

**STRENGTHENING HUMAN RIGHTS:**

# Translating Multilateral Commitments into Action

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Strengthening Human  
Rights Project

Protecting Civilians in  
Conflict Program

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**COVER** Chinyere Eyoh, Executive Director of Sexual Offences Awareness and Victims Rehabilitation Initiative (SOAR), Nigeria, and UN Trust Fund to End Violence against Women (UNTF) grantee, speaks at the official commemoration of the United Nations International Day for the Elimination of Violence Against Women “Orange the World: Generation Equality Stands Against Rape”. *UN Photo/Evan Scheider.*

Report designed by Dena Verdesca

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## ACRONYMS AND ABBREVIATIONS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSO	civil society organization
ECHR	European Convention on Human Rights
FGM/C	female genital mutilation or cutting
GBA+	Gender-Based Analysis Plus
GBV	gender-based violence
HRD	human rights defender
IACHR	Inter-American Commission on Human Rights
INCHR	Independent National Commission on Human Rights
LGBTQ+	lesbian, gay, bisexual, transgender, queer, plus
MWFCD	Ministry of Women, Family and Community Development
NAP	national action plan
NCSG	National Commission on Security Guarantees
NHRI	national human rights institution
NIM	Norges Institusjon for Menneskerettigheter
OAS	Organization of American States
OHCHR	UN Office of the High Commissioner for Human Rights
SGBV	sexual and gender-based violence
UPR	Universal Periodic Review
VAWG	violence against women and girls

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## About the Program

Violence against civilians and human rights violations contribute to intractable cycles of conflict and instability – civilian harm leads to grievance, which leads to mobilization and recruitment of the aggrieved, which leads to more violence and warfare. Stimson's Protecting Civilians in Conflict Program is a critical partner among a dedicated group of stakeholders at the international and local levels working to reduce violence against civilians around the world and strengthen human rights for all.

The program works to bridge policy and practice, prioritizes being in the field, and identifies protection challenges and innovations at the local level to better understand the reality on the ground. We then work with policymakers in governments and international organizations to develop approaches that will help practitioners overcome obstacles and maximize efforts on the ground. By combining our work at the policy level and the field level, we achieve a multiplier effect, ensuring that protection efforts are informed by evidence based on ground experience.

## About the Stimson Center

The Stimson Center promotes international security, shared prosperity & justice through applied research and independent analysis, deep engagement, and policy innovation.

For three decades, Stimson has been a leading voice on urgent global issues. Founded in the twilight years of the Cold War, the Stimson Center pioneered practical new steps toward stability and security in an uncertain world. Today, as changes in power and technology usher in a challenging new era, Stimson is at the forefront: Engaging new voices, generating innovative ideas and analysis, and building solutions to promote international security, prosperity, and justice.

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## EXECUTIVE SUMMARY

The adoption of the Universal Declaration of Human Rights in 1948 was revolutionary. Out of the ashes of World War II, it codified protections for individuals to live their lives with dignity, respect, and good health, and without fear of want. Recognizing the centrality of human rights to the international order, member states have thus sought to build on the Declaration over the last 70 years via the adoption of treaties and conventions, and resolutions in the General Assembly through the Third Committee and in the Human Rights Council. What has emerged is a broad and diverse range of multilateral norms and mechanisms that are intended to shape and guide member states in their efforts to uphold their commitments and strengthen their implementation. However, despite these agreed commitments, member states are falling short in their willingness to uphold human rights, either through a lack of implementation or abject opposition. With human rights under attack across the globe, there is a risk that ongoing regression will erode trust in democratic institutions and may undermine efforts to advance further protections on human rights.

There is scope to halt this decline and better align multilateral commitments made in New York and Geneva with strengthened domestic implementation. Diverse approaches to implement multilateral commitments made to address and end violence against women and girls and protect human rights defenders illustrate these opportunities. Gender-based violence against women encompasses a range of behaviors and actions, ranging from physical violence and rape, through to coercive control and financial abuse. COVID has highlighted many of the risks faced by women in the domestic sphere. Furthermore, as civic space around the world contracts, human rights defenders remain under serious threat — oftentimes, both for their advocacy and for their identity. Structural inequalities and the very concept of gender equality and human rights is being challenged or deprioritized, making more effective implementation at the national and subnational level difficult.

Even though the General Assembly's Third Committee and Human Rights Council regularly considers and meets to negotiate new resolutions on these thematic issues — recognizing new thematic challenges and identifying areas for strengthened state implementation —there is limited impetus for countries to follow through on the commitments they have agreed to, leaving significant gaps in implementation. Through an examination of six case study countries — Canada, Colombia, Liberia, Malaysia, Norway and the United Kingdom — this report finds that there are many similarities in the challenges countries face in terms of strengthening the implementation of multilateral human rights commitments, but also differences that may emerge as a result of a country's economic status, cultural beliefs, perceived reputation on human rights, and domestic political influences.

Several factors can provide opportunities for or obstacles to the domestic implementation of multilateral human rights commitments. These include whether human rights is positively framed as part of domestic politics; the availability of regional mechanisms to challenge human rights abuses; assignment of funding and resources to support in-country capacities (such as national human rights institutions and civil society); the collection and management of data to inform public policy; levels of diverse civil society engagement; mechanisms to seek justice and accountability for abuses; communications processes on human rights obligations across government departments; and the level of gender-responsive policies. Our research found that member states could seek to address these obstacles and leverage opportunities by focusing on greater information sharing, awareness raising, and communication; increased efficacy of existing tools, mechanisms, and resources; adequate funding; improved training and capacity building; and enhanced data and reporting.

Commitments by member states to uphold human rights set expectations. When member states fail to implement these commitments either through a lack of implementation or support, they erode trust in democratic institutions, and may undermine efforts to advance further protections on human rights. For these





Tijjani Muhammad-Bande, President of the 74th General Assembly, speaks at the 40th anniversary event commemorating the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the women’s human rights treaty. *UN Photo/Manual Elias*

reasons, it is important that governments communicate what commitments have been made and why they have been made. Governments need to listen to those whose rights are being ignored or abused and make room for more individuals at the table when considering their approach to human rights resolutions *and* domestic implementation. This will support efforts to push back against regressive approaches to human rights, and continue to build trust in democratic institutions.

## INTRODUCTION

Human rights are at the center of the work of the United Nations. As UN Secretary-General António Guterres has acknowledged, “The human rights movement is an affirmation of our basic humanity.” For more than 75 years, the United Nations — through its member states — has sought to articulate what it means for countries and individuals to uphold human rights. Building on the UN Charter (art. 1, ¶ 3), the UN Declaration on Human Rights of 1948 codified basic common standards on human rights for all peoples and nations with recognition of “the inherent dignity and of the equal and inalienable rights of all members of the human family . . . [as] the foundation of freedom, justice and peace in the world.”

Through debates and the adoption of resolutions in the UN General Assembly and Human Rights Council, and the ratification of international treaties and conventions, member states have created an extensive body of normative multilateral commitments to guide national and subnational efforts to protect human rights. Through various national action plans and legislative commitments, and by participating in Special Procedures and reporting to international human rights mechanisms, countries have committed to uphold a range of human rights.

Despite these commitments and the gains that made over the past seven decades, however, there is a significant risk that this progress is under threat, and that these commitments are being eroded. According to Secretary-General

Guterres, “Human rights are under assault, everywhere.”<sup>2</sup> Autocracies, populism, and politics of division are on the rise. According to Freedom House, the current threat to democracy is the result of “16 consecutive years of decline in global freedom.”<sup>3</sup> Commitments by member states to uphold human rights set expectations. When member states fail to implement these commitments either through a lack of implementation or abject opposition, they erode trust in democratic institutions, and may undermine efforts to advance further protections on human rights.

The level of human rights adherence by member states varies significantly. Different factors can influence the level of domestic implementation of human rights commitments, including governance structures, the level of civic freedoms and trust in institutions, independent human rights monitoring and accountability mechanisms, dedicated resourcing and financing, and the will of the political leadership. Some countries commit egregious human rights abuses and flagrantly ignore multilateral commitments on human rights. For many countries, efforts to uphold human rights fall on a spectrum. Nonetheless, there is often a gap or inconsistent approach between the commitments that countries make to strongly uphold and advocate for human rights in multilateral settings, and domestic implementation of different human rights commitments.

Understanding the impediments and tensions to domestic implementation is essential to informing our understanding about how we strengthen implementation of existing multilateral commitments on human rights. Efforts to strengthen human rights and the institutions that uphold them are an important bulwark against authoritarian rule and serve to strengthen efforts to uphold democratic rule and more open societies around the globe.<sup>4</sup> Strengthened domestic implementation can also support efforts to build on progress and push back on opposition regarding human rights, including as part of the implementation of the Sustainable Development Goals, as well as the Secretary-General’s Common Agenda, which seeks to develop a renewed social contract that is anchored in human rights.<sup>5</sup>

Next year will mark 75 years since the adoption of the Universal Declaration of Human Rights. It is a timely opportunity to take stock and assess how the mechanisms and commitments that have been put in place are serving those most marginalized and at risk. This report analyzes the approaches of member states to implementing multilateral normative commitments on human rights and offers recommendations through a complementary toolkit to guide member states in strengthening their implementation of human rights commitments. First, the report begins with an analysis of the state of human rights globally, with a focus on multilateral commitments that have been made on two thematic issues of focus in the General Assembly and Human Rights Council: ending VAWG, and creating a safe and enabling environment for human rights defenders (HRDs).<sup>6</sup> These thematic issues were selected as areas of focus because they are routinely considered and prioritized as human rights concerns among several member states, and they have the potential to address structural inequalities if implemented effectively. Second, the report examines the approach of six countries — Canada, Colombia, Liberia, Malaysia, Norway, and the United Kingdom — to upholding their commitments on these issues. Third, it compares the different opportunities, obstacles, and tensions in implementing human rights commitments across diverse country contexts, highlighting best practices and lessons learned where possible. Finally, the report concludes with some reflections on how the international community can better close the gap between normative commitments and implementation, a topic addressed in the accompanying toolkit.<sup>7</sup>

## Methodology

This report is based on research carried out by the Stimson Center between November 2021 and March 2022, drawing on a mixture of desktop research and semi-structured interviews. During this period, the authors conducted 39 virtual interviews with 49 stakeholders, including 16 diplomats and government officials, 26 civil society leaders and academics, and 6 UN advisors and officials. All interview data provided in the report has been completely anonymized due to the sensitivities of the discussions. While this report acknowledges the important



role of the private sector and business in supporting efforts to uphold human rights, time constraints meant that this avenue of research was unable to be explored in more depth in the report and accompanying toolkit. The research was further informed by two focus group discussions on the themes of ending VAWG and the protection of HRDs with civil society representatives from the six case study countries in February 2022, as well as discussions at two virtual roundtables co-hosted with the Permanent Mission of the United Kingdom to the UN in New York on February 16, 2022, and March 10, 2022.

## STATE OF HUMAN RIGHTS

During the opening of the 49th Regular Session of the Human Rights Council, the Secretary-General lamented that “Human rights are under assault, everywhere.”<sup>8</sup> COVID-19 has undermined many aspects of human rights. It has exacerbated existing fragilities and inequalities.<sup>9</sup> It has accelerated tensions and spurred support for populist and nationalist politics, with many governments utilizing the pandemic to restrict free expression and assembly under the cover of health measures. Despite the normative commitments on human rights over the past seven decades, an estimated 1.5 billion people have unmet justice needs, with women effectively enjoying only three quarters of the legal rights that men do.<sup>10</sup> Much of the work to meet these needs rests with member states and their political will and capacity to implement the human rights commitments they have agreed to.

With the adoption of the Universal Declaration of Human Rights in 1948, the international community codified protections for individuals to live their lives with dignity, respect, and good health, without fear of want, acknowledging that the upholding of human rights contributes to more peaceful and prosperous societies that are less likely to go to war with one another. Recognizing the centrality of human rights to the international order, member states have thus sought to build on the Declaration over the past 70 years via the adoption of treaties and conventions,<sup>11</sup> and resolutions in the General Assembly through the Third Committee and in the Human Rights Council.

In the Third Committee, member states consider agenda items relating to social, cultural, and humanitarian issues, including an examination of human rights questions. For instance, more than half of the 63 resolutions considered during the 74th session of the General Assembly (2019-2020) were submitted under the human rights agenda item.<sup>12</sup> Most of these resolutions are thematic in nature, considering questions related to ending VAWG, the protection of HRDs, protection of children, Indigenous issues, treatment of refugees, and elimination of racism and racial discrimination. Several resolutions are also focused on specific countries, with the 76th session of the Committee (2021-2022) adopting resolutions on the human rights situations in Myanmar, Syria, Ukraine, and the Democratic Republic of Korea.<sup>13</sup>

In Geneva, the Human Rights Council focuses exclusively on human rights issues, adopting thematic and country-specific resolutions on an expanse of such issues throughout the year. The Council also has the remit to put in place Special Procedures (such as establishing special rapporteurs on thematic issues and country-specific situations). Importantly, the 47 elected members of the Human Rights Council also participate in the Universal Periodic Review (UPR) Working Group, which undertakes assessments of an individual member state’s implementation of human rights commitments in the UN Charter, the Universal Declaration on Human Rights, ratified human rights treaties, commitments made by the member state, and any applicable international human rights law.<sup>14</sup> However, the UPR process does not *systematically* consider the commitments made by member states as part of resolutions adopted on human rights in the Third Committee or Human Rights Council. While the UPR process is a critical mechanism for reflecting on the broader state of human rights in a country based on treaty commitments and self-identified priorities, there are few accountability mechanisms in place to ensure that member states uphold the commitments they make from year to year on human rights issues. This results in



# DECLARACION UNIVERSAL DE Derechos del Hombre

**CONSIDERANDO** que la libertad, la justicia y la paz en el mundo tienen por base el reconocimiento de la dignidad intrínseca y de los derechos iguales e inalienables de todos los miembros de la familia humana;

**CONSIDERANDO** que el desconocimiento y el menosprecio de los derechos del hombre han originado actos de barbarie ultrajantes para la conciencia de la humanidad; y que se ha proclamado, como la aspiración más elevada del hombre, el advenimiento de un mundo en que los seres humanos, liberados del temor y de la miseria, disfruten de la libertad de palabra y de la libertad de creencias;

**CONSIDERANDO** esencial que los derechos del hombre sean protegidos por un régimen de Derecho, a fin de que el hombre no se vea compelido al supremo recurso de la rebelión contra la tiranía y la opresión;

**CONSIDERANDO** también esencial promover el desarrollo de relaciones amistosas entre las naciones;

**CONSIDERANDO** que los pueblos de las Naciones Unidas han reafirmado, en la Carta, su fe en los derechos fundamentales del hombre, en la dignidad y el valor de la persona humana y en la igualdad de derechos

de hombres y mujeres; y se han declarado resueltos a promover el progreso social y a elevar el nivel de vida dentro de un concepto más amplio de la libertad;

**CONSIDERANDO** que los Estados Miembros se han comprometido a asegurar, en cooperación con la Organización de las Naciones Unidas, el respeto universal y efectivo a los derechos y libertades fundamentales del hombre; y

**CONSIDERANDO** que una concepción común de estos derechos y libertades es de la mayor importancia para el pleno cumplimiento de dicho compromiso;

LA ASAMBLEA GENERAL

**PROCLAMA** la presente Declaración Universal de Derechos del Hombre como ideal común por el que todos los pueblos y naciones deben esforzarse, a fin de que tanto los individuos como las instituciones, inspirándose constantemente en ella, promuevan, mediante la enseñanza y la educación, el respeto a estos derechos y libertades, y aseguren, por medidas progresivas de carácter nacional e internacional, su reconocimiento y aplicación universales y efectivos, tanto entre los pueblos de los Estados Miembros como entre los de los territorios colocados bajo su jurisdicción.

**ARTÍCULO 1** — Todos los seres humanos nacen libres e iguales en dignidad y derechos, y dotados como están de razón y conciencia, deben comportarse fraternalmente los unos con los otros.

**ARTÍCULO 2** — Toda persona tiene todos los derechos y libertades proclamados en esta Declaración, sin distinción alguna de raza, color, sexo, idioma, religión, opinión política o de cualquier otra índole, origen nacional o social, posición económica, nacimiento o cualquier otra condición.

2. Además, no se hará distinción alguna fundada en la condición política, jurídica o internacional del país o territorio de cuya jurisdicción dependa una persona, tanto si se trata de un país independiente, como de un territorio bajo administración fiduciaria, no autónoma o sometida a cualquier otra limitación de soberanía.

**ARTÍCULO 3** — Todo individuo tiene derecho a la vida, a la libertad y a la seguridad de su persona.

**ARTÍCULO 4** — Nadie estará sometido a esclavitud ni a servidumbre; la esclavitud y la trata de esclavos están prohibidas en todas sus formas.

**ARTÍCULO 5** — Nadie será sometido a torturas ni a penas o tratos crueles, inhumanos o degradados.

**ARTÍCULO 6** — Todo ser humano tiene derecho, en todas partes, al reconocimiento de su personalidad jurídica.

**ARTÍCULO 7** — Todos son iguales ante la ley y tienen, sin distinción, derecho a igual protección de la ley. Todos tienen derecho a igual protección contra toda discriminación que infrinja esta Declaración y contra toda provocación a tal discriminación.

**ARTÍCULO 8** — Todo persona tiene derecho a un recurso efectivo, ante los tribunales nacionales competentes, que la ampare contra actos que violen sus derechos fundamentales reconocidos por la constitución o por la ley.

**ARTÍCULO 9** — Nadie podrá ser arbitrariamente detenido, preso ni desterrado.

**ARTÍCULO 10** — Toda persona tiene derecho, en condiciones de plena igualdad, a ser oído públicamente y con justicia por un tribunal independiente e imparcial, para la determinación de sus derechos y obligaciones o para el examen de cualquier acusación contra ella en materia penal.

