



REGIONAL PAPER

CIVIL SOCIETY'S VOICES ON VIOLENT EXTREMISM AND COUNTER-TERRORISM RESPONSES

REGIONAL PERSPECTIVES FROM LATIN AMERICA



UNITED NATIONS
OFFICE OF COUNTER-TERRORISM
UN Counter-Terrorism Centre (UNCCT)



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**WOMEN, PEACE AND
SECURITY SECTION
UN WOMEN**

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UNITED NATIONS
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This report is informed by the contributions received from 80 civil society representatives from 33 countries, who shared their views, challenges and recommendations on the gendered dimensions of violent extremism and counterterrorism during the [Global Digital Consultation “Voices and perspectives of civil society on the gendered dimensions of violent extremism and counterterrorism responses”](#) (Global Digital Consultation). The Global Digital Consultation was organized by UN Women on behalf of the Working Group on Adopting a Gender-Sensitive Approach to Preventing and Countering Terrorism (Gender Working Group) of the United Nations Global Counter-Terrorism Coordination Compact between 25 May and 5 July 2020. The Global Digital Consultation is an initiative of the Gender Working Group and funded by the United Nations Counter-Terrorism Centre in the United Nations Office of Counter-Terrorism.

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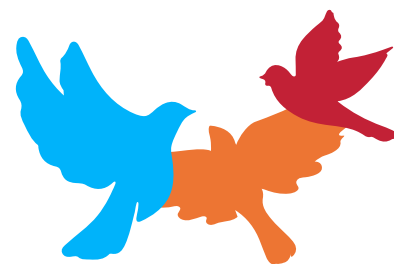
GLOSSARY

CIDSUR	Chilean CSO Centro de Investigación y Defensa SUR	MAS	Movement for Socialism
CSO	civil society organization	PVE	Preventing Violent Extremism
CT	counter-terrorism	UN	United Nations
CT/PVE	counter-terrorism and prevention of violent extremism	UNCCT	United Nations Counter-Terrorism Centre
GWG	Gender Working Group	UNGCTCC	United Nations Global Counter-Terrorism Coordination Compact
IACtHR	Inter-American Court of Human Rights	UNOCT	United Nations Office of Counter-Terrorism
IACHR	Inter-American Commission on Human Rights	UNSCR 1325	United Nations Security Council resolution 1325
IM-Defensoras	Mesoamerican Women Human Rights Defenders Initiative	VEO	violent extremism organization
		WPS	Women, Peace and Security

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INTRODUCTION



UN Women, on behalf of the Gender Working Group of the United Nations' Global Counter-Terrorism Coordination Compact, organized the Global Digital Consultation on “Voices and perspectives of civil society on the gendered dimensions of violent extremism and counter-terrorism responses” between 25 May and 5 July 2020. The initiative was conducted as a joint project of the Gender Working Group, funded by the United Nations Counter-Terrorism Centre in the United Nations Office of Counter-Terrorism (UNOCT).

The consultation was open to participants from civil society organizations (CSOs), including: independent women's and women-led CSOs, CSOs with strong credentials as gender equality advocates, and independent women's human rights and/or gender equality activists. Participants were offered a safe space to discuss their engagement in contexts affected by violent extremism conducive to terrorism. More than 140 CSO representatives from 43 countries worldwide participated. A total of 80 participants from 33 countries posted 393 comments, sharing their views, challenges and recommendations on the gendered dimensions of terrorism and counter-terrorism (CT), and the impact of existing measures to prevent violent extremism (PVE) on their work and human rights.

Civil society participants and moderators summarized their views and recommendations in a [Public Statement](#) based on their discussions in the consultation. Although views and recommendations were similar across countries and regions, as each region also has its particularities. As such, UN Women commissioned a set of regional papers to identify specific views and recommendations, in addition to those captured in the Public Statement. The present paper focuses on Latin America and the contributions of participants from the region.

While the participants from the region were limited, those that contributed provided extensive comments and a large number of references and resources. Those resources have been used in the present paper. Additional documents related to issues raised by participants from the region, notably UN reports, were used to further enhance the empirical analysis provided by the participants, in line with a consultation that was framed by international standards.



EXECUTIVE SUMMARY

The Global Digital Consultation attracted a limited number of participants from Latin America (six), reportedly because the issue of terrorism is politicized in several countries of the region, hampering open debates on the topic.¹ The reluctance of women human rights defenders from the region to participate, perhaps out of fear, is a worrying trend.

While terrorism-related threats are considered low regionally, several countries have issued terrorism-related legislation that is allegedly leading to human rights violations.² In the past, authoritarian regimes and military dictatorships in the region made political use of ambiguous terms such as ‘terrorists’ and ‘extremists’ to stigmatize and exclude certain individuals, groups and communities from public life.³ Such challenges remain in some countries.

This situation affects women in particular. Women human rights defenders and women leaders that participate in protests have been criminalized through the application of anti-terrorism legislation. This is the case for women defending rights related to lands/territories, the environment and the use of natural resources, including in rural and indigenous communities. Lawyers assisting individuals who have been charged with terrorism are equally affected.

Participants said that the use of ‘terrorism’ charges is related to discrimination, misogyny, stereotypes and prejudices that affect women in their societies and communities. Such accusations may also target women and men advocating for sexual and reproductive rights and the rights of LGBTQI+ persons – who are sometimes accused of being ‘feminist terrorists.’

Participants from the region recommended tackling the discrimination and stigmatization of certain social groups and/or individuals, notably women human rights defenders, and to enhance spaces for

dialogue. They also recommended moving away from securitized criminal justice approaches to peace, as those involve normalizing the use of force and idealizing violent masculinities, which can lead to violence and human rights violations against women.

