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Under Fire: Women Human Rights Defenders in Mesoamerica
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I. Executive Summary

Women Human Rights Defenders (WHRDs) are integral to the promotion of human rights in their communities and in fostering regional stability. However, WHRDs often face violent repercussions for their work—including physical attacks, death threats and assassinations. The danger faced by WHRDs is particularly acute in Mesoamerica, where there were 1,375 reported attacks against WHRDs in Mexico, Honduras and Guatemala between 2012 and 2013. When assessing how to protect WHRDs, it is important to understand their unique vulnerabilities, which stem from their gender and the subject of their advocacy efforts.

Despite a strong normative international legal framework, available regional protection mechanisms through the Organization of American States (OAS) and the nascent development of national laws, Mesoamerican WHRDs work under perilous conditions while their persecutors operate with impunity. While it is the primary responsibility of States to protect WHRDs, the United States has a legal and moral duty to assist this vulnerable population when their own governments are perpetrators of the abuse or fail to provide protection from attacks. This duty arises from UN Security Council Resolution 1325 and its progeny, which embody principles of binding customary international law, as well as the U.S. National Action Plan on Women, Peace and Security, which represents the government’s express commitment to empower women around the world as agents of peace and stability.

In addition to maintaining a clear regional policy against femicide, pressuring foreign governments to improve their laws and investigate and punish attacks against WHRDs, and suspending U.S. aid to governments who wantonly abuse or fail to protect defenders, the U.S. can also act in concrete ways to directly benefit WHRDs.

This paper recommends that the U.S. begin to strengthen its commitment to WHRDs by: (1) Improving access to existing funds for human rights defenders, and (2) Increasing the availability of temporary humanitarian relocation within the U.S. through longer-term B1 and B2 visas, or by implementing a Temporary Protected Status (TPS)-type program for WHRDs. The implications of these recommendations would allow WHRDs to access available funds with greater ease, and seek temporary respite in the U.S. until safety concerns were eliminated and they could return home to continue their work.

WHRDs in Mesoamerica are engaged in promoting democracy and human rights, which strengthens not only their own communities, but also bolsters regional security and stability more broadly. In acting upon these two recommendations, and in remaining cognizant of underlying gender vulnerabilities when exploring new protection mechanisms in consultation with WHRDs, the U.S. will demonstrably strengthen the commitment it made to WHRDs in its National Action Plan on Women, Peace and Security, and confirm its solidarity with advocates of human rights in Mesoamerica and beyond.
II. Introduction

Guatemala, Honduras and El Salvador are in the top seven countries with the highest femicide rate in the world, and throughout the region impunity for violent attacks on women is as high as 98%. This is not a problem of the past; in 2013, a woman was killed every 13 hours in Honduras, and every 10 hours in El Salvador. These statistics begin to shed light on the context in which Women Human Rights Defenders (WHRDs) in Mesoamerica operate as they work to end violence and empower their communities. In fact, between 2012 and 2013, there were 1,375 reported attacks against WHRDs in Mexico, Honduras and Guatemala – with almost 70% of those attacks occurring in 2013.

WHRDs are essential actors in the promotion of human rights and women’s rights within their own countries and abroad. While both men and women face repercussions for their human rights work, women defenders have unique protection concerns because they are often “perceived as challenging accepted socio-cultural norms, traditions, perceptions and stereotypes about...the role of and status of women in society.” Consequently, WHRDs are frequently targeted on two fronts: (1) for the type of rights abuses they shed light upon, and (2) for their gender. Discrimination against WHRDs is particularly acute in regions such as Mesoamerica, where violence against women is often normalized and treated with impunity.

The UN Special Rapporteur on the situation of human rights defenders has noted that attacks on WHRDs are often gender-specific, including sexual harassment, sexual violence and rape. Other examples of the ways in which violence is manifested against WHRDs include sexual mutilation, forced impregnation, sterilization, sexual slavery and sexual

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1 Letter By The IM-Defensoras to Ban Ki-moon, ASS’N FOR WOMEN’S RIGHTS IN DEV. (January 13, 2015), http://awid.org/News-Analysis/Announcements2/Letter-by-the-IM-Defensoras-to-Ban-Ki-moon (The Mesoamerican Initiative for Human Rights Defenders (IM—Defensoras) was created in 2010 and is a network of 300+ Women Human Rights Defenders from Mexico, Guatemala, Honduras, El Salvador, Costa Rica, Panama, Nicaragua and Colombia).
2 Id.
3 Id.
5 See ASIA PACIFIC FORUM ON WOMEN, LAW AND DEVELOPMENT, CLAIMING RIGHTS, CLAIMING JUSTICE: A GUIDEBOOK ON WOMEN HUMAN RIGHTS DEFENDERS 15, 46 (2007) [hereinafter Guidebook on WHRDs], available at http://apwid.org/wp-content/uploads/2013/09/claiming-rights-claiming-justice.pdf (While the term “WHRD” refers to both “women active in human rights defence who are targeted for who they are as well as all those active in the defence of women’s rights who are targeted for what they do,” this paper focuses exclusively on female WHRDs.).
6 See Amnesty Int’l, Defender Derechos Humanos en las Américas: Necesario, Legítimo y Peligroso 11, AI Index AMR 01/003/2014 (Dec. 2014) (“A muchas defensoras de la región se les agrede en represalia por su trabajo a favor de los derechos humanos y por el hecho de ‘ser mujer.’”); see also Guidebook on WHRDs, supra note 5, at 15.
Rights and/or LGBT defenders in the region.”

Brazil, Chile, Colombia, Ecuador, Guatemala, and Honduras; “trade unionists” in Colombia and Guatemala; and “women’s rights defenders” in Peru (10 communications) were among the countries with the largest number of incidences.”

Mexico (27 communications), Guatemala (18 communications) were among the countries with the largest number of incidences.

The situation of human rights defenders “concerned defenders working in the Americas.” Colombia (45 communications), Mexico (27 communications), Guatemala (18 communications), Brazil (14 communications), Honduras (12 communications), and Peru (10 communications) were among the countries with the largest number of incidences. “The acknowledgement of the particular situation and role of women human rights defenders and those defending women’s rights or gender issues implies the upholding of the principles of gender equality and non-discrimination. It is essential to recognizing the specific challenges and risks this group of defenders faces and to ensure their protection.” - Margaret Sekaggya, former UN Special Rapporteur on the Situation of Human Rights Defenders.

This paper focuses on WHRDs in Mesoamerica—their gender-based vulnerabilities, the international legal framework and the availability of regional and national mechanisms for their protection, as well as how the United States can better support this population.

III. The Gender-Based Vulnerabilities of WHRDs and the Violence They Experience in Mesoamerica: An Overview

“The acknowledgement of the particular situation and role of women human rights defenders and those defending women’s rights or gender issues implies the upholding of the principles of gender equality and non-discrimination. It is essential to recognizing the specific challenges and risks this group of defenders faces and to ensure their protection.” - Margaret Sekaggya, former UN Special Rapporteur on the Situation of Human Rights Defenders.


For example, family members of WHRDs may also be targeted, which feeds into the risk of domestic violence as a consequence of their work and intensifies social pressures. See A/HRC/16/44, supra note 4, at 11 (Family members are commonly targeted as a way of curtailing a defenders’ activities: “Attacks against family members and children of women defenders are reflective of traditional gender stereotypes of women as mothers and caregivers.”).


This theme appears throughout 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, particularly in art. 2 (1).

G.A. Res. 53/144 (II), U.N. Doc. A/RES/53/144 (Mar. 8 1999)(“Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.”).


Mesoamerica is the region that includes Mexico and Central America. While this paper focuses exclusively on Mesoamerica, WHRDs are particularly at risk in the Americas in general. See, e.g., A/HRC/16/44, supra note 4, at 11-12 (For the period spanning from 2004 to 2009, over half of the 292 communications sent by the Special Rapporteur on the situation of human rights defenders “concerned defenders working in the Americas.” Colombia (45 communications), Mexico (27 communications), Guatemala (18 communications), Brazil (14 communications), Honduras (12 communications), and Peru (10 communications) were among the countries with the largest number of incidences.” The Special Rapporteur notes the following groups of women defenders are “most at risk”: Those “working for fight impunity for alleged human rights violations” in Brazil, Colombia, Guatemala, Mexico, and Peru; “those working on indigenous rights” in Brazil, Chile, Colombia, Ecuador, Guatemala, and Honduras; “trade unionists” in Colombia and Guatemala; and “women’s rights and/or LGBT defenders in the region.”).

A/HRC/16/44, supra note 4, at 7.
WHRDs promote respect for myriad human rights in Mesoamerica, including: Improving access to justice and fighting impunity, especially for victims of rape, murder, disappearances and other egregious crimes; sexual and reproductive rights; freedom of the press and freedom of expression; women’s equality and meaningful participation in government and the economy; labor rights; the rights of indigenous communities and women’s rights within those populations; environmental rights, specifically access to land and preservation of lands threatened by development projects; and a host of other rights concerns. In this region, attacks with a gender dimension are most frequently associated in defending the following rights: Defense of land, territory and natural resources (24%); right to a life free of violence—femicide (23%); right to defend rights (15%); women’s right to political and community participation (12%); right to information and free speech (7%); rights of indigenous peoples (3%); and rights to truth, justice and reparations (3%); among others.

Ascertaining the actual magnitude of the violence that WHRDs face in their home countries is complicated by underreporting caused by fear of reprisal, and the manner in which activists self-identify, among other factors. In a report by The Mesoamerican WHRDs Initiative, in 2012 there were 414 recorded attacks against WHRDS in the region. In the same report, the estimated number of assassinations in 2010-2012 was at least 38 (Mexico—27; Honduras—9; Guatemala—4). Furthermore, the National Network of Women Human Rights Defenders of Mexico (RNDDHM) documented 31 murders of WHRDs and journalists in Mexico alone from 2010-2014. RNDDHM also recorded 118 acts of aggression against WHRDs in 2012, 202 in 2013, and 41 in the first three months of 2014.