**ARTÍCULO 11** — 1. Toda persona acusada de delito tiene derecho a que se presuma su inocencia mientras no se pruebe su culpabilidad, conforme a la ley y en juicio público en el que se le hayan asegurado todas las garantías necesarias para su defensa.

2. Nadie será condenado por actos u omisiones que en el momento de cometerse no fueron delictivos según el Derecho nacional o internacional. Tampoco se impondrá pena más grave que la aplicable en el momento de la comisión del delito.

**ARTÍCULO 12** — Nadie será objeto de injerencias arbitrarias en su vida privada, su familia, su domicilio o su correspondencia, ni de ataques a su honor o a su reputación. Toda persona tiene derecho a la protección de la ley contra tales injerencias o ataques.

**ARTÍCULO 13** — 1. Toda persona tiene derecho a circular libremente y a elegir su residencia en el territorio de un Estado.

2. Toda persona tiene derecho a salir de cualquier país, incluso del propio, y a regresar a su país.

**ARTÍCULO 14** — 1. En caso de persecución, toda persona tiene derecho a buscar asilo, y a disfrutar de él, en cualquier país.

2. Este derecho no podrá ser invocado contra una acción judicial realmente originada por delitos comunes o por actos opuestos a los propósitos y principios de las Naciones Unidas.

**ARTÍCULO 15** — 1. Toda persona tiene derecho a una nacionalidad.

2. A nadie se privará arbitrariamente de su nacionalidad ni del derecho a cambiar de nacionalidad.

**ARTÍCULO 16** — 1. Los hombres y las mujeres, a partir de la edad núbil, tienen derecho, sin restricción alguna por motivos de raza, nacionalidad o religión, a casarse y fundar una familia; y disfrutará de iguales derechos en cuanto al matrimonio, durante el matrimonio y en caso de disolución del matrimonio.

2. Sólo mediante libre y pleno consentimiento de los futuros esposos podrá contraerse el matrimonio.

3. La familia es el elemento natural y fundamental de la sociedad y tiene derecho a la protección de la sociedad y del Estado.

**ARTÍCULO 17** — 1. Toda persona tiene derecho a la propiedad, individual y colectivamente.

2. Nadie será privado arbitrariamente de su propiedad.

**ARTÍCULO 18** — Toda persona tiene derecho a la libertad de pensamiento, de conciencia y de religión; este derecho incluye la libertad de cambiar de religión o de creencia, así como la libertad de manifestar su religión o su creencia, individual y colectivamente, tanto en público como en privado, por la enseñanza, la práctica, el culto y la observancia.

**ARTÍCULO 19** — Todo individuo tiene derecho a la libertad de opinión y de expresión; este derecho incluye el de no ser molestado a causa de sus opiniones, el de investigar y recibir informaciones y opiniones, y el de difundirlas, sin limitación de fronteras, por cualquier medio de expresión.

**ARTÍCULO 20** — 1. Toda persona tiene derecho a la libertad de reunión y de asociación pacíficas.

2. Nadie podrá ser obligado a pertenecer a una asociación.

**ARTÍCULO 21** — 1. Toda persona tiene derecho a participar en el gobierno de su país, directamente o por medio de representantes libremente escogidos.

2. Toda persona tiene el derecho de acceso, en condiciones de igualdad, a las funciones públicas de su país.

3. La voluntad del pueblo es la base de la autoridad del poder público; esta voluntad se expresará mediante elecciones auténticas que habrán de celebrarse periódicamente, por sufragio universal e igual y por voto secreto u otro procedimiento equivalente que garantice la libertad del voto.

**ARTÍCULO 22** — Toda persona, como miembro de la sociedad, tiene derecho a la seguridad social, y a obtener, mediante el esfuerzo nacional y la cooperación internacional, habida cuenta de la organización y los recursos de cada Estado, la satisfacción de los derechos económicos, sociales y culturales, indispensables a su dignidad y al libre desarrollo de su personalidad.

**ARTÍCULO 23** — 1. Toda persona tiene derecho al trabajo, a la libre elección de su trabajo, a condiciones equitativas y satisfactorias de trabajo y a la protección contra el desempleo.

2. Toda persona tiene derecho, sin discriminación alguna, a igual salario por trabajo igual.

3. Toda persona que trabaja tiene derecho a una remuneración equitativa y satisfactoria, que le asegure, así como a su familia, una existencia conforme a la dignidad humana y que será completada, en caso necesario, por cualesquiera otros medios de protección social.

4. Toda persona tiene derecho a fundar sindicatos y a sindicarse para la defensa de sus intereses.

**ARTÍCULO 24** — Toda persona tiene derecho al descanso, al disfrute del tiempo libre, a una limitación razonable de la duración del trabajo y a vacaciones periódicas pagadas.

**ARTÍCULO 25** — 1. Toda persona tiene derecho a un nivel de vida adecuado que le asegure, así como a su familia, la salud y el bienestar, y en especial la alimentación, el vestido, la vivienda, la asistencia médica y los servicios sociales necesarios; tiene asimismo derecho a los seguros en caso de desempleo, enfermedad, invalidez, vejez, viudez y otros casos de pérdida de sus medios de subsistencia por circunstancias independientes de su voluntad.

2. La maternidad y la infancia tienen derecho a cuidados y asistencia especiales. Todos los niños, nacidos de matrimonio o fuera de matrimonio, tienen derecho a igual protección social.

**ARTÍCULO 26** — 1. Toda persona tiene derecho a la educación. La educación debe ser gratuita, al menos en lo concerniente a la instrucción elemental y fundamental. La instrucción elemental será obligatoria. La instrucción técnica y profesional habrá de ser generalizada; el acceso a los estudios superiores será igual para todos, en función de los méritos respectivos.

2. La educación tendrá por objeto el pleno desarrollo de la personalidad humana y el fortalecimiento del respeto a los derechos del hombre y a las libertades fundamentales; favorecerá la comprensión, la tolerancia y la amistad entre todas las naciones y todos los grupos étnicos o religiosos; y promoverá el desarrollo de las actividades de las Naciones Unidas para el mantenimiento de la paz.

3. Los padres tendrán derecho preferente a escoger el tipo de educación que habrá de darse a sus hijos.

**ARTÍCULO 27** — 1. Toda persona tiene derecho a tomar parte libremente en la vida cultural de la comunidad, a gozar de los artes y a participar en el progreso científico y en los beneficios que de él resultan.

2. Toda persona tiene derecho a la protección de los intereses morales y materiales que le correspondan por razón de las producciones científicas, literarias o artísticas de que sea autor.

**ARTÍCULO 28** — Toda persona tiene derecho a que se establezca un orden social e internacional en el que los derechos y libertades proclamados en esta Declaración se hagan plenamente efectivos.

**ARTÍCULO 29** — 1. Toda persona tiene deberes respecto a la comunidad, puesto que sólo en ella puede desarrollar libre y plenamente su personalidad.

2. En el ejercicio de sus derechos y en el disfrute de sus libertades, toda persona estará sujeta a las limitaciones establecidas por la ley con el único fin de asegurar el reconocimiento y el respeto de los derechos y libertades de los demás, y de satisfacer las justas exigencias de la moral, del orden público y del bienestar general en una sociedad democrática.

3. Estos derechos y libertades no podrán, en ningún caso, ser ejercidos en oposición a los propósitos y principios de las Naciones Unidas.

**ARTÍCULO 30** — Nada en la presente Declaración podrá interpretarse en el sentido de que confiere derecho alguno al Estado, a un grupo o a una persona, para emprender y desarrollar actividades o realizar actos tendientes a la supresión de cualquiera de los derechos y libertades proclamados en esta Declaración.



Poster depicting Universal Declaration of Human Rights — Spanish version. UN Photo

a normative gap between commitments, aspirations, and expectations on the one hand, and the realities on the ground. Multilateral efforts to address VAWG and protect HRDs illustrate many of these challenges.

## Ending Violence Against Women and Girls<sup>15</sup>

Best estimates suggest that one in three women continue to be affected by gender-based violence across the globe.<sup>16</sup> Gender-based violence against women encompasses a range of behaviors and actions, from physical violence and rape to coercive control and financial abuse. COVID's highlighting of many of the risks faced by women in the domestic sphere has resulted in a "shadow pandemic" for women subject to COVID lockdowns and restrictions.<sup>17</sup> The online environment and digital technologies continue to present a range of threats for women and girls through different forms of digital violence.<sup>18</sup>

The international community's understanding of violence against women and girls (VAWG) and gender-based violence has become more comprehensive in recent decades. In 2017, the Committee on the Elimination of Discrimination Against Women (CEDAW) adopted general recommendation no. 35 on gender-based violence against women, which recognized it as "one of the fundamental social, political, economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated."<sup>19</sup> VAWG can encompass a wide range of behaviors; it may affect people of diverse sexual orientations and gender identities; such violence can be impacted by different intersectional layers and forms of discrimination and structural inequity; and gender stereotypes and concepts of masculinities can normalize these behaviors.<sup>20</sup>

Every two years, the UN General Assembly's Third Committee adopts resolutions on the "intensification of efforts to prevent and eliminate all forms of violence against women and girls,"<sup>21</sup> and the Human Rights Council adopts regular resolutions on "accelerating efforts to eliminate violence against women and girls."<sup>22</sup> These resolutions complement other intergovernmental efforts underway within the UN system to address VAWG, including the annual work of the Commission on the Status of Women and CEDAW.<sup>23</sup>

The resolution adopted by the Third Committee in 2020 (A/RES/75/161) provides an example of some of the varied commitments that member states are directed to implement on VAWG. It calls upon member states to "address structural and underlying causes and risk factors" to eliminate VAWG, including actions that — through legislation, services, or programs — address:

- discriminatory societal attitudes that condone violence against women and girls,
- barriers that prevent women from accessing justice,
- access to protections by women and girls with disabilities,
- gender-related killing of women and girls,
- trafficking in women and girls,
- women's economic autonomy and full and equal participation in society,
- legal protections and multisectoral support for victims of violence,
- domestic violence and sexual and gender-based violence in digital contexts,
- the disproportionate share of domestic work and feminized poverty, and
- the need for more data disaggregated by sex, age, and other parameters.

This list illustrates areas where agreement has been reached on the need for domestic action to prevent and end VAWG, recognizing that a comprehensive approach is required by member states to address the structural, societal, cultural, and economic factors that contribute to gender inequality. Many of the commitments provide a roadmap for not only addressing the prevalence of gender-based violence in many countries, but also improving the status of women.



While the adoption of this most recent resolution on VAWG reflects a steady and growing consensus on a range of issues, there remain topics of contention and attempts from year to year to roll back previously agreed upon language. For instance, language referring to intimate partner violence, domestic violence, gender-based violence, sexual and reproductive health rights, gender and LGBTQ+ rights, and women HRDs continues to be contentious for certain countries.<sup>24</sup>

## Creating a Safe and Enabling Environment for Human Rights Defenders<sup>25</sup>

As civic space around the world contracts, HRDs remain under serious threat — oftentimes, both for their advocacy and for their identity. The Special Rapporteur on the situation of human rights defenders has noted that governments are failing in their obligations to protect HRDs “through a combined lack of political will, dedicated mechanisms and resourcing in order to prevent killings and provide protections.”<sup>26</sup> This is exemplified by the fact that HRDs were killed in no less than 64 countries from 2015 to 2019.<sup>27</sup> Furthermore, additional challenges are faced by HRDs with compounding vulnerabilities, as well as people and organizations who promote the rights of women, LGBTQ+ people, and Indigenous Peoples, as well as those seeking to address human rights issues related to land and the environment, and those working in conflict zones.

Women HRDs remain among some of the most vulnerable globally, with those working in support of women’s rights often at greater risk of exclusion and prejudice by political establishments, but also at greater risk of physical attacks, sexual violence, detention, and killings.<sup>28</sup> Women HRDs often face a double stigmatization due to their human rights work and also their gender.<sup>29</sup>

Many of the commitments in newer resolutions within the Third Committee and Human Rights Council on HRDs build on those made in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The Third Committee adopts a resolution every two years on efforts to provide a safe and enabling environment for HRDs and to ensure their protection. Similarly, the Human Rights Council routinely adopts resolutions in support of HRDs.<sup>30</sup> At the time of writing in March 2022, preparations are underway for the negotiation of another resolution on HRDs in the Human Rights Council.

The suite of resolutions adopted in the Third Committee and Human Rights Council call upon member states to undertake a range of actions through legislation, policies, and programs to create a safe and enabling environment for HRDs. For example, General Assembly resolution 74/146 (2019) outlines ongoing member state commitments to fulfill the realization of the Declaration on Human Rights and calls upon member states to:

- “promote a safe and enabling environment,” including through the implementation and adoption of legislative and administrative measures,
- enable “access to and communication with international bodies including the UN,”
- “take measures to strengthen democratic institutions, safeguard civic space, uphold the rule of law and combat impunity,”
- acknowledge the “important and legitimate role of human rights defenders,”
- “hold meaningful consultations with human rights defenders on a regular basis,”
- investigate complaints and allegations regarding threats or violations of human rights,
- prevent and end arbitrary arrest and detention,
- prevent attacks through digital technologies, and
- put in place gender-sensitive policies and strengthen disaggregated data collection.

While this list illustrates some areas of consensus, there are still many contentious issues relating to HRDs, particularly in terms of which groups should benefit from protections. Significant points of divergence are issues

related to state sovereignty and security, concerns about the creation of any “new rights,” and the very use of the term “human rights defenders.”<sup>31</sup> Some countries tend to conceptualize protection and support for HRDs as part of their foreign policy and aid programs, rather than recognizing potential concerns domestically as well.

Despite the universal commitment made by member states more than 70 years ago to uphold human rights and the ongoing adoption of resolutions in New York and Geneva expanding the understanding and measures to strengthen human rights implementation in domestic contexts, the important function and advocacy role of HRDs in upholding those rights remains poorly understood and underrecognized. The rise of populist politics and authoritarian rule means that the role of defenders also continues to be actively undermined in parts of the world.

## **MEMBER STATE IMPLEMENTATION OF COMMITMENTS: COUNTRY CASE STUDIES**

To inform our research, we identified six case study countries — Canada, Colombia, Liberia, Malaysia, Norway, and the United Kingdom — to examine how different governments, institutions, and civil society actors engage in efforts to promote and uphold human rights. The countries were selected to ensure our findings reflect geographic, democratic, economic, and cultural diversity, with varying histories of violence and levels of commitments to upholding political rights and civil liberties.<sup>32</sup> Membership in UN human rights bodies and support for human rights issues in the Human Rights Council, Third Committee, and Commission on the Status of Women was also taken into consideration. For instance, some of the identified countries currently serve or have recently served on the Human Rights Council.<sup>33</sup> Further, all countries selected as case studies have engaged in UN negotiations on the issues of ending VAWG, and the protection of HRDs, with some responsible for leading the negotiations.<sup>34</sup> Ensuring diversity in the case study selection was important to certify that the research findings reflect the numerous factors that inform and influence the domestic implementation of multilateral human rights commitments.

In our analysis of each of the case studies, we examine approaches on two issues: ending VAWG, and the protection of HRDs. These issues were selected given their focus on strengthening human rights protections for traditionally vulnerable and marginalized groups and have significant potential to address structural inequalities. The case studies include an analysis of domestic efforts to implement commitments set forth in thematic resolutions in the UN General Assembly’s Third Committee and the Human Rights Council, building on the normative framework provided by treaties and conventions (e.g., CEDAW).

As part of our analysis of each of the case study countries, we document the different factors influencing implementation of commitments on ending VAWG and protecting HRDs, examining the different political contexts and national policies in place, legislation, approaches to justice, government-supported programs and funding, and civil society engagement (detailed in a table in Annex 1). As detailed in our analysis in the section on obstacles and opportunities, these different factors and policy levers can have a significant impact on the ability of governments to hold human rights abusers to account, ensure there are mechanisms in place to provide justice and support for survivors of such abuse, and create an enabling environment and civic space that generates support for further strengthening of human rights.

The development of these case studies has been informed by interviews with government officials (including representatives in New York, Geneva, and capitals), academics, and members of civil society organizations (CSOs) engaged in each of the case study countries, as well as thematic experts and UN officials. It has been supplemented by extensive desktop research assessing the findings from CEDAW and UPR processes (including national reporting) and examining national legislation, policies, statements, and services.



## CANADA

Under the current Trudeau government, Canada announced itself as a feminist government with a feminist foreign policy. In 2017, Canada introduced the world's first feminist international assistance policy,<sup>35</sup> and in 2019, Prime Minister Justin Trudeau appointed Canada's inaugural ambassador for Women, Peace and Security.<sup>36</sup> Under Trudeau's administration, Canada has sought to demonstrate leadership and engagement on VAWG.<sup>37</sup> Canada has made international commitments on gender equality and chairs the Group of Friends on Women, Peace and Security, an informal network of more than 60 countries in New York. It also established a Group of Friends in Geneva in 2018.<sup>38</sup> Further, it is a member of the "Mountains Group" (with fellow CANZ partners Australia and New Zealand, and Liechtenstein, Norway, and Switzerland), which coordinates and delivers joint statements on human rights issues in the Human Rights Council.<sup>39</sup> The Canadian Human Rights Commission, the national human rights institution, supports the country's UPR via independent report submissions.