The participants said that human rights violations resulting from CT/PVE legislation and policies, and risks associated to CT/PVE should be acknowledged. They called for the protection of women human rights defenders, enhancement of civic spaces and promotion of women’s leadership – particularly in relation to peace and security issues, but also to address structural gender inequalities. They also recommended that countries of the region implement Women, Peace and Security (WPS) National Action Plans (NAPs), and for such plans to tackle the use of anti-terrorism policies against human rights defenders.

Participants suggested presenting the Public Statement in countries where spaces for dialogue and accountability of institutions would allow an analysis of the above-mentioned issues. They recommended involving Ombudsperson’s offices, notably those that work on women’s human rights and human rights defenders in that conversation, while including academia to encourage debates and research on the subject. Transitional justice processes were also considered a useful entry point to address the misuse of ‘terrorism’ charges against certain groups and communities.

1 Six participants logged in; and three of them posted comments in the various discussion rooms.

2 See the assessment by the Security Council Terrorism Committee – <https://www.un.org/sc/ctc/focus-areas/regional/>; and letters concerning national norms sent by the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism to Nicaragua (13 November 2020) and Peru (22 July 2020) at <https://www.ohchr.org/EN/Issues/Terrorism/Pages/LegislationPolicy.aspx>.

3 See UN Sub-Commission on the Promotion and Protection of Human Rights. 1997. “The administration of justice and the human rights of detainees: question of human rights and states of emergency.” E/CN.4/Sub.2/1997/19; Human Rights Council. 2005. “Report of the Special Rapporteur on the independence of judges and lawyers: Civil and political rights, including the question of independence of the judiciary, administration of justice, impunity.” E/CN.4/2005/60.

WOMEN'S SITUATION IN THE CONTEXT OF COUNTER-TERRORISM LEGISLATION AND ACTIONS

The Global Digital Consultation “Voices and perspectives of civil society on the gendered dimensions of violent extremism and counterterrorism responses” attracted a limited number of participants from Latin America (six in total).⁴ This could have been due to various reasons in addition to those already mentioned in this report: the crisis triggered by COVID-19 meant that advocates made emergency care a priority, focusing their efforts on minimizing its impact. Moreover, the reality of the counter-insurgency struggle of recent decades in some countries in the region, which has been extended to any social collective or person who takes a critical stance of the authorities, may have contributed to creating a perception of the spaces in which security and anti-terrorism policies are formulated or consulted on as hostile, or at least not very welcoming to the real interests and demands of human rights defenders, thereby losing their position as spaces in which to advocate.⁵ Women, including women human rights defenders, face particular challenges in this regard as very few countries in the region have enacted laws that criminalize the various expressions of violence against women.⁶ As a matter of fact, two of the three participants that made extensive contributions on the platform requested for their anonymity to be guaranteed.

As the participants in the consultation pointed out in their resulting Public Statement, the COVID-19 pandemic has further highlighted inequalities in societies and reinforced gender-based discrimination; but

it has also demonstrated the need to assess women's role in crises, emergencies and in promoting and protecting human rights and women's rights, as well as their involvement in various levels of decision-making.

4 Only three of them posted contributions.

5 This situation is documented in various reports by United Nations Human Rights Treaty Bodies and Special Procedures, as well as in reports submitted within the Universal Periodic Review of Human Rights. See notably: Human Rights Committee. 2014. International Covenant on Civil and Political Rights: Concluding observations on the sixth periodic report of Chile. CCPR/C/CHL/CO/6. <https://undocs.org/en/CCPR/C/CHL/CO/6>; Human Rights Committee. 2010. Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, Mission to Peru. A/HRC/16/51/Add.3. <https://undocs.org/en/A/HRC/16/51/Add.3>; Human Rights Committee. 2019. Impact of measures to address terrorism and violent extremism on civic space and the rights of civil society actors and human rights defenders, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. A/HRC/40/52. <https://undocs.org/en/A/HRC/40/52>. See also declarations by UN experts: OHCHR. 2017. “UN experts urge Chile not to use anti-terrorism law against Mapuche indigenous peoples.” October. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22209&LangID=E>. See also reports submitted to the Working Group on the Universal Periodic Review of Human Rights: Human Rights Council. 2018. Summary of Stakeholders' submissions on Chile. A/HRC/WG.6/32/CHL/3. <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/WG.6/32/CHL/3&Lang=E>; Human Rights Council. 2019. Report of the Working Group on the Universal Periodic Review – Chile. A/HRC/41/6. <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/41/6&Lang=E>; Human Rights Council. 2019. Summary of Stakeholders' submissions on Nicaragua, A/HRC/WG.6/33/NIC/3. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/046/72/PDF/G1904672.pdf?OpenElement>; and Human Rights Council. 2019. Report of the Working Group on the Universal Periodic Review – Nicaragua. A/HRC/42/16. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/206/16/PDF/G1920616.pdf?OpenElement>.

6 Only 27 per cent of countries in the region have enacted “second-generation” or comprehensive laws, which widen the scope of violence manifestations (physical, psychological, sexual, economic or patrimonial, obstetric, symbolic, media, etc.) in the private and public spheres. UNP and UN Women. 2017. From *Commitment to Action: Policies to end violence against women in Latin America and the Caribbean*. <https://www2.unwomen.org/-/media/field%20office%20americas/documentos/publicaciones/2017/11/from-commitmenttoactionengcompressed.pdf?la=en&vs=3922>



Photo: UN Women/Ryan Brown



Photo: UN Women/Ryan Brown

In this context, women's voices in the consultation echoed the Latin American reality by pointing out that counter-terrorism practices and laws often lead to human rights violations, which specifically affect women and make it difficult for them to have any kind of agency. Participants also emphasized that this legislation often uses terminology that enables its political use and the stigmatization of entire groups and communities, also highlighting the fact that far from strengthening a culture of human rights and conflict prevention, its approach is reactive, militaristic and punitive.

