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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Security and protection of women human rights defenders in Nepal**

The Asian Legal Resource Centre (ALRC) is submitting this statement as a joint statement with leading Nepalese organisation, the Women's Rehabilitation Center (WOREC) Nepal. The findings in this submission are based on WOREC's extensive work in favour of women's rights in Nepal and with the aim of supporting women human rights defenders in their valuable work. Women human rights defenders investigate, gather information, and report on human rights violations. Women Human Rights Defenders (hereinafter WHRDs) advocate for specific women's human rights issues such as: discrimination on the basis of caste, class, creed, race, ethnicity, gender identity, religion, marital status, political belief and geographical origin, lack of resources, land right, sexual right, and working against bonded labour. Struggle for freedom, equality, social transformation and justice has been the agenda of the women's movement in Nepal.

Women human rights defenders investigate, gather information, and report on human rights violations. They use common tools such as different advocacy strategies, mobilization of public opinion to remind the state of its obligations. However, as WHRDs become vocal about those issues, they are sexually targeted and their family members are used as a weapon against them to reduce them to silence. Women Human Rights Defenders are active in advocating against all forms of violence against women, rape, torture, domestic violence, acid burning, and murder. They are also campaigning for economic, social, cultural rights such land rights, property rights, right to housing, right to food, sexual and reproductive rights, rights of women working in the entertainment sector, rights of the disabled, rights of marginalized groups. Civil and political rights also form a considerable part of the women's movement in Nepal. Caste based discrimination, enforced disappearance, extortions, torture, rights of ethnic groups, rights of sexual minorities, rights to freedom of opinion and expression are issues that the women human rights movement are struggling to promote and protect. Protection of the rights of women will be a mere dream without ending all forms of violence against them.

WHRDs are working to the best of their abilities from defending the rights of the LGBTIs, indigenous minorities, differently able individuals and Dalits, to raising issues of discrimination, lawlessness and patriarchy, so that others can live a just and meaningful life, free from threats and violence. Some of the specific issues which hamper the work of WHRDs include: failure to recognize women human rights defenders as "Human Rights Defenders", persisting culture of impunity, restriction on defending human rights, absence of support mechanisms, lack of legal protection for women human rights defenders and persistence of discrimination arising from rigid caste and class systems including discrimination against single women, women working in the entertainment sector, lesbian and bisexual defenders, transsexual or third genders. Journalists have faced regular threats from armed groups and political parties for filing reports about the WHRDs' activities. Because of the fact that they challenge the orthodoxy of the society, WHRDs bear a major brunt and have become victims of murders, domestic violence, kidnapping, threats and character assassinations, among others.

WOREC Nepal began documenting cases of violations of women's human rights in the context of armed conflict with the support of Women Human Rights Defenders in 62 districts between 2005 and 2006. During the documentation process, it became clear that

** Women's Rehabilitation Center (WOREC) Nepal, an NGO without consultative status, also shares the views expressed in this statement.

Women Human Rights Defenders themselves were at risk. They have been the target of specific threats and harassment in their work, torture, beatings, arbitrary arrest and detention, death threats, harassment and defamation, as well as restrictions on their freedoms of movement, expression, association and assembly. Defenders have been the victims of false accusations and unfair trial and conviction. WOREC-Nepal has been systematically documenting incidents of violence perpetrated against female defenders. WOREC Nepal has documented total of 105 cases of violations done to the WHRDs committed by state and non state actors. Some of the 105 cases go back as far as 2004 but the majority of the cases documented have occurred in the last three years. The 105 documented cases of violations of WHRDs' rights, illustrate the extent of the sufferings of WHRDs due to the lack of specific protection mechanisms for ensuring their right to defend. There are incidences of Women Human Rights Defenders being raped, murdered and intimidated for their work in strengthening a culture of democracy and human rights in the country. It has impacted upon women's participation in political structures and on their self-esteem and resulted into increasing trends of violence and abuse against them.

The Declaration on Human Rights Defenders, most notably in its article 12(2), gives the primary responsibility for developing specific measures for the protection of women human rights defenders and human rights defenders in general to the state. The primary role of the state in promoting and protecting human rights has also been recalled on numerous occasions by the Human Rights Council. Recognising their role in and their contribution to peace and democracy and generating equality in all governance structures, WHRDs need gender-sensitive protection mechanisms. The Women Human Rights Defenders have expressed the need for specific mechanisms to advocate for the end of Violence Against Women and create an enabling environment to exercise their freedom and rights as defenders. Those specific measures would include: an adequate response from the state on issues of human rights violations, measures to guarantee the safety of their family members -especially children- and to provide support mechanisms such as safe houses (for temporary or longer stay), to provide counselling services on a regular basis and, when needed, to provide relocation of the defenders.

Recommendations:

We, therefore, would like to urge the Human Rights Council to make the following recommendations to the government of Nepal:

1. Adopt measures to recognize and protect the work of WHRDs and create mechanisms to ensure and protect their right to defend human rights.
2. Develop protection mechanisms for the women defenders working on women rights from violations perpetrated by state and non state actors by offering effective security measures.
3. Address impunity by ensuring accountability for past and present human rights violations through the establishment of gender-sensitive transitional justice mechanisms.
4. Ensure a constitutional recognition of the right to defend and special protection measures for protecting the rights of HRDs especially WHRDs, LGBTIs, indigenous minorities, differently able individuals, Dalits and marginalized defenders, to exercise their right to defend without threats, intimidation or harassment in line with the UN Declaration on Human Rights Defenders.
5. Protect Human rights defenders, including independent journalists and women rights activists by promptly investigating violations against human rights defenders and complaints of harassment and bring those responsible for such violations to justice.

6. Include a gender dimension in the planning and implementation of all programmes and other interventions related to human rights defenders, including through consultation with the relevant organizations.

7. Develop the documentation of cases of violations against women defenders and those working on women rights or gender issues and ensure measures to involve women defenders or those working on gender issues in any consultation with human rights defenders.

The Women's Rehabilitation Center (WOREC) Nepal is a leading women human rights organization that envisions the facilitating of a conducive environment for women to exercise their basic human rights. WOREC aims for "guaranteeing security for women human rights defenders" and the "recognition of women as human rights defenders." WOREC works closely with community members through its outreach to district, regional, national and international level and calls on States to aim for prompt action for the protection of women's human rights, especially to ensure the right to defend of women's human rights defenders.