While Canada prioritizes human rights in its public diplomacy and state policy, it was seen as a voice of dissenting opposition by some member states during its 2006-2009 membership in the Human Rights Council; examples include its consistent support of Israel when issues were raised regarding human rights violations and voting against the United Nations Declaration on the Rights of Indigenous People.<sup>40</sup> Even though it subsequently endorsed the Declaration in 2016 and took steps to integrate it into domestic legislation,<sup>41</sup> Canada's reputation on Indigenous rights has faced a reckoning over the past 12 months with the discovery of mass graves on the sites of historical Indigenous schools.<sup>42</sup> Despite a C\$40 billion pledge to repair the Indigenous child welfare system and compensate families harmed by it in January 2022,<sup>43</sup> challenges remain, including ongoing violence against Indigenous women and girls, and systemic racialized discrimination.<sup>44</sup>

In response to calls for action from Canadian civil society and Indigenous rights groups, the Canadian government established the National Inquiry into Missing and Murdered Indigenous Women and Girls in 2016, with the completed inquiry being presented to the public on June 3, 2019. After compiling information from over 2,300 family members, survivors of violence, and experts, the final report delivered 231 individual Calls for Justice directed at governments, institutions, social service providers, industries, and all Canadians.<sup>45</sup>

## Violence Against Women and Girls in Canada

### Legislation

The Canadian Charter of Rights and Freedoms guarantees constitutional protection to individual human rights. Notably, Section 15 ensures the equal protection and benefit of the law "without discrimination . . . based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."<sup>46</sup> Section 28 guarantees that all rights covered in the Charter apply equally to men and women. Other legislative acts related to women and equality rights are the Employment Equity Act<sup>47</sup> and the Public Sector Equitable Compensation Act.<sup>48</sup> There is no specific offense of family violence in the Criminal Code; however, many acts of family violence are criminalized,<sup>49</sup> including assault, kidnapping, homicide, sexual assault, sexual offenses against children, disobeying order of court, criminal harassment, and threats.

Canada has signed and ratified several key conventions on human rights, including the Convention on the Elimination of All Forms of Discrimination against Women; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and the optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Regionally, Canada is party to the Convention on the Nationality of Women, the Inter-American Convention on the Granting of Political Rights to Women, and the Inter-American Convention on the Granting of Civil Rights to Women.<sup>50</sup> Notably, despite joining the Organization of American States in

1990, Canada has neither adhered to the American Convention on Human Rights nor recognized the compulsory jurisdiction of the Inter-American Court of Human Rights.<sup>51</sup> Still, the Inter-American Commission on Human Rights has published thematic reports on Canada, including one on Missing and Murdered Indigenous Women in British Columbia.<sup>52</sup>

Provincial and territorial governments in Canada are responsible for addressing workplace harassment issues. Ontario launched its Action Plan to Stop Sexual Violence and Harassment in 2015,<sup>53</sup> to provide more support to survivors and increase responsiveness to complaints about sexual violence and harassment. The Action Plan has led to more funding for sexual assault centers; the passing of Ontario's Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment) in 2016; and the development and enhancement of a prosecution model to provide education and training on sexual violence prosecutions and improve data collection.<sup>54</sup>

## Justice

Criminal justice outcomes of sexual assault cases have not changed drastically over the past 10 years. From 2009 to 2014, a mere 1 in 10 sexual assaults (12%) reported by police led to a criminal conviction, and 7% resulted in a custody sentence.<sup>55</sup> In the same time period, 24% of sexual assaults and 39% of physical assaults reported to police led to completed court cases.<sup>56</sup> In 2020, there were 28,639 police-reported sexual assaults, 9% lower than in 2019, reflecting the first decrease in sexual assault following five years of increases.<sup>57</sup> This downward trend could point to less reporting to police during the COVID-19 outbreak, as calls into shelters and resource centers for women either increased or decreased dramatically across regions.<sup>58</sup> Experts believe fewer reports could be due to increased monitoring by abusers at home during quarantine and COVID-related lockdowns.

The federal government set aside funding for the Royal Canadian Mounted Police (RCMP) in order to establish the Sexual Assault Review Team (SART), which was responsible for a comprehensive review of sexual assault files from 2015 to 2017 coded as “unfounded” and “not cleared by charge” and expanding those investigations.<sup>59</sup> The Sexual Assault Review Team reports to the RCMP's Sexual Assault Investigation Review Committees on reviews it has conducted on sexual assault investigations and recommendations and guidance for further action. Provincial and territorial governments also have law enforcement processes to respond to VAWG.

Further, there is a need to enhance ease of access to justice for Indigenous women and girls who are faced with gaps in services. On November 1, 2017, the National Inquiry into Missing and Murdered Women and Girls published an interim report that included recommendations to meet the protection requirements of survivors of violence and their families.<sup>60</sup> The Government of Canada acted along those lines of recommendation, including a review of police policies to fill the gaps in service to Indigenous communities. The creation of the RCMP's National Investigative Standards and Practices Unit is a positive step in that direction, as this unit will provide national oversight to RCMP investigations. A considerable portion of their focus will be on missing and murdered Indigenous women and girls. However, over the years the implementation of efforts by the police has been uneven, as an investigative review by CBC News found that police services across provinces were not coordinating approaches to the issue of missing and murdered Indigenous women. Enhanced coordination on the national level and improved data collection remain primary goals.<sup>61</sup>

## National and International Policies

In June 2017, Canada announced *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence*.<sup>62</sup> The strategy builds on existing federal initiatives, coordinates existing programs, and promises greater action on eliminating VAWG. The strategy is organized into three pillars: (1) preventing gender-based violence, (2) supporting survivors and their families, and (3) promoting responsive legal and justice systems.

Nonetheless, Canada does not have a unified approach to the protection of women and girls across the national, provincial, and territorial levels. As a result, efforts to combat violence against women are disparate and leave room for gaps in protection. Women and Gender Equality Canada's 2022-2023 Departmental Plan indicates it will advance towards a National Action Plan to End Gender-Based Violence in partnership with its counterparts in provinces and territories. The GBV National Action Plan builds on the 2017 strategy and seeks to address the challenges brought on by the COVID-19 pandemic.<sup>63</sup>

The Minister for Women and Gender Equality and Rural Economic Development is advised on matters related to gender-based violence (GBV) by the Advisory Council on GBV. This council consists of a coalition of community leaders, academics, and organizations that work to address GBV in Canada.

In 2015, Canada pledged to implement the UN Declaration on Rights of Indigenous Peoples in a way that would expand Canada's "duty to consult" with Indigenous communities into an approach that requires "free, prior and informed consent" before natural resource development.<sup>64</sup> In 2017, the government restructured the Indigenous and Northern Affairs Canada Ministry in line with this approach and renamed it the Ministry of Crown-Indigenous Relations and Northern Canada Affairs. This restructuring has moved Canada away from colonial and paternalistic engagement with Indigenous communities in favor of open and mutually respectful dialogue, consistent with the 1996 Royal Commission on Aboriginal Peoples' recommendations.<sup>65</sup> Interviewees say that there are still gains to be made in this regard and say that the government should move towards releasing a federal action plan to address violence against Indigenous women and girls.<sup>66</sup>

The action areas for Canada's Feminist International Assistance Policy (FIAP) are gender equality and the empowerment of women and girls, human dignity, environment and climate action, inclusive governance, and peace and security. Development practitioners and civil society leaders within Canada speak highly of the policy and perceive the Canadian government's gender-inclusive approach to development to be a positive advancement.<sup>67</sup>

Though the FIAP is very ambitious, the government has set funding targets that aim for 95% of Canada's bilateral international development assistance budget to focus on gender equality within five years.<sup>68</sup> Despite this progressive approach, at the time of the FIAP's announcement, Canada's overall budget for official development assistance was low compared to UN targets — the Canadian international development assistance budget was at 0.26% of Canadian gross national income, below the UN target set at 0.7%.<sup>69</sup>

Canada also has a National Action Plan on Women, Peace and Security, which is nearing the end of its second iteration in 2022. While that plan's efforts to combat gender-based violence are largely focused on conflict situations abroad, the plan notably acknowledges the violence and intersecting discrimination faced by Indigenous women in Canada.<sup>70</sup> The first Canadian National Action Plan on Women, Peace and Security was criticized for not including a consultation mechanism to sufficiently engage civil society,<sup>71</sup> however, the second NAP (2017-2022) was developed in coordination with Canadian CSOs, in particular, the Women, Peace and Security Network – Canada.<sup>72</sup>

In the CEDAW committee's 2016 Concluding Observations on Canada, which evaluated Canada's compliance with its international obligations under the Convention, Canada's lack of efficient regulation regarding the extraterritorial activity of Canadian companies was discussed as a point of concern given the potential "abuses of women's human rights".<sup>73</sup> In 2018, the Minister of International Trade, the Honourable François-Philippe Champagne, announced initiatives to strengthen Canada's approach to responsible business conduct, including, the creation of an independent Canadian Ombudsperson for Responsible Enterprise (CORE).<sup>74</sup> This unique mechanism was given the mandate to report alleged human rights abuses associated with Canadian corporations abroad.<sup>75</sup>

## Government-Supported Programs and Funding

The Canadian government organizes an annual series of events surrounding activism against GBV,<sup>76</sup> to address and allocate funding for GBV concerns in Canada. In 2020, the Minister of Health and the Minister for Women and Gender Equality and Rural and Economic Development announced more than C\$3.4 million to support three countrywide initiatives to prevent family violence and support survivors.<sup>77</sup> The Public Health Agency of Canada also funded projects as part of the Supporting Health of Survivors of Family Violence and Preventing Gender Based Violence: A Health Perspective.<sup>78</sup>

The GBV Knowledge Center was announced in 2018 by the then Minister for Women and Gender Equality Canada, the Honorable Maryam Monsef, to complement the Women and Gender Equality Canada mandate. The GBV Knowledge Center is housed within the Status of Women Canada and helps coordinate federal actions under the three primary goals of Canada's federal strategy to prevent GBV: prevention, support for survivors and their families, and promotion of responsive legal and justice systems.<sup>79</sup> The Center produces reports that aim to address GBV and serve as reference for women's groups throughout the country.<sup>80</sup>

Government-supported funding streams and programs have allowed some Canadian civil society actors to effectively distribute government funds throughout the country. For instance, at the start of the pandemic in 2020, the Federal Department for Women and Gender Equality gave Women's Shelter Canada C\$20.5 million in aid to distribute to its robust network of domestic violence shelters.<sup>81</sup> This resulted in fast action in a time of crisis. Interviewees note that it will be important to include a budget for civil society action in any forthcoming National Action Plan on Violence Against Women and Girls, since civil society can deliver aid effectively across the country.<sup>82</sup>

## Protection of Human Rights Defenders in Canada Legislation

Nationally, there is no specific law or legislation that directly names HRDs. Representatives from Canadian civil society believe this issue could lead to possible protection gaps.<sup>83</sup> Internationally, Canada uses a guideline for supporting HRDs entitled "Voices at Risk: Canada's Guidelines on Supporting Human Rights Defenders."<sup>84</sup> These guidelines aim to increase safety and security of activists and HRDs as part of its feminist foreign policy.<sup>85</sup> Canada has three levels of human rights protection — international, constitutional, and specific human rights laws. Internationally, the 1948 Universal Declaration of Human Rights is used as a foundational text. Canada has also ratified seven of the core UN human rights treaties. At the constitutional level, in 1982 the Canadian Charter of Rights and Freedoms (hereafter the Charter) was included in the Constitution Act, 1982. However, the rights of Indigenous Peoples merit specific protections.

Laws denying Indigenous Peoples franchise were in place until 1960, with the legacy of these laws persisting into the 21st century. Indigenous Peoples were still prohibited from filing human rights complaints in relation to the Indian Act<sup>86</sup> until 2011.<sup>87</sup> Serious and long-standing human rights challenges remain on the issue of Indigenous rights in Canada. As interviewees have noted, this history and its ongoing impact on Indigenous communities requires decisive and countrywide action.<sup>88</sup> Recent developments have affirmed the rights of Indigenous Peoples with the passage of two new laws in 2021: Bill C-8, which recognizes Indigenous status and rights as part of the oath taken in Canadian citizenship ceremonies; and Bill C-15, which establishes a framework for implementing the UN Declaration on the Rights of Indigenous Peoples into federal legislation.<sup>89</sup>

In terms of the rights of defenders to freely work and assemble in Canada, the law prohibits any arbitrary arrest and detention, and allows any person to challenge the lawfulness of their arrest or detention in court. In practice, the Canadian government generally observes these requirements.<sup>90</sup>

## National and International Policies

Immigration, Refugees and Citizenship Canada facilitates the arrival of immigrants and refugees. Recently, Canada became the first country to create a dedicated stream for HRDs, pledging to resettle 250 HRDs a year (including family members).<sup>91</sup>

This immigration stream shows a dedication to the protection of HRDs globally. However, to be considered for this stream, individuals must be referred to the government of Canada by the United Nations Refugee Agency (UNHCR). In doing so, the government of Canada works with Front Line Defenders and ProtectDefenders.eu, as these organizations partner with UNHCR to identify HRDs most in need of resettlement. Some civil society leaders see this process as a limitation that slows down the immigration process for many HRDs who already work with Canadian civil society.<sup>92</sup>

The Canadian Human Rights Commission (CHRC) is Canada's national human rights institution. It was established by Parliament through the Canadian Human Rights Act in 1977 and has been accredited "A-Status" by the Global Alliance of National Human Rights Institutions. The CHRC submits a report to the Human Rights Council on its review of Canada during the UPR. Protection gaps were of particular concern to the CHRC in its 2017 report to the Human Rights Council, which drew attention to several ongoing protection gaps: the life chances and outcomes for "people living in vulnerable circumstances," including people with disabilities, Indigenous Peoples, racialized groups and individuals, and vulnerable populations with diverse sexual orientations and gender identities or expressions.<sup>93</sup>

Canada has a dynamic international framework for supporting HRDs globally, based on a four-pronged approach: (1) engaging through multilateral institutions, (2) advancing advocacy through bilateral relations, (3) leveraging partnerships and building capacity, including through funding, and (4) promoting responsible business conduct.<sup>94</sup>

Canadian diplomatic missions set the protection of HRDs as a priority issue. Missions are provided with a variety of tools and measures on information gathering and reporting, providing funding to HRDs, engaging with local authorities, supporting emergency assistance needs, and promoting responsible business conduct.<sup>95</sup>

## Funding

Canada makes targeted contributions through its diplomatic missions to grassroots groups for education, training courses, and other initiatives. The state also supports and assists organizations that provide emergency assistance services.<sup>96</sup>

Canada provided C\$800,000 in 2017 to the HIVOS Digital Defenders Program and has provided C\$1.75 million since 2016 to support the work of the Lifeline Project, which helps protect HRDs when they are threatened, as well as to coordinate emergency support and provide security for independent journalists, (cyber) activists, HRDs, and other civil society activists.<sup>97</sup>

## Civil Society Efforts

Canadian civil society works closely with the government of Canada and regularly gives recommendations on new legislative and policy approaches. During the drafting and planning stage of the HRD refugee stream, the government consulted with close to 30 Canadian organizations<sup>98</sup> that now help facilitate the integration of resettled HRDs into Canadian society.





The UN Verification Mission (UNVMC) local team in San José de Oriente participated in a project called “Paint your voice”, organized by the Mobile Public Library. Other participants included members of the local community, ex-combatants of the FARC-EP (Revolutionary Armed Forces of Colombia – People’s Army), and representatives of the Office of the High Commissioner for Peace. *UN Photo/Cristina Domínguez*

## COLOMBIA

Colombia continues to emerge from decades of armed conflict. The Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace with the Revolutionary Armed Forces of Colombia (Peace Agreement) in 2016 ended over five decades of protracted armed conflict that unfolded on a foundation of political exclusion and socioeconomic inequality. However, despite the inclusion of over 100 provisions on gender issues in the peace agreement, implementation of provisions concerning women’s rights and gender equality has been moving at a slower pace than other provisions in the agreement.<sup>99</sup> Afro-Colombian and Indigenous peoples also face obstacles to peace and inclusion<sup>100</sup> with women human rights defenders are at particular risk for violence.<sup>101</sup> While the Peace Agreement and subsequent UN Verification Mission in Colombia have sought to address human rights violations, enhance women’s political participation, and integrate gender considerations into Colombia’s national reconciliation and reintegration processes, VAWG and threats to HRDs remain prevalent.<sup>102</sup>

In this context, Colombia has engaged closely in negotiations in New York within the Third Committee, particularly on the issue of protections for HRDs. One interviewee pointed out that Colombia's experience differs from that of many other countries in that the main threat to HRDs is not necessarily from the government, but from nonstate actors and armed groups in the country.<sup>103</sup> Colombia's level of visibility on issues within the Third Committee tends to evolve each year depending on the plan of action provided by the Ministry of Foreign Affairs. In the Commission on the Status of Women, Colombia coordinates closely as part of the "Santiago Group" (also including Argentina, Bolivia, Chile, Costa Rica, El Salvador, the Dominican Republic, Guatemala, Honduras, Mexico, Panama, Peru, and Uruguay).<sup>104</sup>

## Violence Against Women and Girls in Colombia

Colombia ranks second highest in Latin America for VAWG.<sup>105</sup> Conflict-related sexual violence persists, with all armed groups engaging in sexual violence against women and some weaponizing this mode of violence to impose territorial and social control over women.<sup>106</sup> Forced prostitution in businesses controlled by paramilitaries underscores the complicated landscape for protection, as VAWG, military activity, commerce, and the illegal extraction of natural resources are (in these instances) inextricably linked.<sup>107</sup> Incidents of sexual violence committed by state forces contribute to an unsafe environment for survivors of violence, since violence enacted by security forces leave women in a void, unable to access state justice mechanisms.<sup>108</sup> Interviewees indicated that data collection might not be painting a complete picture of gender-based violence in Colombia, since targeted attacks against women that do not fall under domestic or sexual violence categories might not be recorded as GBV.<sup>109</sup>

Colombia has created an advanced legislative framework to address and eliminate VAWG, including combating intrafamilial violence and ending femicide. Nonetheless, VAWG persists as a major problem in the country as a result of a confluence of factors, including uneven implementation and inadequate cross-institutional communications that result in gaps in protection for victims, who often remain unaware of the policies in place to protect them.<sup>110</sup> The post conflict environment in Colombia aggravates the reality of VAWG in the country, contributing to both the nature of the problem and the decades-long conflict's disproportionate effect on women and girls.<sup>111</sup>