While other relevant experiences with gender and terrorism may exist in Latin America, the participation in the consultation of Chilean and Nicaraguan civil society, as well as the Mesoamerican Women Human Rights Defenders Initiative (IM-Defensoras), and a large number of written sources have highlighted that, in the region, human rights defenders, women leaders and women who participate in protests, as well as those who are considered opponents of governments, have been criminalized through the application of anti-terrorism legislation.⁷ This has meant that, as with their male counterparts, they are subjected to legal proceedings and deprived of their liberty, in violation of their rights.

In this regard, women's leadership in defending rights related to land and territory, the environment and the use of natural resources has laid bare a large number of cases of criminalized women activists, who are primarily rural and indigenous. Cases of this nature have been identified in Chile, Ecuador and Colombia.

The Inter-American Court of Human Rights' ruling in the *Norín Catrimán et al. case*, found the State of Chile responsible for violating the rights of eight people prosecuted for crimes contained in the Anti-Terrorism Act and linked to protests over Mapuche ancestral territories and the use of their natural resources. The individuals charged included a female activist, who was convicted in 2014 of terrorist arson, after two trials.⁸

In Ecuador, there have been numerous terrorism-related arrests and prosecutions of women participating in protests against "mega-projects".⁹ These include three female activists arrested in March 2012 in the case of the 'Luluncoto 10', in which 10 activists were arrested while preparing a march that questioned the development model based on extractivism in indigenous territories. In this case, the convictions were based on the application of terrorism-related charges that infringed on the principles of legal certainty and specificity, and allowed arbitrariness among judicial officials.¹⁰ Notably, the three women

7 Participants from the region provided and referred to a large number of written resources in their contributions.

8 IACTHR. 2014. *Norín Catrimán et al. v Chile*. 29 May. Para. 78, 81, 116, 118, 122, 126 and 130.

9 Consejo de la Judicatura. 2018. *Informe final mesa por la verdad y la justicia perseguidos políticos. Nunca más*. December.

10 María Isabel Espinosa Ortega. 2016. *Terrorismo y derechos humanos, ¿terror para quién?* Universidad Andina Simón Bolívar Sede Ecuador Área de Derecho Programa de Maestría en Derecho, Quito. <http://repositorio.uasb.edu.ec/bitstream/10644/5425/1/T2173-MDE-Espinosa-Terrorismo.pdf>; Cedhu, Inredh, Clínica Ambiental. 2012. *Informe Psicosocial y de Derechos humanos, Caso 10 detenidos en Luluncoto, Operativo Sol Rojo*. Quito. p. 60. https://www.academia.edu/34174372/Ocaso_de_la_Justicia_el_caso_sol_rojo.



Guatemala - Rural Women Diversify Incomes and Build Resilience. Photo: UN Women/Ryan Brown

were not released under the *habeas corpus* that led to the release of the seven men, and one of the women remained under house arrest while pregnant.¹¹

This reality also holds true for Colombian women advocates, as was highlighted by the Special Rapporteur on the Situation of Human Rights Defenders who mentioned the extent of criminalization, particularly in connection with the defence of land and the environment.¹²

Documentation shared by a participant from Nicaragua notes that accusations of terrorism had been levelled against women and gender minorities exerting their

civil rights during recent protests.¹³ In some cases, there have been allegations of ill-treatment and torture, which led the Inter-American Commission on Human Rights to issue interim measures in support of political prisoners charged with terrorism and organized crime.¹⁴ Gendered forms of harm committed against women who have been charged and convicted of terrorism related offences have been identified in the past by the Inter-American Court of Human Rights.¹⁵

Moreover, it is important to consider how the application of anti-terrorism legislation against men has specifically impacted the women around them. It is worth highlighting the situation of the family members – especially mothers – of those facing such charges, whose acts of protest have led to police harassment.

At the same time, various actions have been mounted against lawyers assisting individuals charged with terrorism. There has also been condemnation of unwarranted intelligence operations and investigations against defence lawyers in these cases, as well as criminalization and the application of penalties that have serious effects on the conduct of their work. Cases in Chile, Nicaragua and Bolivia can be highlighted.¹⁶

Lastly, the extensive stigmatization of women leaders, human rights defenders and women's rights defenders based on charges of terrorism should

11 Yescenia Abigail Heras Bermeo, Ana Cristina Campaign Sandoval and Fadia Elizabeth Tapia Jarrín were among the activists arrested. CEDHU, INRED, Clínica Ambiental. 2012. *Informe Psicosocial y de Derechos humanos, Caso 10 detenidos en Luluncoto, Operativo Sol Rojo*. Quito, December. p. 60. ; María Isabel Espinosa Ortega. 2016. *“Terrorismo y derechos humanos, ¿terror para quién?”* Universidad Andina Simón Bolívar, Sede Ecuador, 2016.

12 The Special Rapporteur mentioned notably the case of three female community leaders who, together with five men, were involved in requesting reparation for damages and debts from a company responsible for an oil development. These individuals were criminalized and accused of terrorism, and the prosecutor's office alleged that the social organization and mobilization was unlawfully conducted. OHCHR. 2019. *Special Rapporteur on the situation of human rights defenders' Report on Visit to Colombia*, 26 December. Para. 29.

13 See notably Organización de Estados Americanos. 2020. “Personas privadas de libertad en Nicaragua en el contexto de la crisis de derechos humanos iniciada el 18 de abril de 2018.” <http://www.oas.org/es/cidh/informes/pdfs/Nicaragua-PPL-es.pdf> (paragraph 197 refers to the trans activist Obando, accused of terrorism. IM-Defensoras reported in the consultation at least seven cases of human rights defenders charged with terrorism. It identified: Amaya Eva Coppens Zamora, Jeysi Junieth Lagos, Kenia María Gutiérrez Gómez, María Mercedes Chavarria, Ruth Esther Matute Valdivia, Olesia Auxiliadora Muñoz Pavón and Tania Verónica Muñoz Pavón.)