In Mesoamerica, fighting for justice means confronting powerful interests, and WHRDs regularly confront threats of violence, including death threats and attempted assassinations...
for their activism. There is also the ever-growing threat of losing one’s liberty, as criminalization of defenders is on the rise in countries like Cuba, Ecuador, Guatemala, Honduras, Mexico and others. Attacks on WHRDs are also commonly tied to their gender identity, and may “take sexual forms, such as...sexual assault, rape, sexual-baiting or female genital mutilation.” Furthermore, attacks on WHRDs “are often linked to the role expected of them socially” as mothers and wives, which translates to family members readily becoming the object of attacks – another way in which WHRDs are targeted based on gender.

Gendered violence is further exacerbated in militarized and post-conflict environments. In several countries in the Americas, where organized crime and drug trafficking are rampant, the state apparatus seeks to fight violence by increasing security forces, but often this surge in military force leads to additional incidences of violence against women. This violence has been reported in the form of rape, forced disappearances and murders. For example, the 2012 Global Report on the Situation of WHRDs notes that in Mexico army officers have raped indigenous WHRDs with impunity on multiple occasions, and such “incidents not only constitute heinous violations in themselves, but must be seen as part of a broader strategy to discourage the activism of the Indigenous community as a whole by shaming the community and exposing their vulnerability.” In Honduras, following the 2009 coup, women have also been similarly targeted by military forces: WHRD Daysi Flores of JASS Mesoamerica, Honduras reported “As feminists...we were targeted in a very different way than men were being targeted...for women, a lot of them were raped.”

26 See A/HRC/16/44, supra note 4, at 9.
28 See Defender Derechos Humanos en las Américas, supra note 6, at 11; see also id. at 12 (“According to the report, in Latin America and the Caribbean, unfounded accusations and unjust detentions, based on fabricated evidence and irregular [...] processes are common.”). Protecting Human Rights Defenders, Human Rights Council Res. 22/6, 22nd Sess., U.N. Doc. A/HRC/RES/22/6, at ¶ 3 (Apr. 12, 2013) (stating that the UN Human Rights Council was “Gravely concerned that, in some instances, national security and counterterrorism legislation and other measures have been misused to target human rights defenders.”).
29 Global Report, supra note 9, at 94 (Using language “to discredit [a WHRD’s] activism by making her appear ‘sexually promiscuous’ or ‘immoral’” is an example of sexuality baiting).
30 See id. at 92 (“The forced hysterectomy of Mutabar Tadjibaeva ... is another example of [how] WHRDs can be targeted in gender-specific ways for their human rights work.”).
31 Id. at 90.
33 See Defender Derechos Humanos en las Américas, supra note 6, at 10 (“The insecurity caused by militarization [leads to] serious matters such as forced disappearances.”); see also Women’s Power to Stop War Webinar Series, Episode 3: Translating International Law to Grassroots Activism, WILPF INTERNATIONAL (Apr. 27, 2014), http://www.womenstopwar.org/wws-webinar-series (“We need to start seeing militarization as one of the extreme causes of patriarchal violence and how women continue to experience violence.”).
34 Global Report, supra note 9, at 32.
35 Nobel Women’s Initiative and JASS (Just Associates), Women Crossing the Line: Defensoras in Mexico, Honduras, and Guatemala, YouTube (Nov. 28, 2014) (hereinafter Women Crossing the Line), https://www.youtube.com/watch?v=FIVYtInKDFU#t=42 (As another example, Berta Izabel Caceres Flores, Coordinator of COPINH, Honduras noted, “We have colleagues that have been sexually assaulted by soldiers who told them that they had to examine their vaginas because they were supposedly looking for weapons.”).
Disappearances by the State, paramilitaries, organized crime or individuals associated with these groups are common in the region—in part due to the insecurity of a militarized environment. This has serious implications for WHRDs—both as activists fighting on behalf of their disappeared family members, and as individuals at risk of being disappeared themselves. If a WHRD seeks the return of a disappeared family member, it can have deadly repercussions. Josephina Reyes, a WHRD who went on a hunger strike to protest the disappearance of her son by Mexican soldiers, and who also participated in the first regional Forum against Militarization and Repression in August 2009, was murdered on January 5, 2010. This is not an isolated incident; these occurrences persist across Mesoamerica today. According to WHRD Alma Gomez Caballero, “We currently have a case where in just one family, eight people were disappeared by municipal and federal police [in Mexico].” The genocide trial of former Guatemalan dictator Efraín Ríos Montt is another current example, where both witnesses and defenders fighting for their disappeared and murdered relatives have been targeted for their activism. Honduras has also had its fair share of disappearances, which journalist and WHRD Dina Meza began investigating after the disappearance of her brother. Ms. Meza and her children have received numerous death threats as a result of her search for justice.

Underlying attitudes about human rights and women have been identified as one of the primary challenges to combating impunity and deterring attacks on WHRDs. In some countries in Mesoamerica, a “patriarchal and misogynist culture” precipitates the belief that “women are second class citizens, so crimes against [them] are not taken seriously and do not warrant the attention of the authorities.” In fact, there are several countries in this region where human rights have been violated so frequently and with such impunity that the injustice has become routine. Unfortunately, these are places where WHRDs operate in

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36 See Carlsen, supra note 13 (“To date Josefina’s son, two brothers, a sister and a sister-in-law have been assassinated. None of the crimes have been solved.”. Additionally, in “Latin America, death threats and assassinations by unknown assailants tend to be the modus operandi, with undercover state actors, paramilitaries and members of organized crime widely believed to be the main culprits.”).

37 Women Crossing the Line, supra note 35.

38 “Ríos Montt was convicted of genocide and crimes against humanity for the killing of indigenous Mayans during his brutal 1982-1983 rule. He spent only days of his prison sentence in jail before the constitutional court annulled the verdict in a controversial and divided ruling. A new trial is due to start on January 5.”


41 See id.

42 Women Crossing the Line, supra note 35 (Statement of Defender Alma Gomez Caballero, Justice for our Chihuahua Daughters, Mexico); see also Global Report, supra note 9, at 65-66 (WHRD Marisela Escobedo was shot while peacefully protesting to demand justice for her assassinated daughter and an end to femicide in Mexico. This incident “reveals the lack of state protection of women defenders and of effective political will to guarantee a life free from violence for women.”).

43 See Women Crossing the Line, supra note 35 (Statement of Defender Gilda Rivera Sierra, Director of Women’s Right’s Center Honduras, Honduras).
“permissive environment[s] in which women defenders are intimidated, sexually assaulted, and vilified as ‘terrorists.’”\(^\text{44}\) The identity of attackers also complicates how the matter is addressed by the State. While a State is obligated to protect WHRDs from both State and non-State actors, when families and communities\(^\text{45}\) are the source of the violence, these domestic attacks are regularly seen as private affairs and are not prioritized by judicial systems.\(^\text{46}\) State authorities may also partner with non-State actors to execute an attack on a WHRD.\(^\text{47}\) The combination of these facts creates a particularly challenging environment in which WHRDs struggle to obtain protection.\(^\text{48}\)

IV. Legal Contours: International, Regional and National Mechanisms Applicable to Women Human Rights Defenders

“The legal recognition and protection of human rights defenders in a specific law is a necessary, although by no means sufficient, element of establishing a safe and enabling environment for their work.” - Ben Leather, International Service for Human Rights.\(^\text{49}\)

The following section illustrates the normative international legal framework in which WHRDs operate, and describes two regional protection mechanisms available to WHRDs who come under threat. This section also briefly discusses Mexico and Honduras as case studies of national efforts in the region to create and implement laws that would protect WHRDs.

a. International Legal Framework: The UN System

There are two primary sources of international law\(^\text{50}\) in the UN System: treaties and international custom.\(^\text{51}\) Multinational treaties,\(^\text{52}\) such as conventions and covenants, are

\(^{44}\) Global Report, supra note 9, at 47-49 (“San Juan Sacatepéquez (Guatemala): ‘Defending Rights to Land and Natural Resources.’”): see also id. at 4 (“Accessing urgent support becomes [even] more difficult when families and communities are involved in violations.”): see also E-mail from Natalia Escrucería, Program Associate, Just Associates, to author (Feb. 19, 2015, 06:16 PM EST) (on file with author) (“When a male human rights defender is attacked, his community and organization rally around him as a citizen-hero. When a woman human rights defender is attacked, she is blamed for getting involved in things she shouldn’t and called a ‘bad mother. This is how gender discrimination adds another layer of risk and demands new protection strategies.’”) (Statement of Defender Cristina Hardaga, JASS Mesoamerica, Mexico).

\(^{45}\) See Global Report, supra note 9, at 44 (In Guatemala, one WHRD was detained, accused of illegal assembly and protest, causing a disturbance and resisting authority for protesting the construction of a cement factory in her hometown: “When she was released from prison, her brother did not want her to return to their house because she supports the community that is opposing the plant. She said that he attacked her with a machete.”).

\(^{46}\) Id. at 26.

\(^{47}\) See id.

\(^{48}\) See id.


binding on states that have signed and ratified them in accordance with national constitutional processes once they “enter into force.” Customary law is also binding and represents “well-established state practices to which a sense of obligation has come to be attached.” For example, a General Assembly declaration, which would not normally constitute binding international law, could enshrine widely accepted norms, or perhaps be adopted by consensus and therefore represent a powerful commitment by States to adhere to these principles and become binding customary law.

Bearing this understanding of international law in mind, the section will explore the International Bill of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (1979), and UN General Assembly Resolutions 53/144 (1998) and 68/181 (2013) as they relate to WHRDs.