A wave of worsening conditions for women and girls in Colombia was ushered in by COVID-19. GBV increased dramatically as the lockdown was enforced. Human rights observers believe the cause of this dramatic uptick in violence to be multifaceted, with the economic effects of the pandemic and increased armed group violence disproportionately affecting women.<sup>112</sup> During the same post pandemic period, the national hotline for violence against women received an average of 119 calls daily from March 25 to July 2, 2020 — a 113% increase from 2019.<sup>113</sup>

## Legislation

The 1991 Constitution includes several articles supporting women's rights.<sup>114</sup> This inclusion was a significant positive change that bolstered Colombia's commitment to gender equality and created pathways for greater participation of women in public life. The Constitutional Court's rulings regarding the protection of women's rights have been incorporated into the Constitution through the ratification of international treaties.<sup>115</sup>

Colombia has signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women. Article 93 of the Constitution ensures the importance of international law and indicates that the rights granted by the Colombian Constitution be interpreted according to international law. The Colombian Congress is also subject to some limits imposed by regional and international organs.<sup>116</sup> Colombia ratified the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) in 1996. The Inter-American Commission on Human Rights (IACHR) expressed concern over the serious and specific impact of the armed conflict on the human rights of women in its 2006 report *Violence and Discrimination Against Women in the Armed Conflict in Colombia*.<sup>117</sup>

Colombia has instituted several key laws, policies, and provisions to address VAWG in-country. Key laws and rulings that address gender equality and sexual violence include the 2008 Gender Equality Law, the 2011 Victims and Land Restitution Law, and the 092 ruling of the Constitutional Court in 2008.<sup>118</sup> The Gender Equality Law 1257 reforming the Penal Code was adopted in 2008 to criminalize “aggravated homicide (for being a woman),” and Law No. 1761, the Rosa Elvira Cely Law, was adopted in 2015 to criminalize femicide.<sup>119</sup> Colombia included efforts to address implementation of existing laws in the area of GBV in its 2017 report to CEDAW, including goals set by the Attorney General’s Office to “double the charge and conviction rates for intentional homicide and sexual violence; reduce the incidence of homicide cases where the victim had made a timely report of domestic violence; and to double the charge rate for domestic violence.”<sup>120</sup>

Law 1257 (2008) outlines the rights of women, establishing resources and entitlements for women victims of sexual violence including legal and technical assistance. The Attorney General’s Office is responsible for the initial processing of any case covered under the legal entitlements of this law, following which the Office refers the case to the Defensoría del Pueblo,<sup>121</sup> which then interfaces with the victim and provides necessary legal and technical assistance to move their case forward. However, the Attorney General’s referrals to the Defensoría del Pueblo can face delays.<sup>122</sup> This slow process can result in women losing access to the systems that are created to protect them and ultimately losing trust in the effectiveness of the rule of law.

In Auto 092, the Colombian Constitutional Court determined that sexual violence in armed conflict constitutes a gender risk and that special protections are required for displaced women, since they are especially vulnerable to sexual violence. As a result, the Attorney General’s Office expedited legal procedures for over 190 conflict-related sexual violence cases, with Procuraduría<sup>123</sup> providing oversight of investigations and prosecutions.<sup>124</sup> Of the cases where the perpetrator was known, nearly 60% were attributed to paramilitaries, 23% to security forces, and 8% to guerrilla forces.<sup>125</sup> In 2015, Law 1761 defined femicide as a crime and is considered an important milestone for the protection of girls and women. The law made the killing of women or girls because of their gender punishable by up to 41 years in prison.

These laws lay an important foundation for the protection of women and girls; however, women’s organizations have stated that there continue to be major gaps in implementation.<sup>126</sup> Statistics from the National Institute of Legal Medicine show an increase in VAWG and homicides despite the enactment of Law 1761 (2015), as highlighted in Colombia’s report to CEDAW.<sup>127</sup> Overall, a lack of coordination across government departments and disparate approaches to VAWG present challenges for the Colombian government and cause legal frameworks to fall short.

## Justice

While Colombia has a rich legal framework regarding protection, there are still major barriers to access to justice. To help address this issue, Colombia’s Higher Council of the Judiciary implements nationwide monitoring strategies to determine the number of judgments that incorporate a gender perspective. These strategies also help ensure that national and international laws are properly applied in court rulings.<sup>128</sup> Further, prosecutors and judicial police officers receive guidelines from the Attorney General’s Office to ensure due diligence in the conduct of investigations on violence against women. This process assists in setting standards for the protection of women victims and ensures reliable application of the law.

Reliable access to justice is a fundamental right in Colombia, and fundamental rights are protected by Acción de Tutela, a mechanism that handles redress of breaches of constitutional rights and access to certain public services. The National Planning Department found that in practice 83% of the population know about this mechanism, and 50% of the population considers it effective.<sup>129</sup>



In February 2021, Colombia passed Law 2081, which established that sexual crimes against minors can be reported and prosecuted without a time limit, meaning survivors can file a claim at any point after the crime. This will likely result in more cases being brought to police, since societal stigma can prevent survivors from reporting abuse when the crime takes place.<sup>130</sup>

## Politics and National Policies

Colombia's post conflict environment presents specific obstacles to the safety and well-being of women and girls. Conflict-related sexual violence, femicide, domestic violence, and assault are all magnified. To combat these human rights violations, Colombia strengthened its law against femicide in 2015, and the National Institute of Legal Medicine and Forensic Sciences has implemented the Protocol for Assessing the Risk of Lethal Violence against Women to better address VAWG and femicide.<sup>131</sup> The government also incorporated strategies against female genital mutilation in the National Development Plan 2014-2018. And to increase female representation, the National Development Plan 2018-2022 includes an equity pact for women that sets a target of women holding 50% of executive positions in Colombia by 2022.<sup>132</sup>

Colombia's national strategy entitled "Mujeres Libres de Violencia (Women Free from Violence)" affirms all women's right to live a life free from violence and highlights the importance of prevention in that regard.<sup>133</sup> Many initiatives to address VAWG in Colombia during the pandemic were established at the regional or city level, meaning rural areas were left out of some rapid COVID response efforts.<sup>134</sup> In major cities, pre-existing services allowed for quicker adaptation of resources to confront violence during the pandemic. To address this gap for rural women, the government established the National Initiative for Equity for Women in Rural Sectors (INÉS) which takes an innovative approach to delivering justice to women in remote areas of the country.<sup>135</sup> The initiative includes training for public officials, increased institutional capacity, and direct engagement with those effected through a door-knocking campaign and partnerships with rural women's CSOs.

Colombia has also implemented national approaches to provide support to survivors of GBV. This includes the gender pairs' initiative which has been in action throughout parts of country since 2016.<sup>136</sup> Each 'gender pair' consists of psychologists and lawyers who offer free legal and psychological support and services to survivors of GBV.

There are also correlations between forced displacement, sexual violence, and economic interests in Colombia. Indigenous communities face abuses as the state moves into Indigenous territories to protect mega-business projects,<sup>137</sup> illustrating that increased military presence does not mean increased security. In rural areas, growth in the prostitution market and the establishment of mines is linked. This is due in part to the practice of paramilitary groups who buy young women and girls from larger cities and move them to rural areas with mines to be kept as prostitutes.<sup>138</sup> Unclear jurisdictional responsibilities remain a major barrier to addressing and ending this violent practice.

## Protection of Human Rights Defenders in Colombia

HRDs in Colombia have long had to contend with a hostile environment that includes targeted attacks, threats, and high homicide rates. Between 2010 and 2016, there were 426 homicides and 255 attempted homicides of HRDs in Colombia,<sup>139</sup> and 303 between 2017 and 2019.<sup>140</sup> And though the 2016 Peace Agreement contributed to a major decrease in homicides and ushered in the demobilization of over 12,000 members of the Revolutionary Armed Forces of Colombia, the rural and political reforms brought in by the Peace Agreement led to targeted violence against defenders by nonstate armed groups.<sup>141</sup>

Overall, the Peace Agreement has failed to decrease the rates of violence against HRDs. Armed groups often perpetrate the violence,<sup>142</sup> so the government must take greater action to protect at-risk HRDs. While

individualized security responses are necessary, they cannot be successful without a robust systemic approach that addresses the safety of organizations, communities, and vulnerable populations.<sup>143</sup>

## Legislation

Colombia has made substantial efforts to address the serious violence facing HRDs with one of the world's most comprehensive HRD protection governance frameworks. Colombia implemented a physical protection program for those at risk of political violence ahead of most states in 1997 and is the first country in the Americas with a specific institution for HRDs.<sup>144</sup> The protection landscape for HRDs has grown since then. As of 2018, Colombia has 14 relevant laws and decrees on HRDs across 18 institutional bodies.<sup>145</sup>

Notably, Decree 2816 (2006) instituted processes for the protection program, including temporary relocations and bodyguards — all measures that were largely individualized. This was followed by Decree 4065 (2011), which transferred protection to the National Protection Unit, operating under the Ministry of Interior.<sup>146</sup> More recently, Decree 4912 (2011) established the roles and responsibilities of differing state entities that played a role in the protection regime, creating a more comprehensive, cross-government prevention strategy.

The Victims and Land Restitution Law (Law 1448), adopted in 2011, remains one of the country's most important transitional justice instruments.<sup>147</sup> This law provides survivors of the armed conflict with access to reparations, fortified the rights of applicants for protection measures, and improved coordination mechanisms in government.<sup>148</sup> Notably, one of the law's regulations, Decree 4800 of 2011, introduced “the concept of collective protection for ethnic communities as well as victims and women's organizations, amending the regime's previous focus on individual security.”<sup>149</sup> This marked the start of Colombia's collective approach to protection.<sup>150</sup>

Some important gains have been made to address the disproportionate impact of violence on women HRDs, including the Cross-Sector Guarantees Committee for Women who are Leaders and Human Rights Defenders (Decree 1314, 2016) and the adoption of the Comprehensive Guarantees Program for Women who are Leaders and Human Rights Defenders (resolution 0845, 2018).<sup>151</sup>

Colombia ratified the American Convention on Human Rights on May 28, 1973 (and signed the additional protocol on October 10, 1997). According to the American Convention on Human Rights, states have an obligation to protect HRDs from violence.

## Justice and National Policies

Lack of criminal liability remains a main gap in the protection of HRD infrastructure in Colombia. A study organized by a Colombian NGO found that only 6% of investigations of crimes against defenders between 2009 and 2016 had resulted in a sentence.<sup>152</sup> The Inter-American Commission of Human Rights recognizes that physical protection alone is wholly insufficient in the face of ongoing threats to the work and lives of HRDs, and that the most effective long-term approach to protection is efficient investigations into cases of violence against HRDs and punishment of perpetrators.<sup>153</sup>

Policies to protect HRDs are designed by the Ministry of the Interior. The Ministry of the Interior has passed a series of decrees to address protection for HRDs using a continuously modified version of Law 418 of 1997 as the foundational text for the protection regime. Colombia is one of a few countries whose National Action Plan on Business and Human Rights directly mentions HRDs (alongside the United Kingdom, Finland, and Denmark).<sup>154</sup>

Decree 898 (2017) established the Special Investigation Unit as a part of the Attorney General's Office, tasked with promoting the investigation of crimes against HRDs. That same year, Decree 154 (2017) established the National



Commission on Security Guarantees (NCSG), a body responsible for the design of policies that target and dismantle the organizations responsible for attacks on HRDs.

HRDs with multiple vulnerabilities face significant and disproportionate violence. More than 340 women HRDs were killed between 2016 and 2018,<sup>155</sup> with the number of women HRDs killed increasing by almost 50 percent in 2019.<sup>156</sup> While the government's decrees relating to women HRDs are a positive legislative step towards protection, cases regarding attacks and killings of women HRDs remain under-prosecuted.<sup>157</sup>

## Civil Society Engagement

There have been some innovative strides regarding civil society engagement in the creation of public policy that amplifies the protection of HRDs. The NCSG, for instance, includes both state representatives and relevant civil society actors.<sup>158</sup>

The National Roundtable on Guarantees for Human Rights Defenders was founded in 2009 to create a forum between civil society and government officials.<sup>159</sup> This format allowed for discussion of political, institutional, and legislative measures between civil society leaders at the forefront of work defending human rights and government officials concerned with improving mechanisms for protecting HRDs. This forum has led to improved coordination between the state and CSOs on issues facing HRDs.

## LIBERIA

Since the end of Liberia's civil war in 2003, the country has been working to rebuild its institutions and strengthen human rights protections. The start of this process was aided by the deployment of the UN peacekeeping mission UNMIL from 2003 to 2018, the establishment of the Liberian Truth and Reconciliation Commission in 2005 to investigate gross human rights violations from the war, and the ratification of the Maputo Protocol in 2007 to reinforce the rights of women. While the political landscape remains characterized by corruption, inefficiencies, and a lack of resources to tackle urgent human rights issues, there have also been promising signs of high-level political commitment to tackle human rights abuses in the country, as detailed by President Dr. George Mannah Weah's speech before the 75th session of the General Assembly.<sup>160</sup> However, as in many countries, VAWG remains prevalent and HRDs remain at risk, a situation exacerbated by incomplete legislative protections and societal, cultural, and traditional attitudes and beliefs.<sup>161</sup>

Liberia's efforts on human rights at the UN focus on New York, with mission delegates actively engaged in the work of the Third Committee and the Commission on the Status of Women. Within their human rights portfolio, women's issues rank at the top, including addressing sexual and gender-based violence and ensuring the protection of widows, a category of women often neglected. In the Third Committee, Liberia engages in negotiations in close alignment with the African Group.

## Violence Against Women and Girls in Liberia

### Legislation and Politics

Liberia's legislative environment is characterized by a dual system where statutory and customary law operate simultaneously. The UN Office of the High Commissioner for Human Rights (OHCHR) reports that this can create tension when customary law does not provide the same protections of human rights.<sup>162</sup> Issues concerning women's rights continue to face legislative blocks and gaps and are arguably hampered by the continued low level of women's political participation.<sup>163</sup>

Liberia's executive branch has recognized the importance of promoting gender equality and women's rights at large; President Weah has declared himself "Feminist-in-Chief." The current government has made some progress in addressing these deficits, including by increasing the number of women in key Cabinet positions; seeking to mainstream gender in government policies and programs by introducing Gender and Social Inclusion Units in some ministries; supporting the education of girls through the declaration of free education in public schools; and reducing female poverty through the Rural Social Cash Program.<sup>164</sup> However, implementation gaps remain in efforts to address VAWG across the country, as reflected in civil society efforts to develop a scorecard for the country's implementation of the Maputo Protocol.<sup>165</sup>

In the past decade, Liberia has experienced a grossly high incidence of rape and VAWG, an ongoing remnant from the country's 14-year civil war in which almost three fourths of women in Liberia experienced rape.<sup>166</sup> The most recent government statistics from 2020 report over 600 cases in the first half of the year alone,<sup>167</sup> although CSOs contend that the actual number was much higher because of underreporting.

Rape is illegal in Liberia, although the 2005 law does not include marital rape in its definition.<sup>168</sup> In 2017, the government passed a regressive amendment to the Rape Law that now allows perpetrators to post bail.<sup>169</sup> Politicians in favor of the amendment argued that the penalties for perpetrators provided in the Rape Law are excessive and thus unconstitutional.<sup>170</sup>

In September 2020, the government organized a national conference on the topic, which resulted in President Weah declaring a national emergency on rape and initiating the Roadmap on Ending Sexual and Gender-Based Violence (2020-2022). Under this initiative, the president announced that the government would allocate an initial \$2 million to tackling SGBV, establish an interministerial National Taskforce on SGBV, set up a National Sex Offender Registry, and appoint a Special Prosecutor for Rape.<sup>171</sup> The Taskforce is now meeting on a regular basis, partially enabled by the recent purchases of vehicles and at least one DNA machine for evidence verification in hospital.<sup>172</sup> The government has also sought to provide support to rape and domestic violence victims via the creation of One Stop Centers (approximately 12 operating in-country, with some privately operated) and about six safe homes. Interviewees, however, stressed that this remains insufficient for addressing the wide scope of VAWG, particularly in rural areas.<sup>173</sup>

Domestic violence is a similarly pervasive issue in Liberia; to better tackle it, Liberia's legislative bodies passed the Domestic Violence Act in 2019. The Act strengthens penalties for perpetrators and creates a more robust referral pathway for domestic violence cases, including obligating frontline and school authorities to report them.<sup>174</sup> The Act has also been lauded for its holistic definition of economic abuse.<sup>175</sup> However, enforcement of the law has not been effective.<sup>176</sup> Another potential impediment is that family law currently dictates that men retain custody of children in the case of divorce,<sup>177</sup> which could cause women to stay in marriages where they experience abuse in order to stay with their children.

Child marriage is another area of concern, though the issue scope remains unclear because of the lack of comprehensive statistics. One interviewee, however, described forced child marriage as prevalent, with traditional practices allowing marriage at 16 years of age.<sup>178</sup> According to the World Bank, child marriage is increasing among teenage girls, particularly those not in school.<sup>179</sup> To address this harmful practice, the Liberian legislature introduced the Liberian Children Law; however, legislation remains in place (i.e., Section 2.2 of the Domestic Relations Law) that allows child marriage from the age of 16 with parental or guardian consent.<sup>180</sup>

Female genital mutilation or cutting (FGM/C) also continues to be widely practiced, affecting an estimated 58% of Liberian women and girls as of 2015.<sup>181</sup> FGM/C is viewed by many as a cultural and traditional matter, often conducted by traditional bush schools (known as Sande societies). Despite governmental recognition that it

is a harmful practice, there is no legislation banning FGM/C in Liberia, as the National Traditional Council of Chiefs has historically held this practice up. FGM/C was removed from the Domestic Violence Bill in 2016 by the Liberian Parliament on the grounds that it was a cultural matter<sup>182</sup> and should be considered as VAWG, not domestic violence.<sup>183</sup> The closest Liberia has come to fully banning FGM/C was in 2018 when then President Ellen Johnson Sirleaf issued a one-year executive order on domestic violence in the final days of her presidency that outlawed FGM for those younger than 18 and for those who do not consent to it.<sup>184</sup> The order lapsed in 2019 with no renewal.