14 IACHR. 2018. *Interim measures No. 1133-18* Resolution 84/2018 of 11 November. Para. 11.

15 The treatment of women in prisons charged with terrorism was identified in an earlier Inter-American Court decision on 25 November 2006. *Inter-American Court of Human Rights Case of the Miguel Castro-Castro Prison v. Peru*.

16 See Report submitted for the Consultation by the Centro de Investigación y Defensa SUR (CIDSUR). p. 59 (Chile); alerts of IM-Defensoras (Nicaragua) in relation to [María Oviedo](https://im-defensoras.org/2019/09/alertadefensoras-nicaragua-suspenden-el-ejercicio-de-abogada-de-la-defensora-maria-del-socorro-oviedo-delgado/) and [Yonarki Martínez](https://im-defensoras.org/2019/09/alertadefensoras-nicaragua-suspenden-el-ejercicio-de-abogada-de-la-defensora-maria-del-socorro-oviedo-delgado/), available at <https://im-defensoras.org/2019/09/alertadefensoras-nicaragua-suspenden-el-ejercicio-de-abogada-de-la-defensora-maria-del-socorro-oviedo-delgado/> (María Oviedo) and <https://im-defensoras.org/2020/06/alerta-defensoras-nicaragua-persisten-hostigamientos-amenazas-y-vulneraciones-a-los-derechos-la-integridad-y-la-salud-de-la-abogada-yonarqui-martinez/> (Yonarki Martínez); and *La Tercera*. 2020. *“Apoderada legal de Evo Morales detenida por “sedición y terrorismo.”* 31 January. <https://www.latercera.com/mundo/noticia/apoderada-legal-evo-morales-detenido-sedicion-terrorismo/995543/>.

be emphasized. In Guatemala, there have been continual efforts to stigmatize women advocates who have participated in or supported transitional justice processes, as well as the journalists who have given them coverage.¹⁷ These actions have reportedly resulted in unfounded criminal charges.¹⁸

The social repercussions of these charges for women is also closely related to the discrimination, misogyny, stereotypes and prejudices that they instil regarding what role they should play in their societies and communities. This is particularly serious for those working in the field of sexual and reproductive rights and the rights of LGBTQI+ persons – who, as the Rapporteur on the Situation of Human Rights Defenders pointed out in relation to Peru – face attacks from conservative groups, which in addition to threatening and harassing them undertake defamation campaigns in which they are accused of promoting gender ideology, subverting traditional values and being “feminist terrorists.”¹⁹ This reality is not limited to Peru, and these kinds of extremist individuals launch attacks and commit violence under the guise of identical allegations in other countries in the region.²⁰

Finally, it is important to point out that stigmatization can result in contexts that are conducive to arrests and detentions involving significant irregularities, including illegal detentions and the arbitrary use of pretrial detention and house arrest against the accused.²¹ There is also the use of torture and ill-treatment, and subjection to particularly serious conditions of deprivation of liberty, in which discrimination, sexual violence and misogynistic insults are reportedly a constant.²²

The application of legislation related to ‘terrorism’ in Latin America

According to participants from the region, the history of authoritarian regimes and military dictatorships in Latin America has resulted in ambiguous terms, like ‘terrorists’ and ‘extremists’, are being used politically against certain groups and communities. It also has resulted in anti-terrorism legislation being used as a method to inhibit and suppress dissent and opposition (armed or otherwise) on the continent for decades.²³ This practice continues despite the fact that in most countries in the region, terrorism is disconnected from the criminal acts these laws seek to address.

In 2015, the Inter-American Commission on Human Rights (IACHR) revisited the points raised by the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, concerning the incidence of terrorism charges in regional processes of criminalizing activists, indicating that in many cases these crimes “are formulated in a generic way, allowing the inclusion of activities that have no link to terrorism, such as activities to promote and defend human rights.”²⁴ In addition, stigmatization processes are significantly impacted by charges by the authorities that “use the term ‘terrorist’, even though this has not been ascertained by the judiciary...”²⁵ Participants said this phenomenon has occurred particularly in Colombia, Nicaragua, Chile, Guatemala, Bolivia, Ecuador and Peru, where criminal charges have been used to

17 See case of stigmatization of Iduvina Hernández in Amnesty International. 2019. “Challenging power, fighting discrimination, a call to action to recognize and protect women human rights defenders, women’s rights defenders and defenders of gender and sexuality issues.” <https://www.amnesty.org/download/Documents/ACT3011392019SPANISH.PDF>.

18 See notably the cases of the journalists and advocates Iduvina Hernández and Marielos Monzón – IFEX. 2011. [Denuncian a tres periodistas por asesinato, terrorismo y otros delitos. Guatemala](#), 19 December 2011.

19 OHCHR. 2020. “End of mission statement by Michel Forst, United Nations Special Rapporteur on the situation of human rights defenders. Visit to Peru, 21 January to 3 February 2020.”

20 Amnesty International. 2015. “Defenders under attack! Promoting sexual and reproductive rights in the Americas.” <https://www.amnesty.org/download/Documents/AMR0127752015ENGLISH.PDF>.