The foundation of the international human rights legal framework is known as the International Bill of Human Rights, which is comprised of three United Nations documents: The Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1976), and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1976). The UDHR covers the widest range of rights, noting both that “all human beings are born free and equal in dignity and rights,” and “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion.” These initial two articles guarantee that WHRDs shall enjoy equal protection of their human rights to freedom of expression, association, assembly, and participation in government, among the other rights listed therein. The ICCPR and ICESCR augment the rights contained in the UDHR and call upon State Parties to “ensure the equal right of men and women to the enjoyment of all [rights] set forth” in these documents.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) highlights the rights of women to participate actively in their community, which

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52 “[Treaty] is one of the names given to bilateral or multilateral agreements between nations that are intended to have binding legal effect between those who have formally agreed to them. Treaties are one of the main sources of international law.” Connnie De la Vega, Dictionary of International Human Rights Law 146 (Edward Elgar 2013).
54 See de la Vega, supra note 52 at 34 (“A customary international norm binds all governments whether or not they have accepted it so long as they have not expressly and persistently objected to its development.”).
55 See Donnelly, supra note 53.
59 UDHR, supra note 56, art. 1.
60 Id. at art. 2.
61 Id. at art. 19.
62 Id. at art. 20.
63 See id.
64 See id. at art. 21.
65 ICCPR, supra note 57, art. 3; ICESCR, supra note 58, art. 3.
encompasses advocacy for human rights. CEDAW entered into force in 1981, and requires State Parties to “take all appropriate measures to eliminate discrimination against women in the political and public life of the country and...ensure to women, on equal terms with men, the right...to participate in non-Governmental organizations and associations concerned with the public and political life of the country.”67 To encourage compliance with CEDAW, the Convention created a Committee on the Elimination of Discrimination against Women (CEDAW), formed in 1982.68 While the Committee is not an “urgent protection mechanism,”69 it helps foster “an enabling environment for WHRDs”70 by monitoring how women are treated in Member States through reviewing country self-reporting,71 receiving reports from civil society, and making recommendations based on this information.72 The Committee also accomplishes this goal by receiving individual complaints and initiating investigations on State Parties to CEDAW’s Optional Protocol (2000).73 However, the Committee’s inquiries are confidential,74 and a State Party may “Refus[e] to recognize the competence of the Committee to initiate and conduct an inquiry” on individual complaints if it so decides, which deflates any prospect of enforceability.75

In addition to the aforementioned treaties and declarations, there are two prominent UN General Assembly resolutions that explicitly address the protection concerns of human rights defenders: 53/144 (1998) and 68/181 (2013).

The first UN General Assembly Declaration on Human Rights Defenders (53/144) was adopted by consensus in 1998.76 While it is not a legally binding document, it contains principles of customary international law that are binding on States and represents a clear agreement among members of the General Assembly.77 Resolution 53/144 addresses the rights and protections accorded to human rights defenders,78 the duties of States,79 the responsibilities of everyone,80 and the role of national law.81 This resolution precipitated the

67 Id. at art. 7(c).
68 Id. at art. 17 (information on the Committee).
69 This mechanism is not meant to protect WHRDs against acute and immediate threats to their wellbeing.
70 Global Report, supra note 9, at 34.
71 See CEDAW, supra note 66, art. 18 (Countries who have ratified CEDAW are required to self-report within one year after the entry into force for the State concerned, and at least every 4 years thereafter, and whenever the Committee requests).
72 See Global Report, supra note 9, at 36.
74 See CEDAW Optional Protocol, supra note 73, arts. 6, 8.
76 This Declaration seeks to protect both men and women defenders who peacefully promote respect for human rights. See A/RES/53/144, supra note 12.
78 See id. at 20, (citing arts. 1, 5-9, and 11-13).
79 See id. at 21 (citing arts. 2, 9, 12, and 14-15); see also Commentary to the Declaration, supra note 8, at 10 (“The duty to protect WHRDs includes negative and positive obligations. Thus States ‘should prevent violations of the rights of defenders under their jurisdiction by taking legal, judicial, administrative and all other measures to ensure the full enjoyment by defenders of their rights; investigating alleged violations; prosecuting alleged perpetrators; and providing defenders with remedies and reparation.”).
80 See id. at 21-22, (citing arts. 10-11 and 18).
81 See id. at 22. (citing arts. 3-4).
establishment of the UN Special Representative of the Secretary-General, now the UN Special Rapporteur, on the situation of human rights defenders in 2000. The UN Special Rapporteur can take up individual cases and request that states take appropriate action to address alleged violations; conduct official country visits and present reports on its observations and recommendations to Human Rights Council; and produce annual reports for the UN Human Rights Council and General Assembly on the protection needs of HRDs around the world. While the Special Rapporteur’s work is valuable and draws international attention to the plight of HRDs, the mandate is stymied on several fronts: “Many WHRDs are not aware [that they can send communications]; States often fail to respond to the Special Rapporteur’s requests to individual communications; and the Rapporteur’s capacity for follow-up is very limited.”

The second UN General Assembly resolution on HRDs, UN Resolution 68/181, was adopted in December 2013. This resolution builds upon Resolution 53/144, with an explicit focus on WHRDs, a term it defines as “Women of all ages who engage in the promotion and protection of all human rights and fundamental freedoms and all people who engage in the defense of the rights of women and gender equality, individually and in association with others.” Resolution 68/181 underscores the invaluable work of women human rights defenders, and highlights the essential understanding that “women human rights defenders face specific challenges and require specific protection.” The Resolution also reaffirms that States bear the “primary responsibility for promoting and protecting human rights and fundamental freedoms,” and that the advancement of women’s rights, especially their social, legal and political statuses, positively impacts the growth of all societies—indicating that it is not only a responsibility of states to protect this population, but it is also advantageous for states to promote these rights and freedoms. Furthermore, the resolution promotes inclusion of women human rights defenders in the development of

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84 Global Report, supra note 9, at 39.
86 Meaning that a WHRD need not officially belong to an NGO in order to be a WHRD. See id. at 2; see also id. at ¶ 6.
88 A/RES/68/181, supra note 85, ¶12.
89 States are to “ensure that no one is subject to excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings or threats of such acts,” among other responsibilities. A/RES/53/144, supra note 12, at 5.
90 See A/RES/68/181, supra note 85, at 2-3 (The Resolution noted “impunity for violations and abuses against women human rights defenders persists owing to factors including a lack of reporting, documentation, investigation and access to justice, social barriers and constraints with regard to addressing gender-based violence, including sexual violence and the stigmatization that may result from such violations and abuses, and a lack of recognition of the legitimate role of women human rights defenders, all of which entrench or institutionalize gender discrimination.”).
programs and policies aimed at their own protection.\textsuperscript{91} The Resolution also references UN Security Council Resolution 1325 and its progeny on women, peace and security (WPS), which is intimately related to the promotion and protection of WHRDs.\textsuperscript{92}

Resolution 68/181 is a groundbreaking addition to the normative international legal framework on WHRDs. It formally acknowledges the gendered nature of WHRD protection concerns and urges States “to develop gender-specific laws and policies to ensure their protection.”\textsuperscript{93} In addition to Resolution 68/181, the International Bill of Human Rights, CEDAW, and Resolution 53/144 are among the most important UN legal documents that establish the right to protection for WHRDs, but they are not always enforced as envisioned. It is certain that an international legal framework to protect WHRDs is normatively helpful, but it is not a panacea. This framework must be buttressed by regional and national protection mechanisms in order to have tangible value.

b. Regional Protection Framework: Precautionary and Provisional Measures in the Inter-American Human Rights System

The next section describes two regional protection mechanisms under the Inter-American Human Rights System that WHRDs can utilize: precautionary and provisional measures. Mesoamerican nations belong to the Organization of American States (OAS)\textsuperscript{94}—a regional body that seeks to attain peace across the Americas and promote regional solidarity.\textsuperscript{95} The Inter-American Human Rights System (IAHRS) is comprised of two primary OAS organs: the Inter-American Human Rights Commission (IAHRC)\textsuperscript{96} and The Inter-American Court of Human Rights (IACtHR).\textsuperscript{97}

The IAHRC is of critical importance to WHRD protection efforts in the region.\textsuperscript{98} In a recent resolution on HRDs\textsuperscript{99} passed in 2014, it reiterated the international obligations of Member

\textsuperscript{91} See id. at ¶ 20.
\textsuperscript{92} See A/RES/68/181, supra note 85, ¶16 (The primary aim of UNSCR 1325 is to increase women’s participation in all efforts related to peace and security. Resolution 68/181 called upon States to “implement, effectively and expeditiously, Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013) on women peace and security [...] including through the provision of gender-sensitivity training for police officers and law enforcement personnel […] on the barriers that WHRDs face in gaining access to justice in armed conflict and post-conflict situations, ensuring the inclusion of sexual violence in the definition of acts prohibited by ceasefires and in provisions of ceasefire monitoring and the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes as a step towards the effective protection of women, including women human rights defenders.”).
\textsuperscript{93} Id.
\textsuperscript{94} See A/RES/68/181, supra note 85, ¶16 (“All 35 independent states of the Americas have ratified the OAS Charter and are members of the Organization.”).
\textsuperscript{95} See Charter of the Organization of American States art. 1, Apr. 30, 1948, O.A.S.T.S. No. 1-C and 61, 2 U.S.T. 2394, http://www.oas.org/juridico/english/charter.html (“The Organization was established in order to achieve among its member states ... an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence.”); see also Who We Are, Org. of Am. States, http://www.oas.org/en/about/who_we_are.asp (last visited Jan. 23, 2015).
States to protect all HRDs, while also emphasizing the special protection concerns of WHRDs and the need to empower this population. Additionally, the IACHR is home to the Rapporteurship on Human Rights Defenders, established in 2011. Regarding urgent IAHRS protection mechanisms, the Rapporteur on HRDs can ask States to implement precautionary measures, or, if the situation is particularly precarious, the Rapporteur can request that the IACtHR order States to adopt provisional measures.