Recent intervention from the UN's Special Procedures has had a positive impact on attitudes toward FGM/C in-country. A communication sent to the government by a Special Rapporteur on this topic instigated a two-day reflection session between the Ministry of Gender, the Ministry of Internal Affairs, and the National Council of Chiefs and Elders.<sup>185</sup> The National Council thereafter agreed to ban traditional bush schools for the next three years, in an effort to help this practice die out. Teachers from the bush schools will be trained and integrated into vocational and heritage centers, with support from the EU Spotlight Initiative and UN agencies.<sup>186</sup>

## Justice

Access to justice for female victims or survivors of violence remains extremely challenging in the Liberian context. Interviewees described an environment where police are often inaccessible and lack the proper gender-sensitivity training to respond to cases of rape and domestic violence appropriately.<sup>187</sup> Rural communities frequently lack police stations or are not able to access them because of long distances, greatly reducing the effectiveness of the police as first responders. Police also often do not have the appropriate logistical support (such as vehicles) to be able to respond to incidents in a timely manner. And although the national police have a specific unit dedicated to women and children, interviewees emphasized the need for all police to be trained in responding to cases of SGBV — a massive gap in current police training.<sup>188</sup> Similarly, there is significant need to increase the number of women in the police force, as women and girls are much less likely to approach male police officers when they have been victimized by SGBV, due to fear of stigmatization and traditional gender dynamics.<sup>189</sup>

Loss of evidence of domestic violence required for pressing charges in court is another notable issue, particularly in cases of rape. As one interviewee stated, the lengthy timeline for proper care post violence greatly reduces the timely collection and preservation of evidence and thereby harms the chances of being able to hold the perpetrator accountable.<sup>190</sup> In 2020, Liberian courts dropped 51% of domestic violence cases because of insufficient evidence.<sup>191</sup>

Interviewees also described insufficient institutional capacity and limited adjudication periods in the courts to handle the cases being brought forward, with dockets for courts severely backed up.<sup>192</sup> These factors enable perpetrators of rape to escape judicial consequences, with few cases resulting in conviction. COVID-19 has greatly exacerbated this impunity, causing a further increase in the already existent backlog of court cases.<sup>193</sup> And even when perpetrators are prosecuted and sent to prison, there are no programs for rehabilitation before re-entry back into society.<sup>194</sup>

Overall, interviewees portrayed Liberia's criminal justice system as suffering at large from insufficient funding, capacity, and logistical support, with cases of VAWG facing persistent nonsupport.<sup>195</sup> Civil society interviewees also report corruption, fear of stigma, and negative attitudes toward women as influencing factors in victims' efforts to access justice. To save face between families, there is often substantial pressure to settle matters outside of court.<sup>196</sup>

## Funding

While reinforced political will is needed for progress, government efforts are also greatly hampered by low funding, insufficient human resources, inadequate resources and logistics, and lack of permanent capacity. The Minister of Gender, Children and Social Protection requested the government allocate an additional \$2.375 million for its 2022 budget, citing insufficient funding, personnel, and physical resources.<sup>197</sup> And out of the initial \$2 million pledged by the government to combat rape, only 20% had been given by mid-2021, making implementation of existing commitments challenging.<sup>198</sup> The great majority of the Ministry's current funds cover only staff salaries and a few operations. Similarly, field staff are available, but the Ministry lacks the logistical resources to adequately support their work in counties.<sup>199</sup> To bridge this gap, the government has had to rely heavily on external support from UN agencies, including UN Women, OHCHR, and the EU Spotlight Initiative, as well as from international nongovernmental organizations. Without this external support, Liberian actors can find themselves at a standstill.<sup>200</sup>

## Protection of Human Rights Defenders in Liberia

HRDs remain under threat in Liberia from both state and nonstate actors. The most vulnerable groups include defenders of sexual orientation and gender identity rights, land and environmental rights, freedom of speech,<sup>201</sup> and women's rights, particularly as related to ending FGM/C and early marriage.<sup>202</sup> Advocates for holding perpetrators of past human rights abuses to account also face great risk.<sup>203</sup> It is important to note that women HRDs face double discrimination — one for their gender identity and the other for the issue they are advocating on. Compared to men, women defenders in-country are more fearful of receiving threats, sexism, sexual harassment, and abuse, and being killed.<sup>204</sup>

## Legislation

Like many countries, Liberia has no legislative or policy framework that defines, recognizes, or protects HRDs in Liberia. However, Liberia is a party to the African Charter on Human and People's Rights, and its Constitution does stipulate key protections for all individuals that relate to HRDs, including freedom of expression, association, and assembly. Recent legislation has also helped fortify some protections, including the Land Rights Law (2018) and the Kamara Abdullah Kamara Act of Press Freedom (2019), which decriminalizes defamation of the president, sedition, and malevolence.

Despite these positive commitments, Liberia's legislative and policy environment does not adequately protect HRDs most at risk in Liberia. LGBTQ+ persons are notably targeted by the legislation, with the new Penal Code criminalizing consensual same-sex relations. In 2012, the legislative branch entertained two anti-homosexuality laws that collectively would have further criminalized same-sex relationships, increased penalties, and outlawed same-sex marriage. Although these laws did not pass, they remain dormant in the Senate and could be relitigated in the future.<sup>205</sup>

## Political Context

Interviewees describe a political context in Liberia in which the traditional patriarchal mindset dominates. Negative societal attitudes among political leadership and the media toward both women and LGBTQ+ persons reinforce harmful stereotypes and lack of knowledge of human rights. LGBTQ+ persons are also greatly restricted from meaningful participation in politics politicians because of fears of threats, smears, and physical attacks.<sup>206</sup>

In follow-up to Liberia's participation in the third UPR cycle, the High Commissioner for Human Rights highlighted in May 2021 the pressing need to address FGM/C, rights of LGBTQ+ persons, transitional justice institutions, and comprehensive reporting to international human rights mechanisms.<sup>207</sup> The state has also yet to



draft a National Action Plan on Business and Human Rights and has no grievance mechanism for communities to report private sector violations (e.g., by mining companies) — a key gap in protection mechanisms for environmental and Indigenous rights defenders.

OHCHR and Liberia’s Independent National Commission on Human Rights (INCHR) are critical actors that work to ensure the protection of HRDs in Liberia, filling gaps left by the state. For instance, INCHR (with OHCHR’s support) has deployed human rights monitors to each of the 15 counties, for an approximate total of 17 or 18 monitors operating across the country. The monitors report daily to the INCHR on emerging human rights issues and the efforts of HRDs in each county. When HRDs come under threat or are attacked, INCHR and OHCHR work together to ensure an appropriate government response.<sup>208</sup>

## Justice

The Special Rapporteur’s 2018 world report on the situation of HRDs found that Liberian HRDs can be “subject to judicial harassment, arrest, detention and torture.”<sup>209</sup> Defenders also report harassment, intimidation, and threats to life by state security services, including at the leadership level.<sup>210</sup> In addition, the government does not systematically track threats to HRDs; as one interviewee described, the government does not “see” HRDs and thus has no active networks, programs, or funds for their protection.<sup>211</sup>

When a defender comes under threat, interviewees said, in some cases, government actors have miscategorized the individual, incorrectly labeling them as government opposition or a politician, and thus not taking action to protect them. In other cases, police response has been reported as inappropriate and even as targeting the defenders, such as through harassment, detention, or arrest. This creates a negative cycle where defenders do not feel comfortable seeking aid or protection from state actors, necessitating their approach to INCHR, OHCHR, or other actors who work on this issue area and can serve as the go-between with government actors. Similarly, it also puts the burden of responsibility for monitoring and responding to defenders’ protection needs on actors other than the government, who is under international obligations to protect them. Interviewees thus stressed the need for additional government capacity-building and coordination between police, Ministry of Justice, INCHR, and OHCHR.<sup>212</sup>

## MALAYSIA

Malaysia describes itself as a “multi-cultural, multi-racial and multi-religious country.”<sup>213</sup> One of its first commitments as a candidate for the UN Human Rights Council (serving from 2022 to 2024) was to “strengthen efforts to achieve gender equality, women empowerment and eliminate violence against women,” noting that its bid for a Council seat reflected its determination to progress efforts to “protect and promote human rights, both domestically and internationally.”<sup>214</sup> However, like other countries, Malaysia is grappling with challenges in upholding human rights. Several interviewees described a current political context in which harmful gender stereotypes remain centered in popular rhetoric, and the branding of issues as cultural, traditional, or religious in nature hinders meaningful progress. Domestic violence, sexual harassment, child marriage, and FGM/C remain key areas of concern, and HRDs at serious risk include LGBTQ+ rights advocates, migrant and refugee rights activists, and those who criticize the government for infringement of rights.<sup>215</sup>

Despite these internal changes, Malaysia is currently serving a two-year term on the Human Rights Council in Geneva and engages actively in the Third Committee in New York. Some priorities for Third Committee action include ending violence against women, addressing violence stemming from the pandemic, supporting youth, aligning business and human rights, addressing racial discrimination, and speaking up for vulnerable populations in Myanmar and Palestine.<sup>216</sup> Similarly, Malaysia coordinates closely with counterparts from the Association for

Southeast Asian Nations (ASEAN) and the Organization of Islamic Cooperation (OIC) in many of its positions in the UN and regionally in its approach to human rights, though it has yet to join OIC's Women Development Organization.

## Violence Against Women and Girls in Malaysia Legislation

Malaysia does not codify gender equality in law,<sup>217</sup> though gender equality features in the official vision and strategic objectives of the Ministry of Women, Family and Community Development (MWFCD).<sup>218</sup> This legislative gap arguably contributes to Malaysia's persistent gender gap; in 2021, Malaysia ranked above only 44 other countries in the world for gender parity.

The greatest gender gaps in Malaysia occur in political empowerment, where for every 10 men there is one woman, and in economic participation and opportunity, a category that has seen no substantial statistical improvement in the past 15 years.<sup>219</sup> In a positive signal, Malaysia reported to the Commission on the Status of Women in 2021 that it has plans to enact a bill on gender equality.<sup>220</sup> Interviewees remain uncertain, however, that the government will follow up on this promise anytime soon, as CSOs and the national human rights institution, SUHAKAM, have issued repeated calls in the past few decades for the government to do so, to no avail.<sup>221</sup> These concerns are exacerbated by Malaysia's outstanding reservations to CEDAW on equal gender rights regarding nationality of children and on equal gender rights in marriage, family relations, and guardianship — a result of contrary civil and Syariah laws.<sup>222</sup>

Sexual harassment remains a prevalent experience for Malaysian women, with 2019 YouGov data reflecting that more than one third of women have been subjected to it.<sup>223</sup> Cyber sexual harassment is also of growing concern, as exemplified by a survey in the non-peninsular state of Sarawak reporting that about 30% of survey respondents have experienced sexual harassment on social media and only 10% know how to issue complaints about it.<sup>224</sup>

Malaysia's legislation on sexual harassment is "piecemeal" in nature, with civil society campaigns for a comprehensive sexual harassment bill ongoing for the past 30 years.<sup>225</sup> The Malaysian Parliament tabled the latest draft of the Anti-Sexual Harassment Bill in December 2021 for its first reading; if passed, it will provide the essential right of redress for any individual who has experienced sexual harassment and would establish a Tribunal for Anti-Sexual Harassment.<sup>226</sup> The Anti-Stalking Act is anticipated to be another focus of Parliament this year.<sup>227</sup>

Domestic violence is another grave problem in Malaysia, with the prevalence of intimate partner violence in 2020 as high as 35%.<sup>228</sup> Following movement control restrictions related to COVID-19, the government reported a 57% surge in calls to the government hotline from women in distress, with the Women's Aid Organisation reporting a tripling to their own hotline.<sup>229</sup> The Malaysian government has described this type of violence as "a social pandemic," stating that "if left unchecked, it will contribute to the inevitable decline of society as a whole."<sup>230</sup>

In response, Malaysian legislature passed an amendment to the Domestic Violence Act in 2017; adding to the original law from 1994, the amendment defines domestic violence more holistically<sup>231</sup> and delineates the response protocols of social welfare officers on allegations of domestic violence.<sup>232</sup> Gaps in the act, however, persist, as it critically fails to define domestic violence as inclusive of nonmarried partners. One interviewee expressed that, because of the current administration's conservative nature, they felt that the government did not want to acknowledge that couples live together outside of marriage and thereby are willfully leaving a significant portion of the population unprotected.<sup>233</sup> Another factor that contributes to domestic violence is the explicit exemption of marital rape from the Penal Code, as well as the incomplete definition of rape as an act that is perpetrated by a man against a woman.<sup>234</sup>

The MWFC, which leads Malaysia's policy response to VAWG, formed a National Committee on Domestic Violence in 2019, bringing together a variety of ministries<sup>235</sup> and four CSOs to cooperate on this issue. According to interviewees, action taken by the Committee has been quite fragmented, in part because it meets only once or twice a year. The creation of sub-Committees on Data; Advocacy & Capacity-Building; and Protection in 2021 brings hope for the Committee's greater substantive impact going forward.<sup>236</sup>

To better address domestic violence, the government has also, among other activities, established a 24-hour public reporting hotline called Talian Kasih; created One Stop Crisis Centers in major government hospitals equipped with medical, psychological, legal, and social support; and designated specific mosques as shelters and transit centers for victims, irrespective of religion.<sup>237</sup> In its 2021 domestic violence survey, however, the Women's Aid Organisation in Malaysia found significant need for increased public awareness campaigns that highlight government resources available to victims and survivors, as many citizens remain unaware. For example, less than 10% of those surveyed mentioned the government hotline as an outlet they would first turn to for support, and less than 5% mentioned social welfare services.<sup>238</sup>

On the issue of marriage, child marriage is allowed under civil, Syariah, and customary laws in Malaysia and continues to occur in both Muslim and non-Muslim communities.<sup>239</sup> Syariah law requires that child marriages (for girls under 16 years and boys under 18 years) be approved by the Syariah court via application; in the state of Kelantan, 15 applications were submitted in 2018, with 10 of them approved.<sup>240</sup> The Women's Aid Organisation estimates that 10% of Malaysians actively support child marriage, with the greatest endorsement from men above 55 years; interestingly, this support does not differ between urban or rural areas.<sup>241</sup>

Despite a perceived lack of political will by Parliament to ban this practice, MWFC developed a National Action Plan in 2020 for addressing the root causes of child marriage, in an effort to prevent and limit it.<sup>242</sup> As married or pregnant children are not allowed to attend Malaysian public schools, child marriage poses a significant threat to children's access to education and future economic well-being. Violence against girls, insufficient reproductive health and sexual education, and lack of access to contraception and reproductive healthcare remain among the key triggers leading to child marriages, as reported by the Malaysian Bar.<sup>243</sup>

Like child marriage, the harmful practice of FGM/C is not legally prohibited in Malaysia and remains a popular practice. This practice is supported by a common misunderstanding of religious duty and cultural thinking around sexuality, religion, and hygiene.<sup>244</sup> In fact, FGM/C is practiced in government hospitals with the approval of the Ministry of Health,<sup>245</sup> a fact that CSOs such as the Women's Aid Organisation argue gives the practice additional legitimacy in popular consciousness.<sup>246</sup> During the 2018 UPR at the UN, a Ministry of Health official inaccurately compared FGM/C to vaccination programs for babies.<sup>247</sup>

## Justice

Through the eyes of civil society interviewees, Malaysia at large suffers from a significant trust deficit in police and law enforcement.<sup>248</sup> Regarding VAWG, interviewees explained that police officers and local authorities are not appropriately trained in gender sensitivity and do not know how to respond to cases of sexual violence or harassment. One interviewee cited a case where, in response to allegations of stalking, a police officer suggested, "Maybe he's just into you." Similarly, victims' trust in the police's ability to support them in accessing justice can diminish over time because of the poor quality of interactions.<sup>249</sup>

LGBTQ+ persons, including trans women, face tremendous discrimination and persecution in Malaysia, with this discriminatory mentality extending to the police. Interviewees described law enforcement representatives abusing their power to raid houses and harass people based on perceptions of sex or sexual orientation. Police reliance on community members to serve as their "ears and eyes" further contributes to an overall lack of trust that the police will protect all.<sup>250</sup>

## Funding

Interviewees described the government's budget allocations for addressing VAWG as highly siloed, with gender mainstreaming of funds not occurring across the whole of government. Current government funds target domestic violence (which saw a budget increase this year) and sexual violence, with the majority of earmarked funds on gender allocated to the MWFC. Interviewees critiqued funding allocations under the Ministry for being narrow in scope and addressing primarily low-hanging fruit issues rather than root causes. Initiatives proposed by the government are often small scale pilots that, if scaled up, could have far greater impact. One interviewee gave the example of a pilot program that sought to address period poverty via access to pads, but that had a small footprint of benefiting less than 100,000 women.<sup>251</sup>

## Government-Supported Programs

The Malaysian government also provides family planning services and reports issuing tax incentives for childcare centers, as well as providing subsidies to parents.<sup>252</sup> Gaps in key service provision include greater inaccessibility of contraception for unmarried persons<sup>253</sup> and insufficient education in schools on sexual and reproductive health and rights (SRHR). As SRHR is not an exam subject in the education system, it ranks low on the priority list for both teachers and students. One interviewee reported that only 13 hours of SRHR learning is required by year. Teachers and parents can also protest its teaching, influenced by misperceptions around SRHR contributing to promiscuity or socially unacceptable behaviors.<sup>254</sup>