21 María Isabel Espinosa Ortega. *Op. Cit.* P. 103.; *Ibid.*, Para. 349. See also Report submitted by Centro de Investigación y Defensa SUR (CIDSUR) and Colombia Informa. 2019. *Esta es la situación de los ocho líderes ambientales judicializados en Casanare*. 31 October. <http://www.colombiainforma.info/esta-es-la-situacion-de-los-ocho-lideres-ambientales-judicializados-en-casanare>

22 See testimonies of Vivian Contreras Lucía Sánchez and Katia Salamanca, available at <https://www.hrw.org/es/report/2019/06/20/brutal-represion/torturas-tratos-cruelles-y-juicios-fraudulentos-contra>

23 In this regard, see the reports of the truth commissions in the region. For example, Comisión de la Verdad de Ecuador. 2010. Informe final de la Comisión de la Verdad de Ecuador: Resumen Ejecutivo. <https://panchurtado.files.wordpress.com/2013/02/resumenejecutivo.pdf>, and Truth Commission of Peru <https://www.cverdad.org.pe/ifinal/pdf/TOMO%20VI/SECCION%20CUARTA-Crimenes%20y%20violaciones%20DDHH/FINAL-AGOSTO/1.6.%20LA%20VIOLACION%20DEL%20DEBIDO%20PROCESO.pdf>

24 IACHR. 2015. *Informe sobre Criminalización de la labor de las defensoras y los defensores de derechos humanos*. OAS/Ser.L/V/II. Doc. 49/15, 31 December. Para. 152

25 *Ibid.*

suppress activities that defend rights to land, territory and natural resources, as well as the participation in protests related to these and other social demands.

It is also necessary to highlight the extensive stigmatization of human rights defenders and leaders of communities who defend their rights amid accusations of terrorism, as participants noted that it is common to hear discourse that uses terms like ‘feminist terrorism’, ‘ecoterrorists’ or ‘anti-mining terrorism’.²⁶ These events are particularly serious in the region, where a past marked by armed conflicts means that such accusations severely affect the public image of individuals, organizations and communities that defend human rights, as well as their activities.²⁷

Lastly, reference should be made to the legislative trend in several countries in the region to issue or amend anti-terrorism legislation containing formulations that are intentionally imprecise or have excessively broad scopes, thereby allowing their discretionary application and the criminalization of behaviours that have nothing to do with terrorist threats.²⁸ For example, legislation on cybersecurity and the prevention of money laundering and terrorism financing is reportedly being used to carry out surveillance and harassment of human rights defenders and organizations. In addition to ultimately violating human rights, these new frameworks pose a direct threat to human rights defenders.²⁹

Civil society concerns: recommendations for CSO engagement and protection when discussing “terrorism/counter-terrorism” in the region

While it does not seem feasible that in all countries there is space for dialogue with governments on issues related to “terrorism”—in some countries, participants noted that there are no longer any spaces for involvement with government authorities, and in others this topic is not on the table for dialogue. Still, where the possibility for dialogue does exist, it is important for States to guarantee that these dialogue activities do not cause reprisals for individuals deprived of liberty who are accused of terrorism – or for those who, by participating in these dialogues, seek to guarantee the rights of the accused, thereby running the risk of being given the same label in the media or by the judicial system. It should equally be ensured that participation in dialogue on terrorism will not lead to allegations from authorities. A policy of zero tolerance of stigmatization, delegitimization and criminalization by other actors should also be enforced.

One of the main concerns about counter-terrorism processes involves the militarization that has been associated with them and that involves normalizing “the use of force and violence”. This exposes women and advocates to serious risks that can be exacerbated by charges, resulting in human rights violations. It also negatively impacts efforts, including specific legislation, to prevent violence against women.

Another concern of participants relates to the use of anti-terrorist laws to curb civil society work. A participant from Nicaragua highlighted the adoption in July 2018 of Nicaragua’s Act No. 977, the “Anti-Asset

26 SERVINDI. 2014. “Perú: Acusan de “terrorismo anti-minero” a defensores de la vida y el agro.” <https://www.servindi.org/actualidad/126385>

27 OHCHR. 2018. “End of mission statement by Michel Forst, United Nations Special Rapporteur on the situation of human rights defenders on his visit to Honduras, 29 April to 12 May 2018” ; OHCHR. 2018. “End of mission statement by the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst on his visit to Colombia, 20 November to 3 December 2018.”

28 See notably letters concerning national norms sent by the United Nations special rapporteur on the promotion and protection of human rights and fundamental freedoms while *countering terrorism* to Nicaragua (13 November 2020) and Peru (22 July 2020) – <https://www.ohchr.org/EN/Issues/Terrorism/Pages/LegislationPolicy.aspx>.

29 In addition to the situation in Nicaragua, it is worth mentioning the concern of various United Nations bodies regarding the legislative proposals on terrorism in Honduras and Guatemala. See OHCHR. 2018. “End of mission statement by Michel Forst, United Nations Special Rapporteur on the situation of human rights defenders on his visit to Honduras, 29 April to 12 May 2018 ; and OHCHR. 2018. “Statement issued by various rapporteurs to the Guatemalan Government”, 22 March.



Guatemala - Rural Women Diversify Incomes and Build Resilience Photo: UN Women/Ryan Brown



Colombia - Growing coffee, sowing peace. Photo: UN Women/Ryan Brown

Laundering, Terrorism Financing and Weapons of Mass Destruction Proliferation Financing Act”, has been used as a tool to declare organizations illegal or to impede their work. The Act has resulted not only in criminal proceedings against organizations’ members but also in a series of discretionary acts in the administrative arena and arbitrariness in the control of resources assigned to organizations, all predicated on the need to ensure that the international funds they receive are not used for terrorist activities.³⁰

Entry points for policy dialogue and programmatic engagement

The need to incorporate a gender perspective into responses to terrorism and violent extremism has emerged in recent years, backed by the United Nations, pursuant to its policy on gender mainstreaming. Laws and policies related to counter-terrorism and violent extremism, as well as the militarization with which they are associated, can pose a serious risk for women facing violence and suffering other violations of their rights – some related to due process, the conditions of deprivation of liberty and their exposure to ill-treatment and torture.³¹

Efforts to bring together the Terrorism and Women, Peace and Security (WPS) agendas have been reflected in a series of UN Security Council resolutions developed since resolution 1325. Specifically, resolution 2242/2015 called for the first time for including women in the fight against terrorism. However, there has been a lack of measures to correct the historical lack of involvement by women (activists, women’s rights defenders, leaders, academic experts, etc.) in the spaces where these kinds of policies have been debated and formed in Latin America. There has been a rejection of feminism and organized women in favour of militaristic and criminal approaches that characterize the design and implementation of these regulations and policies. There is even the potential (and real) risk that the application of these policies poses for women and activists in particular. All of the aforementioned constitutes a major set of challenges for the application of the Women, Peace and Security agenda in the region.