Both precautionary and provisional measures are intended to prevent “irreparable harm.” Proponents of these measures claim that they help raise the visibility of vulnerable persons, such as WHRDs operating in Mesoamerica, thereby encouraging States to provide adequate protection. While increased visibility is valuable, and while these mechanisms are “almost the only way” to make Member States initiate protection efforts for identified HRDs at risk, these measures do not always achieve the desired results. In some cases, women defenders are “protected” by their perpetrators—bodyguards from State institutions that had threatened them – or forced to pay part of the cost for their guards, which they may not

99 Human Rights Defenders: Support for the Individuals, Groups, and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas. OEA/Ser.P AG/doc.5465/14. (May 27, 2014). Again, while such a resolution itself is not binding, it contains widely accepted principles that constitute customary international law. See discussion, supra Part IV.a.
100 See id. at 1.
101 Id. at ¶2 (“Resolves...To emphasize that, in view of the gender-specific roles and needs of women human rights defenders, their human rights should be accorded special attention to ensure that these women are fully empowered and...protected.”); see also Defender Derechos Humanos en las Américas, supra note 6, at 16.
106 See About Precautionary Measures, Org. of AM. STATES, http://www.oas.org/en/iachr/decisions/precautionary.asp (last visited Jan. 23, 2015) (“When [the IACHR] examines a request seeking precautionary measures [regarding a pending petition or case], the Commission looks for three essential preconditions: i) gravity; ii) urgency; and iii) the risk of irreparable harm to persons. On the matter of irreparable harm, the events that warrant the request must suggest that there is a reasonable probability that the harm will materialize; the request must not rely on legal rights or interests that can be remedied.”); see also Mandate and Function of the Commission, Org. of AM. STATES, http://www.oas.org/en/iachr/mandate/functions.asp (last visited Jan 23, 2015) (“Furthermore, under Article 63(2) of the American Convention, in cases of extreme gravity and urgency the Commission may request that the Inter-American Court order the adoption of “provisional measures” to prevent irreparable harm to persons, even when the case has not yet been submitted to the Court.”).
107 See A/HRC/16/44, supra note 4, at 18; see also Global Report, supra note 9, at 42 (“WHRDs have observed that interventions from the Commission can put pressure on States and raise the political cost of not intervening to protect WHRDs.”).
108 See Defender Derechos Humanos en las Américas, supra note 6, at 37.
109 See A/HRC/16/44, supra note 4, at 18.
be able to afford. In other instances, implementation is not enough to ward off threats of violence, or a State may refuse to honor its obligation to implement the called-for measures altogether. Recently, the IACHR Rapporteurship on Human Rights Defenders and the UN Rapporteur on Human Rights Defenders agreed to collaborate more closely to strengthen the impact of their mandates and to better protect HRDs.

c. National-Level: Mexico and Honduras

The UN Special Rapporteur on the situation of human rights defenders noted in her 2010 report that there are very few laws in place to safeguard WHRDs, and even in countries that have such laws “they are often hampered by a lack of implementation, political will or gender-sensitivity.” The Special Rapporteur revisited this theme in her Commentary 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, where she urged Member States to solidify their international legal commitment to protecting HRDs by adopting concrete national laws “with a specific reference to the work of women human rights defenders.”

Today, almost four years later, only one country in Mesoamerica has adopted a law that specifically addresses the risks faced by HRDs, and at least one other is in the process of creating a similar law. This section will briefly explore both the Mexican law and Honduran draft law as examples of national efforts.

i. The Case of Mexico

In April 2012, Mexico unanimously passed a bill that created a protection mechanism for

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110 See, e.g., Global Report, supra note 9, at 105-106 (“Case of Sonia Pierre”: Dominican authorities failed to implement protection measures ordered by the IACtHR in 2000 and again in 2006. When they finally offered to provide Pierre with a police detail later in 2006, she was informed she would have to pay for the officer.; see id. at 32 (In Honduras, “at least part of the cost of bodyguards will be charged to the beneficiary.”).

111 See, e.g., Defender Derechos Humanos en las Américas, supra note 6, at 10 (In Mexico in 2013, Malú García was accompanied by a bodyguard, per an IACHR precautionary measure, when she received a call threatening her children’s lives. The bodyguards who were supposed to be with the children, per the same measure, were not working at the time.).


113 See, e.g., Urgent Action: Mexican Human Rights Lawyer Harassed, AMNESTY INT’L, Index: AMR 41/001/2011 (Jan. 12, 2011), http://www.amnesty.org/ar/library/asset/AMR41/001/2011/es/61a4e6a2-cdc4-42a2-aa2c-1c9d8d5f7b/amr410012011en.pdf (“In 2007 the Inter-American Commission on Human Rights ordered Mexico to provide Alba Cruz with protection measures. To date [January 2011], however, it has failed to grant her any meaningful protection.”); see also Mexico: Martín Solís Bustamante forced to temporarily relocate due to government refusal to implement protection measures, FRONTLINE DEFENDERS (Nov. 24, 2014), http://www.frontlinedefenders.org/node/27684.


115 A/HRC/16/44, supra note 4, at 17.

116 Commentary to the Declaration, supra note 8, at 21.

117 See, e.g., Global Report, supra note 9 at 33 (“Very few countries have developed mechanisms to protect WHRDs, and even in those countries with protection schemes in place, WHRDs continue to be the target of attacks.”).
human rights defenders and journalists\textsuperscript{118} shortly after the brutal murder of journalist Regina Martínez Pérez.\textsuperscript{119} While several human rights watchdogs congratulated the Mexican government for its collaboration with civil society and hailed this legal development as a “breakthrough” that established “a clear legal framework for cooperation between federal and state authorities” to protect HRDs,\textsuperscript{120} the law still lacks effective implementation. The law has thus had little noticeable effect in Mexico; in fact, “risks and abuses faced by defenders of human rights are increasing.”\textsuperscript{121}

Amnesty International recently reported that while 130 cases had been accepted by the Mexican protection mechanisms through February 2014, only 41 had received protection thus far.\textsuperscript{122} In the same report, Amnesty International noted that the director of the Mexican government’s Human Rights Unit and other key staff had departed in early 2014, suggesting “the existence of several underlying problems,” including the lack of experienced personnel, resources and political support needed to make this mechanism operational.\textsuperscript{123} Furthermore, there is no specific reference to either women or gender in the Mexican law, other than noting that a “gender perspective” will be accounted for in reporting,\textsuperscript{124} even though the international community has identified that specific provisions are needed to protect vulnerable populations like WHRDs.\textsuperscript{125}

\section*{ii. The Case of Honduras}

Presently, there is no formal protection mechanism available to HRDs in Honduras, and HRDs are afraid to request protection from the police, who often do not understand this


\textsuperscript{119} See Regina Martínez Pérez, COMM. TO PROTECT JOURNALISTS (April 28, 2012), http://cpj.org/killed/2012/regina-martinez-perez-1.php. But see E-mail from Natalia Escruería, supra note 44 (“The truth is that the state didn’t create this as a reaction to her death, this process was [the result of] years of work by Mexican women’s and HR groups to get this on the agenda. Regina’s murder was a sad example of why this was so necessary.”) (Statement of Defender Cristina Hardaga, JASS Mesoamerica Mexico).

\textsuperscript{120} PBI Mexico: Historical approval of the Defenders and Journalists Protection Law in the Mexican Congress, PEACE BRIGADES Int’l. (May 2, 2012), http://www.pbi-mexico/noticias/news/?no_cache=1&L=1%22%20onfocus%3D%22blurLink%28this%29%3B&tx_ttnews[tt_news]=3459&cHash=9a971b58df1ba9cfff2b007a854cf18c; see also Law for the protection of human rights defenders, supra note 118.

\textsuperscript{121} Defender Derechos Humanos en las Américas, supra note 6, at 35.

\textsuperscript{122} Id. (“According to the Mexican Secretariat of the Interior, by September 2013 it had received 203 requests for protection and of these 41 had not been accepted. Then, February 2014 the Interior Ministry acknowledged that only 41 of 130 cases accepted to date had received protection, while the remaining 89 cases were awaiting a response.”).

\textsuperscript{123} See id.


\textsuperscript{125} See Phil Lynch, Madeleine Sinclair, Marta Kolaisinska and Michael Ineichen, From Restriction to Protection, Int’l SERVICE FOR HUMAN RIGHTS 21, (Nov. 2014), available at http://www.ishr.ch/news/restriction-protection-report-ensuring-safe-and-enabling-legal-environment-human-rights (“It is well recognised that certain groups of human rights defenders are particularly vulnerable to threats and attacks (including women human rights defenders) ... It is also well established that States have a positive duty to protect them against such risks, including through the adoption of specific legislative measures.”).
population’s protection concerns. In an effort to create a formal mechanism to assist HRDs who come under threat, the Honduran Congress debated a draft Law on Protection of Human Rights Defenders, Journalists, Media Representatives and Operators of Justice in June 2014, which it later made available to civil society for feedback in August. The Inter-American Commission and the International Service for Human Rights have called upon the Honduran Congress to conform the Bill to international human rights standards, indicating that the current draft law falls short. These organizations have also urged Congress to pass the Bill as quickly as possible, in light of the “the high level of violence against human rights defenders, journalists and their families, and the impunity with which the vast majority of such attacks are perpetrated.” Additionally, WHRDs understand their protection needs better than anyone else, and it is crucial to this law’s success that WHRDs are consulted in the drafting process. This will ensure that their unique protection concerns are properly addressed in the countries where they operate.