## Civil Society Efforts

Civil society advocacy has contributed substantively to the development of legislation and policies combating violence against women. The most visible coalition of organizations on this issue area remains the Joint Group for Gender Equality, which regularly engages with government stakeholders in national and international processes. Of particular note are coalition efforts to provide independent reporting to CEDAW by the "CEDAW Group," which in 2018 resulted in a shadow report presented to the Committee in Geneva.<sup>255</sup>

## Protection of Human Rights Defenders in Malaysia

### Legislation and Political Context

HRDs are not recognized nor explicitly protected under Malaysian legislation or policies.<sup>256</sup> This legislative gap is exacerbated by a political environment that some interviewees described as hostile to human rights and their enforcement, with human rights perceived as in opposition to cultural and religious values.<sup>257</sup> In 2018, the Special Rapporteur on the situation of HRDs reported at least eight federal laws on security, terrorism, sedition, journalism, multimedia, assembly, and accreditation that actively impede the work of defenders in Malaysia.<sup>258</sup>

One interviewee noted that the sudden change in government in 2020 saw the regression of human rights via the return of draconian laws, including the Sedition Act, which infringes on freedom of expression; the Communications and Multimedia Act that has been used to police online expression; the Peaceful Assembly Act, utilized to stop protests; and detention without trial laws, used to target minorities and alleged criminals.<sup>259</sup> The change in government also resulted in Parliament's diminished engagement with SUHAKAM, whose annual report was not debated in Parliament in 2020 unlike the previous year.<sup>260</sup>

Interviewees described the most vulnerable types of defenders as those who work on LGBTQ+ rights and on migrant and refugee rights, and those who engage in political criticism. In the words of one individual, "criticizing the government will get you in trouble."<sup>261</sup> Interviewees also expressed strong concerns around the shrinking of civic space, with SUHAKAM reporting the presence of only 269 NGOs in Malaysia—out of a total of 66,300—engaging on human rights issues in 2018. One interviewee additionally stated that the government uses the NGO



registration process as a way of restricting the operating space of defenders, citing bureaucratic hurdles, refusals of applications, and even having to register as a business entity to receive approval.<sup>262</sup>

Popular reticence to engage with the framework of human rights is enabled by the media, where human rights terminology is not used, and human rights issues are only addressed by some segments of the media. Interviewees noted that the media too could be at risk of attack if it engages too forcefully on specific human rights issues, such as on migrants and refugees. For example, state security services raided and seized computers from Al-Jazeera's Kuala Lumpur office in 2020 following an exposé published on the government's mistreatment of undocumented migrants during COVID-19.<sup>263</sup>

The Malaysian government has made progress, however, on a variety of pledges, including appointing Datuk Seri Azalina Othman Said as the first-ever Special Adviser on Law and Human Rights to the Prime Minister<sup>264</sup>; issuing a standing invitation to all Special Procedures Mandate Holders; and working on developing a National Action Plan on Business and Human Rights.<sup>265</sup> The country also saw the establishment of the National Unity Advisory Council and the Special Select Committee on Fundamental Liberty and Constitutional Rights in 2020, both which maintain a reported focus on human rights.<sup>266</sup>

## Justice

In conversations with interviewees about justice for defenders, they too described a gaping trust deficit in the police and state security services. Participants cited use of force by police, including 15-16 deaths in custody per year, as an ongoing concern, with impunity enabled by lack of follow-up investigations or independent police oversight.<sup>267</sup> Legislation pending in Parliament that calls for an Independent Police Commission has been criticized for being regressive, as it would lack power to penalize police officers for violations.<sup>268</sup>

## Civil Society

On HRDs, some interviewees described the government as being difficult to engage. However, consultations on international human rights processes (e.g., the UPR; Sustainable Development Goals) were highlighted as unique and useful windows of opportunities in which the government consults with human rights-focused organizations.<sup>269</sup> The most visible civil society actor that engages in the UPR is the Coalition of Malaysian NGOs in the UPR process (COMANGO), formed in 2008. With over 50 affiliated Malaysian organizations, it is one of the largest civil society coalitions operating in support of the UPR process and monitoring national implementation of its recommendations.<sup>270</sup>

## NORWAY

Norway has traditionally taken a wide-lens view of global human rights issues, often approaching them as fundamentally cross-cutting and underscoring the importance of global cooperation to solve them. Norway currently serves as a nonpermanent member of the Security Council (2021-2022), where it has made the protection of women HRDs a feature of its term on the Council. In January 2022, during its Council presidency, Norway hosted an open debate on “Protecting Participation: Addressing Violence Targeting Women in Peace and Security Processes,” featuring discussion of the threats faced by women HRDs for their advocacy in conflict contexts and for engaging with the UN system.<sup>271</sup> Norway also served on the Human Rights Council from 2009 to 2012, during which time representatives focused on ensuring prohibition against torture, safeguarding the rights of vulnerable groups, and supporting the work and safety of HRDs.<sup>272</sup> Norway coordinates with the “Mountains Group”<sup>273</sup> at the UN on human rights issues.

The most recent UPR process acknowledged that Norway has a strong legal framework for human rights protection.<sup>274</sup> In 2017, Norway signed the United Nations Declaration on the Rights of Indigenous Peoples and took steps to improve conditions for the Sami people of Norway, especially as pertains to eliminating violence against Sami women and girls, though gaps in protection persist.<sup>275</sup> However, as in many other countries, VAWG and domestic violence remain ongoing problems.

## Violence Against Women and Girls in Norway

The COVID-19 pandemic has contributed to the worsening of conditions for women and girls in Norway. The first year of the pandemic ushered in a spike in reported intimate partner violence in some regions. A study from Trøndelag police district in Norway, for example, showed that intimate partner violence increased 54% during the lockdown between March and December 2020.<sup>276</sup> These cases were both high in volume and in magnitude of effect, with the police assessing these cases as being at higher risk of imminent and severe violence.<sup>277</sup> According to interviewees, these conditions have uncovered weaknesses in survivor support structures and require the development of greater options for victims in the case of emergency circumstances (such as the pandemic).<sup>278</sup>

Civil society has consistently raised concerns about the level and underreporting of sexual violence and rape in Norway.<sup>279</sup> Crucially, the definition of rape in Norway does not currently rely on “lack of consent”; rather, it defines rape as requiring violence (i.e., the perpetrator using force or threatening to use force).<sup>280</sup> Consent-centered legislation could result in more rape convictions, as has been shown in neighboring Sweden.<sup>281</sup> Ultimately, a higher conviction rate would play a role in bolstering victims’ confidence in the justice system and might ameliorate Norway’s current low levels of reporting to the police.

## Legislation and conventions

Norway amended and strengthened its Constitution in 2014 to include a comprehensive human rights catalogue. In June 2017, Parliament adopted the Equality and Anti-Discrimination Act to improve the position of women and minorities in the country. The principle of nondiscrimination is enshrined in Article 98 of the Constitution. Norway signed the Convention on the Elimination of All Forms of Discrimination against Women (1979) on July 17, 1980, and ratified it on May 21, 1981. Since then, CEDAW has been incorporated into Norwegian law through the Human Rights Act. The Act gives the provisions of the convention precedence over Norwegian law in the event of a conflict. Norway is an Istanbul Convention signatory and ratified the Convention in 2017.

In 2018, the Equality and Anti-Discrimination Act prohibited discrimination on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age, or combinations of these factors. And in July 2019 the Norwegian Parliament adopted amendments to strengthen the duty to promote gender equality.

Regarding VAWG, Norwegian law penalizes domestic violence with up to six years in prison. The Norwegian government generally enforces the law; however, a majority of those who are raped do not bring it to official attention.<sup>282</sup> According to the Justice Ministry, only 10% of those cases brought to official attention are convicted.<sup>283</sup> Sexual offenses are on an upward trend and now include more internet-based offenses. In December 2020, the Supreme Court of Norway established a lower threshold for sexual harassment with its judgement HR-2020-2476-A. The decision establishes conditions that must be met for a situation or act to be considered sexual harassment, providing a useful framework for sexual harassment cases going forward.<sup>284</sup>

Regionally, Norway has also ratified the European Convention on Human Rights (ECHR), enabling Norwegians to take the government to court for violations of the convention. In 2021, the European Court on Human Rights handled 102 applications concerning Norway and delivered 10 judgements, 6 of which found a violation of the ECHR.<sup>285</sup>

## Justice and Political Context

The rise of online violence against women has sparked police reform by the Norwegian government, including the establishment of a National Cybercrime Center (NC3). The Nettpatruljer (online police patrols) will provide crime prevention advice and offer guidance and expertise on particular issues.<sup>286</sup>

The Ministry of Culture has general political, administrative, and coordinative responsibilities for the government's policy on gender equality and antidiscrimination.<sup>287</sup> The Ministry's work has three main sections:

- Oversee national legislation and guarantee that obligations laid out in conventions and directives in the field of gender equality and anti-discrimination are met.
- Organize the government's gender equality policy.
- Fortify research and knowledge development to provide a foundation for the development of gender equality policy.<sup>288</sup>

The Ministry of Justice and Public Security has made positive strides against VAWG by implementing informational campaigns, such as "Hvor lite skal du finne deg i?" (How little should you tolerate?), which aims to educate the public about domestic violence and the resources police can provide to those affected by it.<sup>289</sup> The Minister of Health and Care Services requests that regional health authorities report on how the national guidelines for postnatal care are implemented, and especially how the health trusts have followed up on the recommendations for discharge assessments.<sup>290</sup>

The Government's Action Plan Against Rape (2019-2022) includes acknowledgement of rape as a gross violation of dignity, and an issue of public health and gender equality.<sup>291</sup> However, civil society leaders point to critical gaps that could lead to insufficient enforceability, recommending that The Plan (2019-2022) be revised to include specific obligations with deadlines and funds for its implementation.<sup>292</sup> While investigations into rape cases have gone up dramatically over the past 40 years, prosecution rates in rape cases have stayed extremely low.<sup>293</sup> Interviewees noted there was a reluctance of reporting certain incidents of rape to the police since many cases do not often make it to court, much less prosecution.<sup>294</sup>

## National and International Policies

The Norwegian government has taken measures to address VAWG, human trafficking, and online safety over the past decade, including the implementation of mutually supplementary strategies and initiatives, in particular, in regard to local government reform, community policing reform, and reform of the Child Welfare Services.<sup>295</sup>

The latest national action plan on violence against women (2021-2024) makes specific mention of the protection requirements of Sami women and girls in Norway, in accordance with input from Norwegian civil society and UN stakeholders. The plan also includes measures to reinforce the provision of emergency services to victims of domestic violence by carrying out a survey of medical and psychosocial emergency services for adults who were subject to domestic violence and assessing how to improve services to these individuals.<sup>296</sup> The plan also includes mention of the important role of sexual assault reception centres in the provision of services to those subject to domestic violence.

Norway does not have set budget allocations to multilateral organizations, as it is government policy to maximize core budget allocations to these institutions. Nonetheless, Norway does track the percentage of bilateral official development assistance (ODA) that supports gender equality initiatives. In 2017, 27% of Norway's total bilateral aid went toward gender initiatives, a percentage reflective of Norway's ODA in recent years. In 2019, Norway further prioritized gender equality within its international efforts, allocating 50% of all bilateral aid to this thematic issue.<sup>297</sup> Norway also has a National Action Plan (NAP) on Women, Peace and Security (its fourth

iteration), which focuses primarily on Norway's external engagement in support of efforts to protect women and girls from violence around the world. It does not, however, include an allocated budget.<sup>298</sup> Norway's latest NAP has some focus on domestic challenges, including those related to asylum seekers, radicalization, and violence against women in Norway.<sup>299</sup>

## Government-Supported Programs and Data

The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) developed national gender equality indicators in 2016 that highlighted Statistics Norway's indicators for gender equality in the municipalities and considered international indicators and reporting, including reporting under UN conventions. In this way, Bufdir examined existing indicators and used those in conjunction with new indicators to measure gender equality progress in Norway.<sup>300</sup>

Data collection is less reliable in rural areas and in land inhabited by Indigenous Sami people. Although statistics and data can be disaggregated by gender, in some areas no quantitative data can be obtained; qualitative studies are employed in these cases. Where research or statistics are available, the government considers gender in its analysis in conjunction with other grounds for discrimination.<sup>301</sup>

## Civil Society Engagement

Norwegian shelters for victims of domestic violence are key players in the country's effort to address this issue and VAWG at large. They were the first to offer direct services for victims of VAWG in Norway.<sup>302</sup>

Civil society is regularly involved in reporting on Norway's international human rights obligations. Draft state reports for the UN's treaty bodies are circulated for consultation to human rights and women's organizations, and institutions lend their expertise and input. The Norwegian authorities also conduct dialogues with civil society and provide financial support for NGO shadow reports.<sup>303</sup>

The Minister of Children and Equality consults with civil society, the Norwegian National Human Rights Institution, and the Equality and Anti-Discrimination Ombud on CEDAW's recommendations for Norway to prioritize issues for national follow-up.<sup>304</sup>

## Protection of Human Rights Defenders in Norway Legislation

In May 2014, the Norwegian Constitution was amended to strengthen existing constitutionally enshrined rights, the human rights chapter "includes the rights to life, liberty, equality, privacy, a fair trial, freedom of expression, assembly and movement, as well as rights related to children, work, the environment and the Sámi people".<sup>305</sup>

Norwegian law is based on a dualistic system whereby international conventions to which Norway subscribes can be transformed into Norwegian law. If Norway's domestic law contradicts international law, legislation requires that the domestic law be modified or eliminated.<sup>306</sup> This modification requirement enables compatibility between Norwegian and international law and helps ensure that HRDs can generally operate safely in Norway.

Norway's fourth NAP on Women, Peace and Security (2019–2022) provides a strong emphasis on the need for structural change that enables women's meaningful participation, including through addressing the situation of women HRDs and refugees.<sup>307</sup>



The Norwegian Anti-Discrimination Act prohibits all direct and indirect discrimination based on ethnicity, national origin, family background, skin color, language, religion, and belief. The Equality and Anti-Discrimination Ombud supervises and contributes to compliance with the Act. The Equality and Anti-Discrimination Tribunal processes appeals of the statements and decisions made by the Ombud.

Many of the legal or administrative provisions for HRDs in Norway are not specific to the work of HRDs. However, their work is protected under other administrative provisions such as the 1999 Human Rights Act. According to Norwegian law, any restrictions on this freedom must “be lawful and fulfill the conditions of Articles 21 and 22 of the UN Covenant on Civil and Political Rights as well as Article 11 of the European Convention on Human Rights (ECHR).”<sup>308</sup>

## National Policies

Issues concerning the protection of HRDs primarily fall under the Ministry of Foreign Affairs. Norway’s international and domestic approach on this issue area is outlined in the white paper *Opportunities for All: Human Rights in Norway’s Foreign Policy and Development Cooperation*. When asked about Norway’s focus on HRDs, interviewees emphasized Norway’s engagement on the topic internationally rather than in relation to domestic implementation or domestic efforts to strengthen human rights.<sup>309</sup>

The Norwegian national human rights institution (NHRI) Norges Institusjon for Menneskerettigheter (NIM) was established by Parliament in 2015 and is currently accredited as an “A” status NHRI. NIM’s current priorities include monitoring human rights issues, collecting data on national implementation of human rights, submitting its annual report to Parliament, organizing a national conference to raise awareness, and inviting inputs from civil society. NIM gives advisory opinions to the state on new legislation, advises individuals seeking guidance on national and international complaint mechanisms, and provides inputs to international monitoring mechanisms.

In 2018, NIM submitted a thematic report<sup>310</sup> to the Courts Commission on the organization and independence of the Norwegian judicial system, where the body noted that the levels of resourcing in the Norwegian courts could have an impact on the right to a fair and public hearing. NIM recommended higher levels of funding for the Norwegian judicial system to mitigate this issue.<sup>311</sup>

## International and regional action

Several interviewees noted that Norway perceives itself as a leader at the UN on the protection of HRDs.<sup>312</sup> Norway notably chaired the working group that established the UN Declaration on Human Rights Defenders in 1998<sup>313</sup> and currently leads all thematic negotiations in the UN on protection of HRDs, both in the General Assembly and at the Human Rights Council.

In terms of international assistance, Norway supports the work of HRDs abroad through economic support, direct assistance, multilateral organizations, engagement with civil society on the ground, and engagement at the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE).<sup>314</sup>

At the regional level, Norway acts as a mediator and has worked to address the situation of HRDs across several Council of Europe member states. Norway also addresses HRD issues in its statements to the OSCE<sup>315</sup> and the Norwegian Foreign Service, and works together with the EU, at both the country level and in international forums, in cases and processes involving HRDs.<sup>316</sup>

## Civil Society Efforts

CSOs play a key role in helping carry out Norway’s international efforts to protect human rights defenders. Norway supports CSOs that provide protection and security measures for HRDs, including through the Lifeline Embattled CSO fund.<sup>317</sup> Several interviewees pointed to this support as critical to their efforts internationally.<sup>318</sup>

The Norwegian government also meets with human rights CSOs regularly and considers their recommendations when developing their priorities and objectives for multilateral discussions. Norway engages civil society in a consultative process ahead of its multilateral commitments.<sup>319</sup> Norwegian CSOs regularly produce shadow reports at the UN to supplement Norway's submissions.<sup>320</sup>

## UNITED KINGDOM

The UK has long held a global approach to foreign policy and promotion of human rights. However, recent political trends that led to its decision to exit the European Union indicate a desire for more independent and internally focused policies. Political debates on human rights have been inflamed by controversy around counterterrorism, migrant and refugee issues, and discussion of whether to replace the Human Rights Act (1998), which enshrines the rights laid out in the European Convention on Human Rights. Interviewees explained this phenomenon by citing the rise of right-wing populism and the demonization of human rights by UK media.<sup>321</sup> The terminology of HRDs is thus not used in domestic affairs, despite the government's strong support for HRDs at the UN and abroad.