Within the possibilities of linking women with laws, strategies and practices to combat terrorism and prevent violent extremism, the area of concern most clearly identified in the consultation in some countries in the region concerns the abuse of anti-terrorism laws and policies against women leaders, activists and human rights defenders.

³⁰ IACHR. 2018. “IACHR denounces aggravation of the repression and the closure of democratic spaces in Nicaragua.” 19 December. <https://www.oas.org/es/cidh/prensa/comunicados/2018/273.asp>; and Anadolu Agency. 2018. “Asamblea Nacional de Nicaragua ilegaliza a otras cinco ONG.” 14 December. <https://www.aa.com.tr/es/mundo/asamblea-nacional-de-nicaragua-ilegaliza-a-otras-cinco-ong/1338395>. See also comments on legislation and policy by the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism in relation to Nicaragua and Peru. <https://www.ohchr.org/EN/Issues/Terrorism/Pages/LegislationPolicy.aspx>

³¹ See notably Committee on the Elimination of Discrimination against Women. 2017. General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19., Para. 14, CEDAW/C/GC/35. The rulings by the Inter-American Court of Human Rights in the *Lori Berenson Mejía* (https://www.corteidh.or.cr/docs/casos/articulos/seriec_119_esp.pdf) and Penal *Miguel Castro Castro* (https://www.corteidh.or.cr/docs/casos/articulos/seriec_160_esp.pdf) cases against Peru also show the decades-long adverse effects on women of the application of anti-terrorism legislation and policies.

RECOMMENDATIONS

Participants emphasized the need to recognize and address the violations resulting from CT/PVE legislation and policies, and the risks associated with them; to protect women’s human rights defenders; and to promote civic spaces and women’s leadership in civil society in the region. In addition, the organizers recommended to address underlying issues, notably structural gender inequalities.

While this may represent an important entry point in the region on this issue, women’s lack of involvement in the processes of developing national counter-terrorism plans and strategies cannot be overlooked.³² Neither can the unresolved difficulties in overcoming the ambiguity that has characterized the term

‘terrorism’ and its political use, which suggests that the task of building truly inclusive processes may be complex and face serious resistance that will need to be addressed.³³ Participants thus recommended promoting women’s leadership, particularly in relation to peace and security issues.



Colombia - Growing coffee, sowing peace. Photo: UN Women/Ryan Brown

³² In the region, terrorism issues have been framed within national security and defence policies; these spaces have been questioned due to their opacity or the lack of participation by civil society. Since the adoption in 2016 of the Quito Declaration in support of the fight against terrorism, some countries have revised their policies on the matter; this is the case in Uruguay, where in 2017 the [National Counter-Terrorism Strategy](#) was adopted, and in Peru and Colombia, which have a [2019–2023 National Multisectoral Policy to Combat Terrorism](#) and a [Defence and Security Policy 2019](#), respectively. However, this agenda is still under construction in the region, with more intentionality than resources, as reflected in the [2019–2020 Work Plan of the Inter-American Committee against Terrorism \(CICTE\)](#), which was developed on the basis of the Inter-American Convention against Terrorism, 3 June 2002.

³³ Carmen Magallón. 2019. “Violent Extremism from a gender perspective.” Presentation given at the 3rd. Conference on Peacebuilding with a Gender Perspective, Universidad Iberoamericana, Mexico City, 4–6 November 2019.

Moreover, the emergence of violent extremism in the spaces for reflecting on and defining strategies to address and prevent terrorism may represent another entry point in the debate on women, peace and security. This includes some of the problems that are most representative of the feminist agenda, related to gender-based violence, violations of women's rights and the narrowing of the democratic space arising from the actions of ultraconservative groups, particularly in response to claims for sexual and reproductive rights, and the rights of the LGBTIQ+ population.

As academics and activists have suggested, this will require reconceiving a new term that goes beyond the violence committed by terrorist groups to encompass violence borne from other ideologies – such as xenophobia, homophobia, misogyny and ideologies that condone femicide.³⁴ More generally, participants said the United Nations should increase efforts to promote and protect the human rights of women and of sexual minorities in the region.

The call to link the Counter-Terrorism and WPS agendas should also take into account that the latter is being unevenly rolled out in the region. In 2020, just six States had succeeded in approving their National Action Plans for the implementation of resolution 1325.³⁵ Two of them (Chile and Guatemala) have reportedly identified the issue of instrumentalization of anti-terrorism policies against human rights defenders.

In those countries that have a successfully completed NAP development process and already have a space for dialogue and accountability among diverse actors, it would be useful to take advantage of this to present the Public Statement that emerged from this Global Consultation, as it offers opportunities to analyse – from a national reality and with a gender perspective – the phenomena of terrorism and violent extremism. It reinforces the need to avoid considering women



Guatemala - Rural Women Diversify Incomes and Build Resilience. Photo: UN Women/Ryan Brown

exclusively as victims (of terrorism or of policies that address it) and the importance of safeguarding women's agency in the construction of solutions. All this must take place while extending the call for participation to other sectors, such as academia, thereby promoting the generation of debate and research in the subject.

