence-in-burmas-ethnic-communities-2>

<sup>12</sup> Women Human Rights Defenders International Coalition. (2014) Update: Thai Defenders Get Temporary Reprieve, <http://www.defendingwomen-defendingrights.org/2014/10/01/thai-defenders-at-risk-of-violence-and-eviction-by-local-law-enforcement-and-paramilitary>

<sup>13</sup> ISHR (24 November 2014) The challenges for women defenders working on business and human rights, <http://www.ishr.ch/news/challenges-women-defenders-working-business-and-human-rights>