Even with a strong international framework—embodied by UN treaties and resolutions, regional protection mechanisms within OAS, and national laws in development—WHRDs still confront danger operating in Mesoamerica. When the risk to WHRDs’ lives, or the lives of family members, becomes acute and their own governments refuse to shield them from harm, WHRDs need to access support from sources outside of their home country.

V. The Role of the United States in Supporting WHRDs

“The engagement and protection of women as agents of peace and stability will be central to the United States’ efforts to promote security, prevent, respond to, and resolve conflict, and rebuild societies.” - The U.S. National Action Plan on Women, Peace & Security.

Both international and regional instruments acknowledge that States have the primary responsibility to protect WHRDs in their territory, as previously discussed. However, WHRDs are often targeted by the very entities that are supposed to ensure their safety, or by groups that the state is unable, or unwilling, to control. As a consequence, there are times when individuals are targeted by their government and need funding to pay for legal support or physical security measures, or are forced to flee their home country for safety reasons, and

126 See id. (“Many human rights defenders, because of the fear that the police instills in them, refrain from asking for protection because they believe contacting the police exposes them to a higher security risk and possible retaliation (...) several human rights defenders noted that police officers assigned to protect them rotated frequently and lacked training.” For example, one defender who had been assigned police protection recounted that the officers assigned to him did not understand the nature of their job and “believed he was on parole,” therefore “treating him as a suspect and not as a victim.”).
127 See Defender Derechos Humanos en las Américas, supra note 6, at 35.
128 See Honduras: Strengthen and enact draft law, supra note 49.
129 Id.; see also Urgent Action: Human Rights Defender and Family at Risk, AMNESTY INT’L, Index: AMR 37/008/2014 (July 7, 2014), http://www.amnesty.org/en/library/info/AMR37/008/2014/en (“According to the National Commissioner for Human Rights, 30 journalists and 70 lawyers have been killed in Honduras since January 2010. Among the dozens of cases of human rights violations and abuses committed against human rights defenders in the last five years, according to the information Amnesty International has received, in only one case were those responsible prosecuted, convicted and sentenced.”).
states like the U.S. are called upon to provide support in the form of temporary respite or asylum. The following section provides a sample of some of the legal and moral obligations of the U.S. to aid WHRDs, as well as recommendations on how the U.S. can improve its efforts to aid this vulnerable population.

a. The Obligation to Assist WHRDs and the U.S. National Action Plan on Women, Peace and Security

Despite the existing international legal framework, the U.S.'s articulated commitment to protecting WHRDs and acknowledgment that helping WHRDs is in the national interest, there is an implementation deficit in providing WHRDs with the protection mechanisms and assistance they require.

In terms of duty, United Nations Security Council Resolution 1325 (2000)\(^{131}\) and its progeny\(^{132}\), as well as the U.S. National Action Plan on Women, Peace and Security,\(^{133}\) establish that the U.S. government has a broad responsibility to assist WHRDs.

UNSCR 1325 seeks to increase women’s participation in peacebuilding, and protect women from sexual violence in conflict and post-conflict societies, which is typically the space in which WHRDs operate. While scholars debate the legal weight of UNSCR 1325, some assert that Resolution 1325 simply reinforces already binding obligations since “many of the state duties that Resolution 1325 establishes are derived from...binding sources”\(^{134}\) that have already been ratified by Member States.\(^{135}\) Even if UNSCR 1325 does not constitute binding international law, National Action Plans (NAP) on Women, Peace and Security represent a country's express commitment to realizing UNSCR 1325 and forms the basis of a strong moral obligation to assist WHRDs.

The UN Security Council called upon member states to create NAPs in a 2004 presidential statement.\(^{136}\) The U.S. unveiled its NAP in 2011 through Executive Order 13595.\(^{137}\) In the U.S. NAP, the government announced its goal to “empower half of the world’s population as equal partners in preventing conflict and building peace in countries threatened and


\(^{133}\) U.S. NAP, supra note 130.

\(^{134}\) For example, the duty to grant asylum to WHRDs stems from the Universal Declaration of Human Rights (UDHR) and is recorded in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. The United States, as a party to the 1967 Protocol, is legally bound to aid refugees, which may include WHRDs, fleeing from persecution based on five protected grounds: Race, religion, nationality, membership in a particular social group or political opinion; see Commentary on the Refugee Convention of 1951, UNITED NATIONS HIGH COM'MR FOR REFUGEES (1997), available at www.refworld.org/pdfid/4785ee9d2.pdf.

\(^{135}\) See Kwadwo Appla Gyey-Atua, United Nations Security Council Resolution 1325 on Women, Peace, and Security—Is it Binding?, HUMAN RIGHTS BRIEF 18, no. 3 (2011): 2-6, available at: http://digitalcommons.wcl.american.edu/hrbrief/vol18/iss3/1/ (Furthermore, the author posits: “Even if Resolution 1325 is solely a produce of Chapter VI (of the UN Charter), there is no bright line rule establishing that Security Council resolutions created under Chapter VI are non-binding and that those under Chapter VII are binding.”).


affected by war, violence, and insecurity” and recognized that “achieving this goal is critical to our national and global security.”\textsuperscript{138} In this NAP, the U.S. government promises to undertake over 70 enumerated actions. Many of these action points directly relate to protecting WHRDs, including but not limited to:

- “Support the participation and leadership roles of women from all backgrounds [...] in [...] security sector reform efforts, transitional justice and accountability processes”\textsuperscript{139};
- “Encourage nations to develop laws that promote and protect women’s rights”\textsuperscript{140} and assist countries to develop the capacity to enforce these laws and combat impunity\textsuperscript{141};
- Facilitate “civil society to advocate for the development and implementation of such laws”\textsuperscript{142};
- Augment the “capacity of individuals, communities and protection actors to address the threats and vulnerability associated with SGBV”\textsuperscript{143}; “provide diplomatic and development support for women’s coalitions working to mitigate conflict and related activity”\textsuperscript{144}; and
- “Provide humanitarian protection through the administration of immigration benefits programs and other immigration mechanisms [...] to women and girls, in need of relief from persecution or urgent circumstances.”\textsuperscript{145}

In August 2012, the U.S. State Department published an “Implementation Plan of the National Action Plan on Women, Peace and Security”\textsuperscript{146} to achieve the aforementioned goals. This Plan explicitly acknowledged the role of gender-based violence and insecurity on “increased risks for women human rights defenders.”\textsuperscript{147} The Plan then described how the State Department would ameliorate this risk by “increas[ing] gender awareness and integration of gender-sensitivity training within the security, law enforcement, and judicial sectors abroad,” as well as bolstering “women’s leadership in political processes and women’s participation in the violence prevention and peace-building initiatives such as community policing and mediation programs.”\textsuperscript{148} However, while the National Action Plan

\textsuperscript{138} U.S. NAP, supra note 130, at 1. The U.S. NAP noted “When countries are not experiencing active conflict, evidence shows that violence against women can be a primary indicator of a nation’s stability, security, and propensity toward internal or external conflict.” Id. at 6. In fact, “From Kosovo to Rwanda, societies have witnessed rising discrimination and violence against women as early indicators of impending conflict.” Id. at 8.

\textsuperscript{139} Id. at 14.

\textsuperscript{140} Id. at 15.

\textsuperscript{141} Id. at 16; see also id. at 18.

\textsuperscript{142} Id. at 16.

\textsuperscript{143} Id. at 16; see also id. at 19.

\textsuperscript{144} Id. at 20.

\textsuperscript{145} Id. at 22 (emphasis added).


\textsuperscript{147} Id. at 7 (“Gender-based violence and particularly violence against women is a well-documented cause and effect of increased criminality, insecurity, and the growing violence in the region. Insecurity contributes directly to increased femicide levels, \textit{increased risks for women human rights defenders}, and ongoing domestic violence, as well as indirectly to increased teenage pregnancies, and increased poverty and insecurity for women-led households. Furthermore, women remain underrepresented in political and economic spheres, especially when they belong to a marginalized and/or minority group”) (emphasis added).

\textsuperscript{148} Id. (In addition, the State Department noted that it would “work[] through security frameworks like the Central America Regional Security Initiative (Carsi),,” and also seek to “strengthen cooperation and respect for gender equality between both sexes.”).
included language on humanitarian protection and immigration benefits, the
Implementation Plan left out similar language, 149 indicating that the commitment might not
be timely realized as described in the NAP, and signaling the existence of gaps between
rhetoric and implementation.