In several Latin American countries, national human rights institutions such as Ombudsperson's offices have been created as essential institutions for the defence of human rights. While such institutions are not oblivious to political developments within countries, and in some cases their independence has been questioned, consideration should be given to involving them in actions carried out in connection with the Public Statement, especially since some of these institutions have specific units dedicated to women's rights, as well as others aimed at ensuring respect for the rights of persons deprived of their liberty and human rights defenders.

Last but not least, the links between the historic use of charges of terrorism and the importance of supporting transitional justice processes in the region must be explored.

34 "VE is a way of conceptualizing the problem of violence that creates terror, which is situated in a deeper plane, in that of ideology, motivation and roots, at a time that includes action and at the same time is prior, in a more complex approach that can help prevent and eradicate it." *Ibid.*

35 Chile, Argentina, Paraguay, El Salvador, Brazil and Guatemala. See: [National Action Plans for the Implementation of UNSCR 1325 on Women, Peace and Security](#). Retrieved 30 August 2020

FEATURE STORIES

The Public Statement of the Global Digital Consultation highlighted a wide range of issues and recommendations in relation to the gendered dimensions of violent extremism and counter-terrorism. UN Women conducted 11 interviews with human rights defenders and gender equality activists across five different regions (i.e. Arab States, Asia and the Pacific, Latin America and the Caribbean, Western and Central Africa, and Eastern and Southern Africa) to illustrate how they work in contexts affected by violent extremism, the challenges they face and the efforts they make to build peace in their respective communities and countries.

In the words of Manuela Royo: “Human rights must not only be defended through laws but also through education”

Manuela Royo, 37, is a Chilean lawyer and human rights defender who supports the rights of Mapuche communities in southern Chile. She fights for the recognition of the demands of indigenous peoples and the need to end their criminalization. Over time she has become an ardent defender of Chile’s Mapuche community, taking on some of the country’s most emblematic legal cases.



Chilean lawyer Manuela Royo. Photo: Francisca Stuardo.

“ I began building a relationship with Mapuche organizations when I was in my early twenties and working at an educational collective in Santiago, Chile. There, I met a Mapuche leader who invited me to visit the Temuicui collective in Malleco, in the Araucania region, over 1,000 kilometres from the capital. Since

then, I started working with these communities and, once I had my law degree, I joined the Defensoría Penal Mapuche and later, the Instituto Nacional de Derechos Humanos in Temuco – the city with the biggest Mapuche population and the epicentre of the struggles for the indigenous cause.



It's not that I chose to become a woman human rights defender. It is just what happens when you take on the responsibility of defending people that are marginalized by society.

There is a bond that grows. Human rights must not only be defended through laws, but also through education. This allows us to build shared paths towards equality.

For a long time, Chile's Counter-terrorism Law has been, and continues to be, used as a tool to criminalize the Mapuche people.

By building an image of indigenous communities based on stereotypes, prejudice and discrimination, it is used to associate the legitimate social demands of these communities with terrorist interests.

If someone is charged under the Counter-terrorism Law, that person will be placed in preventive detention immediately and face criminal charges. There is substantial intervention by the State, which limits people's liberties. In some cases, law enforcement agents infiltrate these communities and militarize territories. Testimonies from anonymous witnesses are also accepted as evidence in criminal trials. All of this breeds mistrust towards State actors and leads to social decomposition.

Also, media outlets systematically share images of raids and people being arrested, showing their faces and leaking evidence. This creates moral damage to their reputation and is a violation of their human rights. They also face discrimination from their peers, who accuse them of being terrorists, of burning people and property. Their own families cast them out, even if they are acquitted and their innocence is proven. The emotional damage is profound.

As a woman, it is hard to raise your voice and to reframe certain discussions in such a patriarchal context. There is a strong *machista* bias in terms of how women can voice their demands.

This is especially true for those of us who defend human rights. Chile lacks a welfare State that provides social protection for women or protects its people in general.

Both from the State and from organized society, I would like to see a commitment to building trust and establishing protection mechanisms. It's a challenge. And the fact that the opportunity of drafting a new Constitution was just approved overwhelmingly in a referendum on 25 October 2020 opens a new path towards that. The process ahead will need to acknowledge the existence of indigenous peoples, but also recognize their territorial rights.

It would be important for the international community to oversee this process and, why not, contribute to it by sharing comparative experiences. And in terms of what we do as defenders, it will be key to promote legal education, supporting women-led projects. It is definitely urgent that international organizations such as UN Women continue to raise awareness around our most pressing needs.

In the end, we women are those who sustain life. And this is why we persevere, despite great costs, there are also immense rewards. It's a lot like life itself: difficult, but ultimately gratifying.

”

In the words of Lourdes Castro: “Terrorism tends to be associated with a political discourse and it becomes a tool used by those in power”

Colombian lawyer Lourdes Castro García coordinates the *Somos Defensores [We are Defenders]* programme. She has witnessed the consequences of terrorism and the violence faced by women in Colombia, but also the crucial role that society can play in transforming stigmatizing discourse.



Lourdes Castro García, coordinator of the *Somos Defensores [We are Defenders]* programme. Photo: Raul Rodriguez.

“ I consider myself a human rights defender. I began my career as a litigator for high-profile cases involving human rights violations and then I worked for an organization dedicated to human rights until I was forced to leave my country in 1994. Rather than defending my rights, the Colombian State treated me like an enemy, so I sought protection from Belgium.

I think my exile was precipitated by the fact that I was a woman and that I was young. The world of criminal law is considered a male domain – a rough place for rough people. I was much more vulnerable to threats and it was easy for them to see me as a thorn in their side that they could remove. I received threatening phone calls; I was put under surveillance; and I would get asked: ‘why do you have to behave so badly?’ when I visited military compounds.