Primary areas of domestic concern on VAWG include domestic and online violence, which saw significant increases during the COVID-19 pandemic. In sharp contrast, the courts' conviction rate of rape cases experienced a sharp decline. In addition, the UK maintains reservations to CEDAW that the Committee last reported to "have the character of interpretive declarations" and that "may no longer be necessary."<sup>322</sup>

At the UN, in addition to its role as one of the five permanent members of the Security Council where it holds the pen on Women, Peace and Security, the UK is currently serving a term as a member of the Human Rights Council (2021-2023). Within the Council, it also supports under resourced member states in advancing their human rights activities via the funding of a Commonwealth Secretariat program.<sup>323</sup> During its campaign for the Council, the UK made tackling VAWG its number one pledge.<sup>324</sup> The UK is also a vocal advocate of the protection of HRDs at the UN, as evidenced by their leading of the Joint Statement Against Reprisals in 2021 for the third year in a row.<sup>325</sup>

## Violence Against Women and Girls in the United Kingdom Legislation

The UK's legislation addressing violence against women has gone through significant improvements in the past two decades or so, including in the redefining of sexual offenses (2003), banning of FGM conducted both in UK and abroad (2003), instituting of forced marriage protection orders (2007), and defining of sexual harassment in the Equality Act (2010). In 2010, the UK government issued its first substantive call to end VAWG. Since then, new penalties have been codified for coercive or controlling behavior, stalking, "upskirting," and "revenge porn." The government has also introduced new orders for stalking, preventing sexual abuse, and FGM, as well as ended routine early release of violent and sexual perpetrators from prison. Further, frontline professionals now have an obligatory duty to report cases of FGM to the police and have access to better training, guidance, and resources for responding to VAWG.<sup>326</sup>

According to government statistics, domestic abuse increased during the pandemic. Related crimes reported to the police rose by 6% in 2021, and the National Domestic Abuse Helpline saw a 22% increase in calls that same year,<sup>327</sup> following on increases from previous years. In response to these rising and sustained trends, Parliament strengthened legislation in 2021 via the Domestic Abuse Act. This act crucially provides a statutory definition that goes beyond physical violence to include economic abuse and emotional, coercive, and controlling behavior. It also seeks to increase government accountability through the appointment of a Domestic Abuse Commissioner,

who holds statutory responsibility to report to Ministers and to the public on poor practices or failures in service provisions to victims and survivors of domestic abuse. The Domestic Abuse Act further introduced Domestic Abuse Protection Orders and Notices and requires perpetrators to take positive action to change their behavior, as well as obligating local authorities to have a safe accommodation strategy and services in place.<sup>328</sup>

Online violence is another serious problem that has seen exacerbation during the pandemic. According to a major survey undertaken by Glitch in the UK on this topic, prior to the pandemic 38% of respondents had experienced online abuse. In the past year, 27% of respondents who experienced online abuse reported increases, with higher rates reported for people of color compared to white respondents.<sup>329</sup> The intersectional nature of online violence is not new, as exemplified in the findings that Black and Asian women Members of Parliament received 35% more abusive tweets than their white counterparts in the lead-up to the 2017 elections.<sup>330</sup> In response, the UK is drafting legislation for an Online Safety Bill, which could be introduced to Parliament as soon as March 2022. This bill seeks to place the onus of responsibility on internet services providers for what occurs on their platforms, including for “child abuse, fraud, racist abuse, promoting self-harm and also against violence against women.”<sup>331</sup> CSOs contend, however, that violence against women is not adequately addressed in current drafts of the bill, though initial drafts proposed criminalizing online promotion of VAWG.<sup>332</sup>

And of most recent concern is the proposed Nationality and Borders Bill, which UK CSOs argue would unjustly target women victims and survivors of violence who do not yet have legal authority to reside in the UK, increasing the chances that they could be refused asylum and deported.<sup>333</sup> At the international level, the UK has yet to accede to the Istanbul Convention, with this year marking 10 years since the UK signed it. If ratified, the Istanbul Convention could help reinforce the provision of services for migrant survivors and victims of domestic abuse. One interviewee remarked, however, that the current UK administration lacks the political will to ratify it, stating that “you could describe the political attitude towards this issue as a hostile environment.”<sup>334</sup>

## Political Context

The Home Office is electing to tackle VAWG and domestic abuse separately,<sup>335</sup> as exemplified by the drafting of two different national strategies informed by a recent public call for input.<sup>336</sup> Although CSOs have questioned the efficacy and potential fragmentation this approach may lead to, UK policy makers contend that domestic abuse is of great enough concern to merit its own plan, with its occurrence not constrained by gender identity or sex.<sup>337</sup> It is also important to note that the UK has pledged to mainstream VAWG in other action plans, such as the one on Child Sexual Abuse (2021) and the upcoming National Disability Strategy.

Recent government action has arguably been expedited by several recent high-profile murders of women, including Sarah Everard, who was killed by a police officer in late 2020. To restore reduced confidence in the police, the Home Office announced the creation of an intergovernmental taskforce on VAWG in early October 2021 to explore implementation recommendations issued by recent government policy and report to the Crime and Justice Taskforce.<sup>338</sup> In line with this issue prioritization, the UK appointed the first-ever National Policing Lead for Tackling VAWG<sup>339</sup> and the first VAWG Transport Champions in 2021.<sup>340</sup>

The UK’s efforts to address violence against women are not limited to the domestic sphere. In November 2021, the Foreign Secretary announced a campaign to address VAWG and sexual violence in conflict zones around the world. The UK is also reportedly exploring the potential for a new global convention that would condemn and characterize conflict-related sexual violence as a ‘red line’. The UK’s international assistance retains a focus on ending child marriage and FGM/C, providing educational support, and advancing solutions to VAWG.<sup>341</sup>

## Funding

These concerted efforts on VAWG are reflected in the government's budget, with the Home Secretary reporting that from mid-2019 to mid-2021, cross-government funding for this issue area has more than tripled compared to any other two-year period in the UK.<sup>342</sup> In the VAWG strategy, the government committed to investing £300 million in 2021 alone, including £11.1 million for offender programs of domestic abuse and stalking. Government commitments on prevention include a national communications campaign targeting behavior change, investment of £3 million into research on the prevention of VAWG, £5 million for the Safety of Women at Night Fund focused on improving safety of public spaces at night, an online tool called StreetSafe for anonymous reporting of unsafe public spaces, and delivery support of the new Relationships, Sex and Health education curriculum.<sup>343</sup>

## Justice

The Ministry of Justice has come under significant criticism in the past few years for its treatment of VAWG cases during the COVID-19 pandemic, with 2020 seeing the lowest number of rape convictions on record in the UK.<sup>344</sup> In reaction, the government released a Rape Review Action Plan (2021), which pledges to more than double the number of rape cases that make it to court by the end of Parliament.<sup>345</sup> The Ministry of Justice also trained more than 100 prosecutors specializing in rape cases and nearly 500 other staff, and 11,000 police officers out of a promised total of 20,000.<sup>346</sup>

Further, the Ministry of Justice is investing significant resources (in the amount of £185 million by 2024-2025 — an increase of 85% from 2019-2020) to supporting survivors of VAWG in navigating the UK criminal justice system. This includes the funding of crisis helplines and the hiring of Independent Sexual and Domestic Violence Advisors (for an end total of 1,000+) who can advise victims and serve as the liaison between police, support services, and criminal justice agencies. Additionally, the Ministry is expected to publish a Victim Funding Strategy to improve the cross-government management of funds that are meant to support victims and survivors.<sup>347</sup>

## Protection of Human Rights Defenders in the United Kingdom

### Legislation and Political Context

The UK does not explicitly define, protect, or promote the work of HRDs in national legislation, though relevant liberties are codified in the Human Rights Act of 1998. Given the comparatively low risks to HRDs in-country, the UK is unlikely to implement specific frameworks or protection mechanisms for defenders in the future.<sup>348</sup>

In 2021, the UK government initiated an independent review of the Human Rights Act of 1998, informed by a public call for input. In late 2021, the government announced it was considering replacing the Act with a bill of rights. Government proponents of the bill say that it would help “to restore a proper balance between the rights of individuals, personal responsibility and the wider public interest.”<sup>349</sup> One interviewee stated that the bill has the potential to be regressive. And while the government held consultations with CSOs, the technical complexity of the consultative proposal document and slow delivery of an easy-to-read version precluded widespread civil society engagement. Similarly, the consultation document was published right before the dissemination of the Independent Review Report, which at about 500 pages means the government engaged with it only superficially before releasing the proposal.<sup>350</sup>

Led by Lord Ahmad of Wimbledon, the UK Minister for Human Rights, the Foreign, Commonwealth, and Development Office (FCDO) remains the lead UK ministry on HRDs. As a consequence, the UK has adopted an externally facing position on defenders, as seen in the 2019 UK Support for HRDs policy paper, the 2020 Human Rights and Democracy Report, and the UK National Action Plan on Women, Peace and Security (2018-2022). In the latter plan, women HRDs feature as critical partners in the implementation of human rights commitments



globally. The exception to FCDO’s external focus on HRDs remains the National Action Plan on Implementing the UN Principles on Business and Human Rights, first developed in 2013. As of May 2020, the UK’s activities on this front have focused on enforcing the state’s capacity to protect human rights, outlining how government expects the private sector to uphold human rights, and developing access to civilian recourse for violations by businesses.<sup>351</sup>

One interviewee shared the critique that the UK tends to adopt the approach that “human rights is what we do to others” and that rhetoric surrounding its global “championing” of human rights can muddle clarity regarding improvements needed in the UK’s domestic safeguards and treatment of human rights.<sup>352</sup> Notwithstanding this, the UK provides essential support to HRDs around the world through diplomacy, programming, and aid (e.g., in Colombia, Iran, Turkey, and Thailand),<sup>353</sup> as well as funding for women HRDs who face reprisals for briefing the Security Council or related bodies.<sup>354</sup>

Regarding the UK’s international promotion of HRDs, a 2021 report by Amnesty International, the Law Society, and other CSOs argues that the UK should adopt a cross-departmental strategy on the protection of defenders worldwide, citing a lack of coordination across government. Given the current political context, a public cross-ministerial strategy risks being severely watered down and top-line only. Outside of a policy document, it is also unclear what tangible impact such an effort would have on government allocation of more resources and funds for HRDs’ programs. Given rising concerns around shrinking civic space around the world, interviewees recommended instead that a defender strategy be included as part of a broader strategy on this problem area. They also maintained that a stand-alone FCDO strategy could have the same traction, be able to provide far more detail, and sidestep tricky intergovernmental politics.<sup>355</sup>



Group photograph of signatories of EU-UN Spotlight Initiative for the elimination of violence against women and girls. *UN Photo/Rick Bajornas*

## OPPORTUNITIES FOR AND OBSTACLES TO DOMESTIC HUMAN RIGHTS IMPLEMENTATION

Violations of human rights, especially as pertains to VAWG and HRDs, are not a series of randomized and individual attacks but rather an indication of structural inequality. Any meaningful effort to address these issues therefore requires a thorough assessment of country context and robust collaboration between permanent missions to the UN, civil society, and government.

Since the adoption of the UN Declaration of Human Rights more than 70 years ago, numerous international, regional, and national mechanisms have been put in place to identify where member states fall short in the commitments they have made in international human rights treaties. Central to these efforts is the UPR process, where member states are subject to scrutiny by members of the Human Rights Council every five years. Treaty committees — such as the Committee on CEDAW — similarly examine the approach of different countries to upholding their commitments to nine core human rights treaties. Special Procedures mechanisms — focused on country-specific situations and thematic issues — draw on the expertise of independent experts to hear complaints and investigate the approach of countries to a range of human rights commitments. Sometimes these processes apply pressure to countries that are not complying and compel them to respond.<sup>356</sup> They also provide an important way for civil society to raise concerns with regional and international bodies regarding domestic human rights abuses.

While such review processes are often ignored by those countries that commit the most egregious human rights abuses, many countries that self-identify as advocates for human rights are responsive to many of the criticisms raised as part of these processes. However, member states will often pick and choose which recommendations they are prepared or willing to respond to.<sup>357</sup>

Though there are processes in place to examine state compliance of human rights treaties, this is not the case for resolutions that states negotiate in the General Assembly and Human Rights Council, despite the many state action items agreed to in these resolutions. As found in our discussions with member states, countries invest considerable effort into negotiating language for these resolutions and establishing areas of consensus. Yet understanding within capitals and different domestic constituencies regarding what has been committed to at the United Nations or what it may mean for human rights reforms in-country tends to be more limited.<sup>358</sup>

Our case study research enabled us to explore perceived opportunities and obstacles to translate multilateral human rights commitments into domestic human rights protections. Drawing on the examples of commitments to end VAWG, and the protection of HRDs, our research identified eight factors that influence whether and how countries implement the commitments they have made in New York and Geneva within their own borders: the domestic political context; regional mechanisms, resourcing, and in-country capacity; data and access to information; justice and accountability mechanisms; levels of gender mainstreaming; breadth of civic space; and communication and coordination within government. This list is not exhaustive, but demonstrates potential areas where member states and civil society can focus initiatives to transform multilateral normative commitments into action.

### Domestic Politics and Framing of Human Rights

Despite the universality and inalienability of human rights, many marginalized groups do not benefit from the protections afforded by international human rights instruments, and several human rights remain contested. Even in countries where individuals tend to enjoy high levels of democratic freedoms, there are instances where reforms or emergency measures have been applied unevenly, with already marginalized groups most impacted.

COVID-19 has exacerbated the use of emergency measures that restrict human rights around the world, with measures affecting freedom of assembly in 153 countries; right to privacy limited in 61 countries; and freedom of expression restricted in 59 countries.<sup>359</sup> Furthermore, populist politicians have sought to stoke divisions with claims of “identity politics,” depicting those that seek to protect traditionally marginalized groups as undermining the rights and privileges enjoyed by others. Such domestic narratives have been utilized to roll back some gains made in relation to the rights of women, migrants, and LGBTQ+ persons,<sup>360</sup> and to paint those that uphold these rights as undermining the social fabric of society. The benefits of upholding universal human rights — and how they contribute to more peaceful, just, and secure societies — are not well enough understood across the globe.

Strong human rights protections contribute to more open and peaceful societies.<sup>361</sup> This is supported by factors such as well-functioning governance with high levels of trust, a free and independent media, and an equitable distribution of resources. For some of the case study countries that have recently experienced sustained periods of conflict (e.g., Colombia and Liberia), shifts from internal armed conflict to peace processes have involved periods of persistent and targeted violence. HRDs operating in post conflict settings play a crucial role in ensuring the success of peace processes. However, HRDs also face a series of complicated risks and threats that demand specific and proactive response by the government, so HRDs do not become victims of post conflict violence while attempting to undertake essential human rights work.<sup>362</sup>

Our research finds that positive framing of human rights in country contexts is an essential precursor for the implementation of multilateral human rights commitments. This framing depends largely on the receptivity and support of political, government, and traditional stakeholders for the human rights framework, which can sometimes be interpreted as contrary to the country’s national interests or traditional values. One example that illustrates the positive impact the prioritization of human rights can have in a domestic context can be seen in Colombia. Within its first year in office, the Santos administration used the language of human rights to repair its dialogue with CSOs, pass protection legislation for HRDs, and compel the mitigation of extrajudicial killings of HRDs by state authorities.<sup>363</sup>

Domestic support for human rights can be negatively impacted by practices that infringe upon human rights but are domestically associated with the country’s ethnic, cultural, traditional, or religious identity. For example, some countries continue to oppose stricter language around FGM, child marriage, and girls’ education given domestic cultural practices and gender expectations.<sup>364</sup> The attitudes of domestic constituencies can have a significant impact on a member state’s willingness to push for stronger protections for women and marginalized groups. Malaysia is one such country that as a result of domestic pressure is unwilling to support language on LGBTQ+ rights at the UN.<sup>365</sup> One interviewee noted that wider public acceptance of LGBTQ+ persons and their rights in Malaysia would be required before the government could support affirmative multilateral action. By contrast, on the issue of child marriage, Malaysia does not block language to ban it in resolutions, even though the practice still occurs in-country, as the government has assessed that the nation is also moving toward ending it.<sup>366</sup> Such examples raise questions about whether forward-leaning language in multilateral resolutions can provide impetus and leverage for countries to put more pressure on domestic opposition to implement domestic reforms. The opposite may also be true in terms of conservative actors using these debates to portray such resolutions as largely “Western” constructs that are too progressive and trying to erode “so-called” traditional values.

To reinforce the universal and inalienable nature of human rights, education and awareness raising within communities and governments is essential. In Liberia, for instance, interviewees cited politicians in Parliament as unafraid to make hateful or sexist comments toward women and LGBTQ+ persons, at least in part to retain support from their constituencies. Interviewees thus identified the critical need for politicians and government leadership to undergo greater education about human rights, in order to further prioritize human rights issues

within the government. Public information campaigns can form an essential part of these efforts, as can the work of national human rights institutions (NHRIs).<sup>367</sup> NHRIs perform an important role in monitoring and promoting human rights, holding governments to account and drawing attention to abuses and areas requiring reform. More than 110 NHRIs around the world, supported by four regional networks,<sup>368</sup> provide an important vehicle for holding countries to account when properly resourced and supported in their work.

In countries where human rights protections are considered a political priority, interviewees noted that the international commitments made by governments could be leveraged to push domestic policy changes.<sup>369</sup> In Canada, civil society has raised the international commitments made by Canada and the government's own Feminist International Assistance Program to demand greater domestic action on VAWG.