To gauge the U.S. government’s success in implementing its NAP, Executive Order 13595
called for a comprehensive review after three years—which is due to take place in 2015. At a
recent event celebrating the third anniversary of the U.S. NAP, which was convened to
assess successes and challenges to U.S. NAP implementation, Karen Hanrahan, Deputy
Assistant Secretary, Bureau of Democracy, Human Rights and Labor (DRL), affirmed that the
U.S. is “committed to leading by example,” but cautioned, “We must also be somewhat
humble as we review [our] global track record.” 150 In light of the 15th anniversary of 1325,
the third anniversary of the U.S. NAP and its upcoming review, and the post-2015
development agenda, Hanrahan stated, “We are viewing 2015 as the year of Women, Peace
and Security,” and “we are pushing to place gender equality and women and girls at the
heart of the post-2015 development agenda.” How will the assessment of U.S. policy
affecting WHRDs figure into this critical moment?

b. How the U.S. Can Better Support WHRDs

The U.S. offers an abundance of opportunities for WHRDs as survivors of persecution—from
funding to help pay for legal costs and relocation, to asylum 151 or relief under withholding of
removal or under the UN Convention Against Torture. 152 However, the U.S. can begin to
strengthen its commitment to WHRDs by: (1) Improving access to existing funds for human
rights defenders, and (2) Increasing the availability of temporary humanitarian relocation
within the U.S. through longer-term B1 and B2 visas, or by implementing a TPS-type program
for WHRDs. 153

i. Improving Access to Existing Funds for WHRDs

On December 14, 2006, then-U.S. Secretary of State Condoleezza Rice announced the
creation of several new State Department programs aimed at “responding to a global trend
government crackdowns on non-governmental organizations and human rights
defenders.” 154 One of these initiatives was the $1.5 million Human Rights Defenders’

149 See id.
150 USAID’s 3rd Anniversary Event to Commemorate the National Action Plan for Women, Peace and Security (Jan 27, 2015)
(Statement of Karen Hanrahan, Deputy Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, Department
of State).
152 See Withholding of removal under the Immigration and Nationality Act § 241(b)(3)(B) (2012), and withholding of
removal under the Convention Against Torture, 8 C.F.R. § 1208.16 (2000), available at:
153 It should be noted that these suggestions benefit all HRDs—men included, and that the U.S. should also look for other
ways it can augment protection mechanisms afforded to WHRDs, in line with specific gender concerns, in consultation with
this population.
154 Fact Sheet: International Human Rights Week Initiatives. U.S. DEP’T OF STATE ARCHIVES (December 14, 2006),
Fund,\textsuperscript{155} which reaffirmed the U.S.’s “strong commitment to support those courageous individuals who are fighting for freedom and liberty around the world.”\textsuperscript{156} Then, in 2014, the State Department announced the $5 million Lifeline: The Embattled NGOs Assistance Fund—a joint effort between the U.S. and several other countries\textsuperscript{157} to aid NGOs who come under siege for their human rights work. Both of these emergency funds are programs of the Bureau of Democracy, Human Rights, and Labor.\textsuperscript{158} The assistance is designed to aid activists who have “extraordinary financial, legal or medical needs as a result of government repression.”\textsuperscript{159}

While these funds help many individuals and organizations—assisting a total of 440 WHRDs from October 1, 2007 to Dec 1, 2014 (WHRDs represent 32% of those who received emergency assistance during this period)\textsuperscript{160}—there are aspects of these programs that leave human rights advocates wanting. For example, these funds are shrouded in mystery; only recently did the State Department make its human rights defender protection program public.\textsuperscript{161} Furthermore, the information on the State Department’s website only vaguely describes the assistance available, and there is no information regarding how to apply for aid.\textsuperscript{162} Given this dearth of public information, many human rights defenders “do not know about the program nor do they understand [or] have the correct information as to how to access [the funds].”\textsuperscript{163} It is illustrative that two prominent WHRDs from Guatemala admitted that they had no idea the U.S. had this funding available.\textsuperscript{164}

There are at least two potential justifications for not widely publicizing the Human Rights Defenders’ and Lifeline Funds: 1) It is safer for defenders to not be seen as closely tied to the U.S. government; and 2) It is better for the U.S. to not be seen as intervening in another country’s affairs. However, neither of these justifications is satisfying—especially to the uninformed defenders who could desperately use such assistance. Of course, one could argue that there is a real fear of further endangering a defender by publicizing the HRD Funds—that foreign governments would accuse defenders of accepting money from the “big, bad U.S. government,” which could amplify the harassment that WHRDs face in-country. However, it is more likely that attention would spotlight the defenders and protect them from harm, since governments abroad would know that the U.S., having taken an interest in those

\textsuperscript{156} Id.; see also International Human Rights Week Fact Sheet, supra note 154.
\textsuperscript{157} See Specialized Funds, supra note 155 (Funded by Australia, Benin, Canada, Chile, the Czech Republic, Denmark, Lithuania, the Netherlands, Norway, Poland, Sweden, the United Kingdom, and the United States).
\textsuperscript{158} See id.
\textsuperscript{159} International Human Rights Week Fact Sheet, supra note 154.
\textsuperscript{160} WHRDs comprise 32% of those that have received emergency assistance in the past. See Appendix A. “HRFD and Lifeline Statistics,” Table 1.
\textsuperscript{161} “This fund was kept quite private for many years but recently (the past year or so) was made public: http://www.state.gov/j/drl/p/c46943.htm.” E-mail from Natalia Escrucería, Program Associate, Just Associates, to author (Nov. 5, 2014, 11:24 AM EST) (on file with author).
\textsuperscript{162} However, information on applying for Lifeline is available on Freedom House’s website. See Lifeline: Assistance Fund for Embattled Civil Society Organizations, Freedom House, https://www.freedomhouse.org/program/lifeline#.VLfUMY2lZXZ (last visited Jan 23, 2015) (“Lifeline receives contributions through an international donor pool of 17 governments and independent foundations that support democracy and human rights.”).
\textsuperscript{163} Id.
\textsuperscript{164} See, E-mail from Claudia Samayoa, Unidad de Proteccion a Defensoras y Defensores de Derechos Humanos Guatemala (UDEFEGUA), to author. (Dec. 15, 2014, 3:42 AM EST) (on file with author); see also In-person interview with Claudia Paz y Paz, former Attorney General of Guatemala (Oct. 11, 2014).
individuals, is watching—similar in effect to the provisional and precautionary measures of the Inter-American Human Rights System (IAHRS), as explained above.

Furthermore, asserting that concealing these funds is necessary to maintain U.S. foreign relations is also a misleading argument. The U.S. government has repeatedly stated that empowering and protecting women abroad is “critical to our national [U.S.] and global security.”\textsuperscript{165} More broadly, the U.S., through the Bureau of Democracy, Human Rights, and Labor at the State Department, has affirmed, “Promoting freedom and democracy and protecting human rights around the world are central to U.S. foreign policy,” and “The United States supports those persons who long to live in freedom and under democratic governments that protect universally accepted human rights.”\textsuperscript{166} To achieve its goals, the U.S. government uses many tools, which include reporting and economic sanctions, in addition to bilateral and multilateral diplomacy and foreign assistance. The desire to fly “under the radar” has not halted the U.S. in administering these programs, or in publicizing their efforts.\textsuperscript{167}

The U.S. has two valuable funding programs that could be used by WHRDs and NGOs under threat, if only they were better publicized. How can the U.S. improve its ability to support WHRDs through the Human Rights Defenders’ and Lifeline Funds?

- Expand the current website by including detailed information (with translations) about the funds and how they operate.
- Make the State Department webpage user-friendly by adding information on how to apply for funding.
- Ensure that U.S. embassies and consulates abroad have information on these funds and encourage threatened WHRDs to apply.
- Host publicity campaigns, reaching out to NGOs and WHRD networks that are active in at-risk regions.
- Disclose how funding is used to cultivate greater awareness about the purpose of these funds.
- While it is not necessary to publish a list of recipients, consider publishing statistics, desegregated by gender, on how many applicants apply for assistance versus how many receive assistance.
- Publish sample applications—both successful and unsuccessful—or a guide on successful applications to help applicants write their petitions.
- Share experiences, including best practices and lessons learned, on the U.S.’s endeavors to support WHRDs.

The veil must be lifted for these programs to reach their target population and ensure assistance is delivered to the most deserving WHRDs in need.

\textsuperscript{165} See supra note 138.
\textsuperscript{167} See, e.g., Economic Sanctions Policy and Implementation, U.S. DEP’T OF STATE, http://www.state.gov/e/eb/tsf/spi/ (last visited January 5, 2015) (The U.S. State Department publishes information on countries with active sanctions, and why these sanctions have been implemented and maintained or augmented.).
The number of asylum seekers coming from Mesoamerica has skyrocketed in recent years, and has led to increased accusations of asylum fraud. However, the penalty for filing a frivolous asylum claim is steep, dissuading potential deception. Additionally, if the U.S. becomes overly concerned about asylum fraud, it risks denying asylum to legitimate applicants. The decision to apply for asylum is not taken lightly; WHRDs are committed to their countries and causes, and when they apply for asylum it is truly as a last resort to escape persecution. For example, one cost associated with obtaining asylum is that asylees, even those who adjust to permanent resident status, cannot return to the country from which they fled except for “compelling reasons.”

The asylum system could be improved in many ways, including elimination of the one-year filing deadline and the wait to work; and, of crucial importance, guaranteeing legal representation in a system where “without skilled legal counsel, a person will be unable to ‘thread the labyrinth.’” However, a formal discussion of the problems with and intricacies of U.S. asylum law and policy in the U.S. is beyond the scope of this paper. Furthermore, temporary interventions are often preferable among the WHRD community since “Most human rights defenders do not want to leave their country...most of the women human rights defenders are leaders of their communities...They want to continue doing their work at home. But sometimes they need to flee...” Advocates who fight for the protection of WHRDs echo the above sentiment by former attorney general of Guatemala Claudia Paz-y-Paz, stressing, “[We] don’t want protection mechanisms that take [WHRDs] out of their

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168 See, e.g., Rethinking the Drug War, supra note 19 at 15 (“New asylum applications form Mexico have grown from 3,855 in FY2009 to 9,206 in FY2012. The dramatic increase in Mesoamerican asylum applications have prompted House Judiciary Chairman Rep. Bob Goodlatte (R-VA) to accuse asylum seekers of fraud.”).

169 See 8 U.S.C. § 1158(d)(6) (2012) (“If the Attorney General determines that an alien has knowingly made a frivolous application for asylum ..., the alien shall be permanently ineligible for any benefits under this chapter.”).

170 See, e.g., Paterson, supra note 23 (Asylum seeker Karla Castaneda noted, “My fear is getting deported. I know they will kill me if I am returned to Juarez. I can’t go back.” But Castanenda expressed that she greatly missed home: “It gives me a lot of sadness, especially when I go to El Paso and [can] see Juarez from the bridge.”).