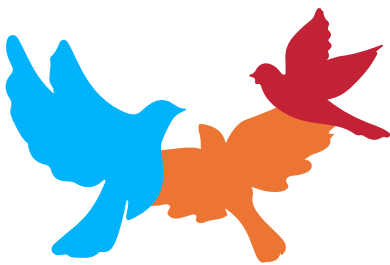
When the peace negotiations started in Colombia in 2012, I decided it was time to come back. I wanted to join the collective enthusiasm and introduce change from the field of human rights.

Terrorism tends to be associated with a political discourse and it becomes a tool used by those in power,

based on a classic vision of ‘national security’ that relies on the excessive use of force and on limiting fundamental freedoms. In the early 2000s, the terrorist discourse was used to frame guerrilla groups as ‘terrorists’ rather than participants in an ongoing armed conflict. However, with the rise of social protests in 2016, where violent actions also took place, we moved towards the concept of ‘urban terrorism’. When speaking about social mobilizations, the State tends to stigmatize them, publicly describing the organizations taking part in these protests as being infiltrated by armed groups that commit terrorist acts. That stigma naturally ends up affecting all of us who defend human rights and lead social movements.

We run the risk of being associated with armed organizations – or at least that shadow of doubt is cast.

Nowadays, our social leaders are experiencing a complete deterioration in their situation. In particular, we’ve noticed that aggression against women’s leadership has increased. Stigmatization also makes women more vulnerable because of the historic discrimination against us.



In countries like Colombia, where *machismo* [male chauvinism] and patriarchy are so entrenched, women in most territories face a difficult struggle to reach a position of leadership.

It usually entails facing many types of violence: within their own families, in the public sphere and violence directed towards people in leadership positions.

Threats against women are also meant to be symbolic, to scare them, and they can easily be used as a tool to keep women out of the running. That’s because women will always consider the effect of what they are doing on their environment: their families, organizations and communities. So, the multiplier effect of these attacks is even stronger.

The *macho* discourse seeks to ingrain more profoundly the idea that women human rights defenders are bad people.

And impunity always fuels cycles of violence. Hence, those of us working as human rights defenders have no guarantees whatsoever, and the vast majority of attacks are not duly investigated, judged and sanctioned. For this reason, international organizations – and the United Nations in particular – have a very important role to play, since they are authorized to hold the State accountable.

I am a human rights defender; I have always seen myself as one. Although I may be a lawyer, I am a defender first and foremost. It is my life-long project and because of this, I believe I will always feel that there is something more I can do. If a door closes, there may be a window to open instead, to try to push ahead, while always remembering that we can contribute to building more humane societies. ”

In the words of María Martin: “To inhibit the work of women defenders is to deprive society of the ability to review its history and reshape its future”

María Martin, the Advocacy Coordinator of the Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras), has worked for almost a decade alongside many women who are struggling and resisting across Latin America. The effect of counter-terrorism narratives and measures used by governments across Latin America not only affects women, she says, but also keeps societies from reconstructing themselves.



María Martin, Advocacy Coordinator of the Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras). Photo: SerapazMexico

“Over the years, many women human rights defenders have said to me: ‘I hope no other woman has to go through what I’ve experienced.’ The military dictatorships and authoritarian regimes that took place during the 1970s and 1980s in Central America left behind thousands of gross human rights violations cases. Also, they fostered the development of a deeply stigmatizing discourse around political opponents and human rights defenders, who were labelled and persecuted as terrorists because of their activism. This rhetoric persists to this day.

At IM-Defensoras, we continuously confront stigmatizing processes against people and communities. Lately, terrorism accusations have been used more and more to criminalize women, creating a recurring pattern.

We are not attacked because of the work we do as human rights defenders, but because we are women exercising such roles. We continue to be seen as actors who should be relegated to the domestic space and not be active in the public sphere – and much less so in the political arena.

States have aptly built protection mechanisms to protect human rights defenders, and especially women defenders. If the goal is to guarantee comprehensive



Photo: courtesy of María Martin

internal strategies, then we need all State institutions to be coordinated; however, in most cases, none of them work well. In most countries, the States in Central America even undertake legal actions based on broad and ambiguous definitions of terrorism, which enable criminalization.

Also, women rights defenders face repressive judicial systems. Our criminalization through the application of such serious charges as terrorism has significant implications from the very beginning.

We are tired of seeing irregular processes that begin with arrests, continue with investigative processes led by the Public Ministry, and are followed by cases going before the courts based on evidence that is obtained in an irregular manner. These processes often feature coercive measures, such as preventive detention, which are authorized by judicial bodies. They are also reinforced by all the violence the accused experiences during their deprivation of liberty.

These actions demobilize women and ultimately deter them from defending rights. I believe that this affects women in particular because they need role-models who can freely exercise their leadership and their human-rights-defence activities. There is also an important social dimension because the viciousness and the gender violence that are intertwined in the accusations against women human rights defenders – whether criminal or aimed at turning public opinion against them – deprive society of a vital force.



Photo: AmecoPress

To inhibit the work of women human rights defenders is to deprive society of the ability to review its history and reshape its future.

It is imperative for the United Nations to contribute, for example, by attending these hearings, because this places the Public Ministry and judicial bodies in the international spotlight. Likewise, UN Women or other agencies, such as the United Nations Development Programme (UNDP), can spark change when they get involved in building more rights-based justice systems.

I believe that UN entities should increase their technical support and monitoring in order to ensure that the regulatory frameworks countries develop do not increase criminalization.

Those of us who defend human rights do so because it is meaningful to us, but above all, we do it for others. We look for the small victories in the cases we assist directly, in the people we have somehow been able to positively impact by accompanying their process and making sure they are not alone when they demand their rights. I believe that those are not small but huge victories. ””



Colombia - preserving Afro-Colombian Culture through song. Photo: UN Women/Ryan Brown



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