171 See U.S. CUSTOMS AND IMMIGRATION SERVICES, CUSTOMER SERVICE REFERENCE GUIDE: SERVICES AVAILABLE FOR ASYLLEES AND REFUGEES 7 (2014), available at: http://www.uscis.gov/sites/default/files/USCIS/About%20Us/Electronic%20Reading%20Room/Customer%20Service%20Reference%20Guide/Asylees_Refugees.pdf (last visited Jan 23., 2015) (“In some cases, returning to the country that you fled can be considered evidence that your fear of persecution is not genuine or that you no longer need the protection of the United States. In some limited circumstances, you may be able to return to the country where you experienced persecution or claim a fear of future persecution if your stay is of a short duration and you can demonstrate that your return to that particular country was due to compelling reasons.”).


175 For further information see, e.g., ANDREW I. SCHONHOLTZ, PHILIP G. SCHRAG, & JAVA RAMI-NOGALES, LIVES IN THE BALANCE: ASYLUM ADJUDICATION BY THE DEPARTMENT OF HOMELAND SECURITY (2014) (The authors examine how factors unrelated to the merits of asylum claims affect grant rates, look at how consistency varies across the eight regional asylum offices and within those offices, and provide recommendations on improving the adjudication process based on those findings.); see also Refugee Roulette, supra note 174.

176 Interview with Claudia Paz-y-Paz, supra note 164.
country. We want them to stay.”

In situations where threats to safety become urgent, and international, regional and national mechanisms cannot ensure protection, relocation interventions become necessary to save the lives of WHRDs. While asylum is one avenue for relocation, the U.S. could alternatively offer WHRDs short-term respite through longer-term B1 and B2 visas, or the implementation of a Temporary Protected Status (TPS)-type program specifically for WHRDs, while oppressors are prosecuted in country or until an active threat dissipates.

It is challenging to obtain a visitor visa for entry to the U.S., especially if the U.S. government incorrectly assumes that the applicant intends to stay in the U.S. permanently. While the data indicates that more B1, B1/B2, and B2 visitor visas are being issued than in past years, these numbers do not illustrate which countries have the hardest time obtaining visas. For example, in FY2002 there was a combined total of 4,738,030 B1, B1/B2, and B2 visa applications, and 1,878,797 (or 39.7%) were denied. In FY2009, 1,286,713 of 4,696,442 applicants, or 27.4%, were denied visitor visas. Then in FY2013, the number of applications for visitor visas increased significantly—to 7,408,313 applicants, with 1,606,251 (or 21.7%) denied. Although the percentage denied appears to have decreased, despite the overall number of applications increasing, this does not imply that applications from Mesoamerica have experienced this trend. In fact, in FY2014 there was a higher percentage of rejection across the board for applicants from Honduras (36.8%), Mexico (15.6%), Guatemala (35.9%), and Nicaragua (35.8%) than compared to FY2009 figures.

Furthermore, when a defender’s life is threatened and organizations mobilize to support her, or when she is invited to speak in the U.S. about her situation at a conference, the U.S. typically grants her a very short-term visa (i.e. the length of the event, no more than five days, etc.). According to Just Associates, an organization that advocates on behalf of WHRDs in Mesoamerica,

178 See Visitor Visa, U.S. DEP’T OF STATE, http://travel.state.gov/content/visas/english/visit/visitor.html (last visited Jan. 23, 2015) (Visitor visas are nonimmigrant visas for persons who want to enter the United States temporarily for business (visa category B-1), tourism, pleasure or visiting (visa category B-2), or a combination of both purposes (B-1/B-2)).
179 See Visa Denials: INA § 214(b)—Visa Qualifications and Immigrant Intent, U.S. DEP’T OF STATE, http://travel.state.gov/content/visa/visas/english/general/denials.html (last visited Jan. 23, 2015) (A visa will be denied if the applicant fails to “overcome the presumption of immigrant intent, required by law, by sufficiently demonstrating that you have strong ties to your home country that will compel you to leave the United States at the end of your temporary stay.”).
182 See E-mail from Natalia Escruceña, supra note 161 (“It is also difficult for some WHRDs to get visas at all because they do not always have an official affiliation with an organization and might not appear to be a WHRD when applying at the embassy).
“What would be incredibly useful is if a visa could be granted for about six months or a year so that, in case she is threatened even more when she returns to her country for speaking out in the U.S., which is something that happens often, she could return to the U.S. [or remain in the U.S. for a while after the conference] to continue building solidarity for her case and that of others in similar situations.”

An anonymous source noted that granting tourist visas for longer-stays—even just a few months—would allow for time to prosecute the persecutors while the WHRD remains safe in the U.S.

As an alternative solution to working with embassies and the State Department to issue longer (six-months to one-year) visitor visas, it might be worthwhile to consider creating a special program for WHRDs modeled after Temporary Protected Status (TPS). TPS allows citizens of “TPS-designated” countries to stay in the U.S. “due to conditions in the [home] country that temporarily prevent the country’s nationals from returning safely.” The Secretary of Homeland Security may designate countries for TPS under the following circumstances: (1) “ongoing armed conflict”; (2) “an environmental disaster...or an epidemic”; and (3) “other extraordinary and temporary conditions.” Once a country has been designated for TPS, U.S. Citizenship and Immigration Services (USCIS) may grant TPS to eligible individuals from these countries who are already present in the United States. Therefore, while countries like El Salvador, Honduras, and Nicaragua are currently designated for TPS, WHRDs who were not present in the U.S. during the registration period are not eligible. The idea would be to create a similar way for WHRDs to temporarily stay in the U.S. while they remain at risk, and receive the benefits that TPS confers—such as the ability to work in the U.S. during their stay—without requiring that a WHRD already be in the U.S. for eligibility purposes. Furthermore, the fact that TPS is not a pathway to permanent citizenship would help quiet concerns related to the immigration debate, and provide WHRDs with a viable form of temporary protection that would allow them to return to their home country once safety concerns have been eliminated.

Remember, these measures are only necessary when conditions become so dangerous that a WHRD decides she must temporarily relocate for her safety. Ideally, national, regional and international mechanisms will improve over time to enable WHRDs to remain in their home country and continue their critical work without fear of deadly consequences.

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183 Id.
184 The identity of this individual cannot be released due to individual risk to his/her safety. S/he noted that some countries have special arrangements where they offer WHRDs short-term visas (including airfare and help setting up a temporary job in-country) “so that the persecutors can be prosecuted in the meantime [while the WHRD is out of harm’s way].” However, s/he stated that the U.S. has not offered such help when WHRDs approached the embassy in this Mesoamerican country.
186 Id.
187 See id. (To be eligible for TPS, the applicant must (1) “File during the open initial registration or re-registration period,” or “meet the requirements for late initial filing during any extension of [his/her] country’s TPS designation;” and (2) “Have been continuously physically present (CPP) in the United States since the effective date of the most recent designation date of [his/her] country,” among other requirements.).
188 See id.
189 Id.
VI. Conclusion

“To secure a just world, you must protect the freedom of those who stand up for human rights.” - International Federation for Human Rights Defenders.¹⁹⁰

WHRDs in Mesoamerica are in the trenches, fighting for women’s rights, democracy, and improved governance. Their work promotes greater stability in the region, which not only benefits their compatriots – who will ultimately enjoy greater respect for their human rights – but also advances the U.S. national security agenda. Although the normative international legal framework for WHRDs is strong, regional protection mechanisms are in place, and it is understood that States bear the primary responsibility for enabling WHRDs “to continue to engage in the defense and promotion of human rights,”¹⁹¹ sometimes these avenues are not enough to stave off the deadly repercussions of being a WHRD.

The U.S. has a responsibility to act as an ally.¹⁹² Demonstrating solidarity with WHRDs can take many different forms, from maintaining a clear policy against femicide, pressuring foreign governments to improve their laws and investigate and punish attacks against WHRDs, and suspending U.S. aid¹⁹³ to governments who wantonly abuse or fail to protect defenders.¹⁹⁴ These examples are methods of improving the environment in which WHRDs operate, and it is absolutely essential that the U.S. encourage governments to address structural issues that prevent WHRDs from carrying out their work.¹⁹⁵ Beyond facilitating changes in this context, which can be slow to come to fruition, the U.S. can improve how it aids WHRDs directly by better publicizing its HRD Funds, and by increasing the opportunity for WHRDs to find temporary respite in the U.S. when they need to escape for their safety.

Finally, in devising new mechanisms to protect this population, it is critical that the U.S. recalls the gender-based vulnerabilities of WHRDs,¹⁹⁶ and consults with CSOs and individuals about their protection concerns to create the most meaningful interventions.¹⁹⁷ In taking action on these recommendations set forth above, and in exploring new protection mechanisms in consultation with WHRDs, the U.S. will demonstrably strengthen the commitment it made to WHRDs in its National Action Plan on Women, Peace and Security, and confirm its solidarity with advocates of human rights in Mesoamerica and beyond.

¹⁹² See discussion supra, Part V.a.
¹⁹³ See, e.g., E-mail from Natalia Escrucería, supra note 44 (“In the experience of Mexico, we have learned over the years that keeping the human rights conditions in U.S. assistance through the Merida Initiative ensures that human rights will be part of the binational agenda... In countries like Mexico, human rights conditions on security aid packages are useful,” and this is true for other countries as well.) (Statement of Defender Cristina Hardaga, JASS Mesoamerica Mexico).
¹⁹⁴ See Women Crossing the Line, supra note 35.
¹⁹⁵ See E-mail from Natalia Escrucería, supra note 44.
¹⁹⁶ While both men and women face repercussions for their advocacy, recall that women have gender-based vulnerabilities and require specific interventions, “often due to the fact that women defenders are perceived as challenging accepted socio-cultural norms, traditions, perceptions and stereotypes about ... the role of and status of women in society.” HRC/16/44, supra note 4; see also discussion, supra Part III.
¹⁹⁷ See, e.g., Global Report, supra note 9, at 110. (“Recognizing WHRDs as agents as well as victims, as actors as well as objects of threats, and who are therefore participants rather than recipients of protection plans should inform the process of development and implementation of strategies for their protection.”).
Appendix A. HRFD and Lifeline Statistics

Table 1 provides information on the total number of human rights defenders (HRDs) and civil society organizations (CSOs) applying for, and receiving, emergency financial assistance from Freedom House. The Global Human Rights Defenders Fund (HRDF) provides assistance to individual HRDs, while the Lifeline Fund assists CSOs. Figures are disaggregated by fund and gender, as well as by those receiving assistance for temporary relocation. Lifeline (organization) data is disaggregated by the number of women-led CSOs. WHRDs comprise 32% of those that have received emergency assistance in the past. Time period for all figures below: October 1, 2007 – Dec 1, 2014.

Table 1. Emergency Assistance Applicants and Awards

<table>
<thead>
<tr>
<th></th>
<th>HRDF (Individuals)</th>
<th>Lifeline Fund (Organizations)</th>
<th>Total WHRDs</th>
<th>Total Male HRDs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Applicants</td>
<td>462</td>
<td>77</td>
<td>539</td>
<td>1,844</td>
</tr>
<tr>
<td>Total Assisted</td>
<td>369</td>
<td>71</td>
<td>440</td>
<td>1,380</td>
</tr>
<tr>
<td>Total who received Relocation Assistance</td>
<td>161</td>
<td>25</td>
<td>186</td>
<td>674</td>
</tr>
</tbody>
</table>

Table 2 shows the top countries of origin for WHRDs who received HRDF or Lifeline assistance for any purpose (medical, humanitarian or dependent support, relocation, security, equipment replacement, legal assistance and trial monitoring, prison visits).

Table 2. Top Countries of Origin – WHRDs

<table>
<thead>
<tr>
<th>Top Countries of Origin (WHRDs)</th>
<th># of Cases</th>
<th>% of WHRDs (n=440)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Syria</td>
<td>36</td>
<td>8%</td>
</tr>
<tr>
<td>Sudan</td>
<td>32</td>
<td>7%</td>
</tr>
<tr>
<td>Burma</td>
<td>28</td>
<td>6%</td>
</tr>
<tr>
<td>Iran</td>
<td>22</td>
<td>5%</td>
</tr>
<tr>
<td>Russia</td>
<td>21</td>
<td>5%</td>
</tr>
<tr>
<td>Colombia</td>
<td>19</td>
<td>4%</td>
</tr>
<tr>
<td>Mexico</td>
<td>18</td>
<td>4%</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>18</td>
<td>4%</td>
</tr>
<tr>
<td>Pakistan</td>
<td>16</td>
<td>4%</td>
</tr>
</tbody>
</table>

Table 3 provides information on the top countries of origin for WHRDs receiving HRDF or Lifeline assistance for temporary relocation. Many of those using assistance for relocation generally do not return to their countries of origin (based on follow-up reporting, which

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198 E-mail from Freedom House Emergency Assistance Programs, Freedom House, to author (Dec. 5, 2014, 4:31 PM EST) (on file with author).
generally occurs 3-6 months after assistance was received). Of those that relocate, most move to neighboring areas: Sudan (→ Egypt, Ethiopia, Uganda); Syria (Turkey); Iran (Turkey); Colombia (in-country relocation, to safer cities or neighborhoods), Pakistan (in-country relocation, to safer cities or neighborhoods). In the last two years, only one WHRD temporarily relocated to the US, for about four months.

Table 3. Top Countries of Origin - WHRDs Receiving Temporary Relocation

<table>
<thead>
<tr>
<th>Top Countries of Origin (Relocated WHRDs)</th>
<th># of Cases</th>
<th>% of relocated WHRDs (n=186)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sudan</td>
<td>24</td>
<td>13%</td>
</tr>
<tr>
<td>Syria</td>
<td>20</td>
<td>11%</td>
</tr>
<tr>
<td>Iran</td>
<td>16</td>
<td>9%</td>
</tr>
<tr>
<td>Colombia</td>
<td>12</td>
<td>6%</td>
</tr>
<tr>
<td>Pakistan</td>
<td>12</td>
<td>6%</td>
</tr>
<tr>
<td>Mexico</td>
<td>10</td>
<td>5%</td>
</tr>
<tr>
<td>DRC</td>
<td>10</td>
<td>5%</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>7</td>
<td>4%</td>
</tr>
<tr>
<td>Russia</td>
<td>5</td>
<td>3%</td>
</tr>
</tbody>
</table>

Table 4 illustrates the type of threats received by WHRDs (i.e. reason for applying for emergency assistance). This information is sourced from the HRD's/CSO's application for emergency assistance. As HRDs/CSOs often experience more than one threat, the total % below is equal to more than 100%. For example, one WHRD may report arrest, death threats, and physical assault.

Table 4. Threats to WHRDs

<table>
<thead>
<tr>
<th>Threats - WHRDs</th>
<th># of Cases</th>
<th>% of WHRDs (n=440)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct intimidation</td>
<td>189</td>
<td>43%</td>
</tr>
<tr>
<td>Arrest/Detention/Imprisonment</td>
<td>151</td>
<td>34%</td>
</tr>
<tr>
<td>Legal persecution</td>
<td>77</td>
<td>18%</td>
</tr>
<tr>
<td>Death threat</td>
<td>74</td>
<td>17%</td>
</tr>
<tr>
<td>Loss of livelihood</td>
<td>69</td>
<td>16%</td>
</tr>
<tr>
<td>Attack on Home/Office/Property</td>
<td>65</td>
<td>15%</td>
</tr>
<tr>
<td>Physical assault</td>
<td>63</td>
<td>14%</td>
</tr>
<tr>
<td>Surveillance/monitoring</td>
<td>52</td>
<td>12%</td>
</tr>
<tr>
<td>Rape/sexual violence</td>
<td>27</td>
<td>6%</td>
</tr>
<tr>
<td>Torture</td>
<td>22</td>
<td>5%</td>
</tr>
<tr>
<td>Assassination attempt</td>
<td>21</td>
<td>5%</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>4</td>
<td>1%</td>
</tr>
<tr>
<td>Killed</td>
<td>4</td>
<td>1%</td>
</tr>
</tbody>
</table>
Table 5 provides information on the type of threats reported by WHRDs using HRDF or Lifeline support for temporary relocation. WHRDs seeking assistance for relocation reported a higher incidence of direct intimidation, arrest/detention/imprisonment (which is often reported alongside loss of livelihood), legal persecution, and death threats.

Table 5. Threats to WHRDs Receiving Relocation Assistance

<table>
<thead>
<tr>
<th>Threats - Relocated WHRDs</th>
<th># of Cases</th>
<th>% of WHRDs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Intimidation</td>
<td>147</td>
<td>79%</td>
</tr>
<tr>
<td>Arrest/Detention/Imprisonment</td>
<td>118</td>
<td>63%</td>
</tr>
<tr>
<td>Loss of livelihood</td>
<td>64</td>
<td>34%</td>
</tr>
<tr>
<td>Legal persecution</td>
<td>59</td>
<td>32%</td>
</tr>
<tr>
<td>Death threat</td>
<td>58</td>
<td>31%</td>
</tr>
<tr>
<td>Physical assault</td>
<td>42</td>
<td>23%</td>
</tr>
<tr>
<td>Surveillance/monitoring</td>
<td>35</td>
<td>19%</td>
</tr>
<tr>
<td>Attack on Home/Office/Property</td>
<td>27</td>
<td>15%</td>
</tr>
<tr>
<td>Rape/sexual violence</td>
<td>25</td>
<td>13%</td>
</tr>
<tr>
<td>Torture</td>
<td>24</td>
<td>13%</td>
</tr>
<tr>
<td>Assassination attempt</td>
<td>13</td>
<td>7%</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>4</td>
<td>2%</td>
</tr>
<tr>
<td>Killed</td>
<td>2</td>
<td>1%</td>
</tr>
</tbody>
</table>

Table 6 shows the type of threats that WHRDs’ dependents received. Of the 440 WHRDs receiving emergency assistance, 49 (11%) reported that their dependents received some type of threat because of their human rights work.

Table 6. Type of Threats to WHRDs' Dependents

<table>
<thead>
<tr>
<th>Type of Threats to WHRDs' Dependents</th>
<th># of Cases (n=49)</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct intimidation</td>
<td>45</td>
<td>92%</td>
</tr>
<tr>
<td>Death threat</td>
<td>28</td>
<td>57%</td>
</tr>
<tr>
<td>Loss of livelihood</td>
<td>21</td>
<td>43%</td>
</tr>
<tr>
<td>Arrest/Imprisonment</td>
<td>15</td>
<td>31%</td>
</tr>
<tr>
<td>Physical assault</td>
<td>12</td>
<td>24%</td>
</tr>
<tr>
<td>Surveillance/monitoring</td>
<td>12</td>
<td>24%</td>
</tr>
<tr>
<td>Legal persecution</td>
<td>7</td>
<td>14%</td>
</tr>
<tr>
<td>Attack on Home/Office/Property</td>
<td>6</td>
<td>12%</td>
</tr>
<tr>
<td>Rape/sexual violence</td>
<td>4</td>
<td>8%</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>4</td>
<td>8%</td>
</tr>
<tr>
<td>Torture</td>
<td>3</td>
<td>6%</td>
</tr>
<tr>
<td>Killed</td>
<td>3</td>
<td>6%</td>
</tr>
<tr>
<td>Assassination attempt</td>
<td>2</td>
<td>4%</td>
</tr>
</tbody>
</table>
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