## Regional Mechanisms

Regional instruments and mechanisms are important to the localization of international human rights commitments and can offer a tailored approach, since every region has differing priorities and areas of primary concern. They also often provide avenues to uphold human rights obligations through the courts, which can be an effective enforcement mechanism, however still rely on member states to implement appropriate decisions and recommendations. The most well-established regional systems for human rights currently exist in the Americas, Africa, and Europe.<sup>370</sup>

In the Americas, the Organization of American States (OAS) houses the Inter-American System for the Protection of Human Rights.<sup>371</sup> The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights (IACHR) are organs for the protection of human rights. IACHR has created several rapporteurships, including a Rapporteurship on the Rights of Women and a Rapporteurship on Human Rights Defenders. With its regional expertise and full membership (all 35 states of the Americas),<sup>372</sup> OAS (and its autonomous body IACHR) is well positioned to speak directly to the state of human rights conditions in the Americas and serve as an accountability mechanism in ensuring that commitments made at the international level are being upheld. For example, in May 2021, IACHR condemned what it called “serious human rights violations” in the contexts of social protests in Colombia.<sup>373</sup> However, Colombia's Ministry of Foreign Affairs agreed only partially with IACHR's assessment and even rejected the IACHR's findings on the broad use of excessive force on protesters,<sup>374</sup> reflecting the dependency of regional mechanisms on state buy-in and support.

The African Union's main regional human rights instrument is the African Charter on Human and Peoples' Rights (1981) and the main mechanisms of the Charter include the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is a legally binding multilateral supplement to the African Charter and is one of the world's most progressive women's human rights instruments.<sup>375</sup> In Liberia, civil society activists are calling on the Protocol to advocate for a ban on female genital mutilation.<sup>376</sup> This is a positive step toward realizing the implementation potential of this regional mechanism in Africa. However, although most African countries have either signed or ratified the Maputo Protocol, its application in national, regional, and continental litigation remains weak.<sup>377</sup>

Europe has extensive regional mechanisms to uphold human rights, with instruments including the ECHR and mechanisms such as the European Court of Human Rights. The Court has jurisdiction over those member states in the Council of Europe that have opted to accept its jurisdiction (i.e., its application is wider than EU members). Subsequently, the Court's case law provides a powerful tool for strengthening compliance with human rights obligations under the ECHR. However, the strength of the ECHR and the Court's reach have also meant these regional institutions are a source of domestic political debate in several European countries, including the United

Kingdom, with proposals in the UK to repeal its domestic Human Rights Act and limit the domestic applicability of the Court's findings.<sup>378</sup>

Regional mechanisms have the potential to influence efforts to eliminate VAWG and protect HRDs. But their effectiveness is ultimately determined by their ability to compel member state action. In the case of the Maputo Protocol, legal activists and women's leaders are working to close the knowledge gap between the promising tools present in the Protocol and the legal sector's lack of information on these progressive provisions.<sup>379</sup> While states can reject the assessments of regional bodies, in some cases they have led to response from relevant ministries and action on human rights issues.<sup>380</sup>

## Funding, Resourcing, and In-Country Capacity

Funding and the allocation of resources is essential to the implementation of laws and policy commitments on human rights, as “the full realization of all human rights requires the use of resources, to varying degrees, by the State.”<sup>381</sup> Appropriate government funding and resource allocation is thus required to support institutions, programs, services, infrastructure, personnel, and procedures and systems that protect and maintain human rights. Governments should integrate such needs into budget planning and communicate the rationale for such funding to domestic constituencies as part of electoral cycles. The level of commitment may vary depending on whether the human right under consideration is a “negative obligation” (that is, the obligation of the government not to interfere with an individual's enjoyment of their rights) or a “positive obligation” (which requires action by the government to fulfill an individual's enjoyment of their rights).<sup>382</sup> Positive obligations require governments to take actions in terms of policies and programs, particularly where changes are required to the status quo. Given the ongoing prevalence of VAWG, and abuses toward HRDs, countries need to ensure that adequate resources are assigned to implement multilateral commitments.

National budgets can be used to prioritize gender equality both domestically and internationally, although the quality of these approaches often varies.<sup>383</sup> In Norway, the governmental budget requires ministries to account for gender equality in their work. This is due to Norway's sectoral responsibility approach, with efforts to eliminate violence against women and girls and further gender equality not only funded by the Ministry of Culture but also supported in the budgets of several ministries.<sup>384</sup>

Resourcing is a particular challenge for smaller and developing countries (including those emerging from conflict) and is essential to support the work of NHRIs. In discussion with Third Committee experts, it came up that some countries would like to see the Committee give greater attention to the resources, funds, and capacities needed to implement and enforce human rights, particularly in light of the compounding consequences of COVID-19 and climate change.<sup>385</sup> In Liberia, interviewees described a context in which human rights rates quite low in the national budget, with preference given to security, healthcare, and salaries for the legislative branch. Several small member states also struggle to cover the breadth of human rights issues under consideration in Geneva, particularly as part of UPR and treaty body processes. Initiatives that provide technical and funding support, such as those of the Commonwealth Secretariat, can support national engagement in these processes and strengthen awareness regarding the importance of these processes.<sup>386</sup>

NHRIs offer an important vehicle for accountability, but some struggle for funding, as they are largely reliant on government sources.<sup>387</sup> In Liberia, for example, underfunding of the Independent National Commission on Human Rights has many operational implications, including staff paying for internet out of pocket, little to no government funding diverted to operational activities, and a lack of basic requirements such as a webpage or vehicles for the Commission. One interviewee warned that without proper government funding, the Commission could be at risk of losing its “A” status as a NHRI during its review this year. With appropriate funding, the Commission would



be able to undertake important initiatives, such as the hiring of personnel for a newly created desk on women HRDs and the establishment of a database of active HRDs in Liberia, to better map defenders across the country and track threats or violence against them.<sup>388</sup> International donors can help support the work of these institutions (where allowed), but they cannot be the primary funders.<sup>389</sup>

The Liberian state and national partners currently lack sufficient capacity to be able to tackle human rights issues by themselves. For instance, the Ministry of Gender currently lacks the in-house capacity and knowledge to create a digital platform and registry for tracking GBV cases as pledged, meaning that it will have to be brought in from external actors.<sup>390</sup> Thus, investments of funding and resources should be focused on building up Liberia's long-term capacity to combat this issue. As one interviewee stated, "Once you build up capacity in-country, you don't need outside experts — capacity building provides sustenance, continuity, and technical capacity."<sup>391</sup>

## Data and Access to Information

Efficient, accurate, and comprehensive data collection is crucial to understanding the nature and magnitude of human rights violations. Moreover, regular data collection establishes the knowledge base necessary to understand the scope of the problem, inspire legislative or policy change, establish resource and funding allocations, and carry out impactful interventions in response. However, as it stands, many countries do not carry out regular data collection on VAWG and even less so on attacks on HRDs, and therefore cannot meaningfully track conditions over time. Furthermore, beyond the actual collection of data, harmonized data is needed to inform policy decisions.<sup>392</sup>

Data collection processes can vary significantly. Surveys have been a traditional format for collecting information on social statistics, including VAWG. In the United Kingdom, the Crime Survey for England and Wales has been carried out since 1982 and includes statistics on VAWG, while Statistics Canada integrated a set of questions from the 1993 Violence against Women Survey<sup>393</sup> and incorporated it into the General Social Survey on Victimization, which is conducted every five years.<sup>394</sup> However, some countries may not have the capacity or tools in place to conduct these surveys. In Liberia, interviewees reported a strong need for data collectors in counties to be trained in economic, political, and social rights, to ensure inclusion and appropriate recording of related violations. They also stressed the need for more training in the methodology of data collection, as duplication or gaps in information are common in reporting, despite usage of coded reporting forms.<sup>395</sup>

Administrative data can yield more detailed information than is possible to retrieve through a survey approach.<sup>396</sup> Data from administrative records and registries can be an effective source of information, but acquiring it requires robust civil service registration systems through governments.<sup>397</sup> This data can be supplemented by data from civil society, including from women's shelters, violence hotlines, community organizations and protection networks.<sup>398</sup>

The global digital divide has had a significant impact on the ability of some countries to undertake the above outlined approach; one example of this is in Liberia, where the court processing of data remains paper-based, greatly hindering the government's ability to gather time-sensitive data and to track cases and those imprisoned. One interviewee noted that this has resulted in HRDs being detained for longer than necessary.<sup>399</sup>

Similarly, big data is revolutionizing approaches to national statistics, with the ability to collect information quickly through social media platforms, financial transactions, and image recognition. But it comes with significant risks around privacy, access, and ownership, as well as wider data literacy. In some country contexts, the state does not provide sufficient transparency of data collected. Malaysian interviewees cited that one of the only avenues to gain access to state-collected data is to send a formal written inquiry to Parliament, which by law Parliament is obligated to respond to via written or oral reply.<sup>400</sup> For this reason, calls for a "data

revolution” have also promoted the importance of “greater accessibility of quality data in a transparent, open and inclusive manner.”<sup>401</sup>

Official data on violence against HRDs is much more limited than available data on VAWG. The United Nations estimates that at least 1,940 HRDs were killed between 2015 and 2019. Approximately half of all defenders killed were defenders of land, the environment, and Indigenous Peoples’ rights. And in 2020, the United Nations tracked 331 killings of HRDs in 32 countries and territories and 19 disappearances in 14 countries and territories.<sup>402</sup> This gap in data collection has major impacts on what protections are made available to HRDs and what actions states can take to protect civic space by protecting its defenders.

## Civil Society Engagement and Communication

The implementation of multilateral commitments at the domestic level requires engagement, cooperation, and communication with a diverse range of CSOs working on human rights in-country. Civil society can serve as an engine for social change, advocating for and winning the protection regimes that are necessary to protect civic space. Notably, much of the progressive protection regime for HRDs in place in Colombia today was driven by CSOs. In Canada, women’s organizations have been developing and advocating for a framework for a National Action Plan on Violence Against Women and Gender-Based Violence.<sup>403</sup> However, CSOs are generally reliant on the willingness of governments to consult and work with them — whether in relation to reporting to international human rights mechanisms (e.g., CEDAW or the UPR); identifying key priorities and best practices for resolution inclusion; or development of national policies and guidelines.

Member states have sought to strengthen such engagement by inviting domestic CSOs to provide input to their activities at the UN or to participate in UN briefings, meetings, or events at the UN. As a consequence of COVID, virtual engagement tools have made it possible for a more diverse representation of CSOs to engage in UN processes and Special Procedures over the past two years.<sup>404</sup> There are several different examples of civil society engagement in these UN processes. CSOs can seek formal accreditation for “consultative status” through the Economic and Social Council in the General Assembly; however, this process has become highly politicized, with some countries blocking NGOs from their own countries, or because of the issues they advocate on (e.g., LGBTQ+ rights).<sup>405</sup> Alternatively, direct engagement with member states can provide an avenue to influence processes and commitments. For example, Norwegian human rights and women’s organizations and institutions provide suggested language for resolutions and give regular input and feedback to Norway missions in Geneva and New York.<sup>406</sup> Norway also provides financial support for the NGOs’ shadow reports.<sup>407</sup> According to one interviewee, this approach has led to a series of advances on language addressing the needs of Indigenous Sami women and girls in the country’s 2021 Plan of Action for Preventing and Combating Domestic Violence, 2021-2024.<sup>408</sup>

In order for civil society to actively contribute to efforts to strengthen implementation of human rights commitments, they often need financial support to carry out activities or engage with the government. In Liberia, one interviewee advocated for the need of a national CSO coalition to facilitate more immediate and collective responses to threats and identification of protection options.<sup>409</sup> A recent study supports this claim by highlighting that most HRDs in Liberia lack self or organizational safety and security plans.<sup>410</sup> The development of such a network or amplification of current ones remains greatly restricted by low funding, resources, and human resources capacity. Given these gaps, civil society efforts remain scattered, with low national impact.

Engagement with civil society is essential to ensuring that initiatives to address gaps in human rights implementation are appropriately calibrated, targeted, understood, and supported by a broad constituency within the population. Linked to this is the government’s communication with the public at large; namely, if government is not actively communicating about why they are engaged in efforts to prevent and address VAWG, or to

strengthen human rights protections, and how these efforts will benefit the lives of their constituents, then it is more difficult to generate support for any reforms and may even widen the space for regression on human rights. With a global trend of an increasing or sustained gap in understanding over human rights between governments, CSOs, and domestic constituencies, it is even more important to ensure that governments are engaging with a diverse representative of civil society groups as part of substantive consultative policy processes.<sup>411</sup>

## Justice and Accountability

Access to justice is a right through which other rights are ensured. However, access to justice for survivors of violence is a challenge in many countries and one of the most dangerous roadblocks to accountability for VAWG or violence against HRDs. A barrier to access to justice in several country contexts is an uneven implementation of the law as a result of varying resource availability. In Colombia, family commissioners are tasked with addressing cases concerning VAWG; however, without resources to coordinate, smaller and more rural municipalities are under resourced and overstretched.<sup>412</sup> Access to legal services in Colombia can be complicated by an individual's physical location, since some rural areas have a smaller scope of services for survivors of violence, and movement from those areas into larger cities can be expensive and sometimes dangerous.<sup>413</sup> In Norway, Indigenous women and girls also fall into cracks in protection, with little data collected on their situation and few survivor resources.<sup>414</sup>

Declining or low trust in police forces' capacity to respond appropriately and in a timely manner to VAWG and against HRDs was a common theme in case study interviews. Liberian and Malaysian interviewees identified discriminatory societal attitudes toward women and HRDs, and lack of comprehensive SGBV training throughout the police force, as key triggers to declining trust. The timely collection of evidence or lack of travel means can also severely impede victims' ability to pursue justice.

Sexual assault cases in particular present a major area of concern for public trust in many justice systems. Studies of femicide across several countries, show a pattern of intimate partner violence.<sup>415</sup> However, there is an observable pattern toward prosecuting sexual assault cases where the perpetrator is a stranger in several country contexts. This is a pattern that calls access to justice into question for victims of domestic sexual assault and intimate partner violence.

To hold itself more accountable for prosecuting cases of rape, the UK developed a Rape Review Action Plan in 2021, committing its criminal justice system to doubling the number of rape cases that reach court before the end of Parliament.<sup>416</sup> As part of its public accountability plan, the UK is releasing performance scorecards that monitor the entire process rape cases must go through, from the initial recording of the crime by police to case completion in court.<sup>417</sup> In Norway, the National Police Directorate is responsible for overseeing the implementation of the Action Plan Against Rape and "submits annual reports on the trends in the prosecution of rapes and sexual violence".<sup>418</sup> However, there is still a need to address discrimination observed by researchers concerning sentencing practices.<sup>419</sup>

Justice and accountability mechanisms also need to be supported by prevention programs, particularly for changing societal attitudes on issues around gender. In Colombia, the country has moved away from a primarily physical protection framework to a more holistic approach that includes early prevention, accountability, the inclusion of civil society, and long-term collective security. Interviewees from Liberia similarly stressed the need to focus more on prevention efforts.<sup>420</sup> In late 2021, Swedish Ambassador to Liberia, Urban Sjostrom, urged the government to invest in school-based programs and community outreach that incorporate gender training, economic empowerment, and awareness campaigns to change societal gender attitudes.<sup>421</sup>



Phumzile Mlambo-Ngcuka, Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), addresses the event entitled “Locked Down and Locked-in: Standing Against Gender-Based Violence and Human Trafficking during the COVID-19 Pandemic”. The event examines the state of gender-based violence and human trafficking amidst the COVID-19 pandemic, acknowledging the invaluable contributions of women rights defenders in the field. *UN Photo/Loey Felipe*

## Communication within Government

Human rights issues cross a range of portfolios across government departments in capitals and permanent missions in New York and Geneva. For governments to be effective in promoting their interests at the UN, they need the support and guidance of ministries in capitals. Positions may change internally, depending on the government of the day, which can create additional challenges in the human rights space. Furthermore, the ability of different government agencies to advance these issues may be limited by the levels of understanding of different desk officers of the issues that they are working on, and in some cases high-level leadership, as they may not have a background in human rights. Another challenge for many countries is government coordination between the federal, state, and provincial levels. Issues may fall between the cracks or lack consistency in approach across different jurisdictions; differences often emerge in rural versus urban areas or distance from capital cities.

Robust consultation processes with a range of domestic ministries engaged on the issues under consideration at the UN may provide more evidence for particular policy positions in negotiations. Such consultation processes also ensure that priorities are set in alignment with domestic concerns, including those raised by CSOs. For instance, in Liberia, the permanent mission engages in regular consultation on VAWG with the leadership of domestic ministries (the Ministry of Foreign Affairs and the Ministry of Gender, Children, and Social Protection). In the UK, interdepartmental consultation on thematic resolutions is managed via a comprehensive spreadsheet, indicating which colleagues to loop in for each thematic resolution in the development of proposed objectives and language.<sup>422</sup> The extent of consultation may depend on how much the resolution may differ from the status quo, especially for pressing or politically sensitive topics.



Reporting to UN treaty bodies also takes significant intergovernmental coordination to truly reflect the policies, priorities, and advancements within the country. As is the case in some other countries, the Ministry of Justice leads the majority of the UK's reporting efforts, including for the UPR, with consultation with both domestic ministries and civil society a key priority.<sup>423</sup> In reference to the UPR, however, one interviewee remarked that the UK government does not provide clear resources to CSOs to help them understand the UPR's importance after being invited for consultation or to navigate the UPR process (i.e., via digital resources or a website). More outreach could also be done to invite those who experience human rights abuses on the ground in the UK, rather than solely those who specialize in high-level policy advocacy.<sup>424</sup> The Canada UPR preparation process engages heavily with CSOs. Canada's latest national report to the UPR noted consultations with over 280 Indigenous and CSOs, with a draft report that was shared with the NHRI.<sup>425</sup>

A key challenge that remains, however, is whether there are processes in place to translate the multilateral commitments that have been agreed to in the Third Committee and Human Rights Council into action in capitals and across ministries. These processes tend to be far less robust given the nonbinding nature of these outcomes, meaning that there is minimal effort to close this normative gap. It may often mean that governments are scrambling to respond to UPR processes every five years, rather than strategically and systematically planning to implement commitments that have been made in various resolutions.

Most countries do not have set procedures for implementation of nonbinding UN resolutions. It is thus up to the individual domestic ministries, or in the case of treaties up to the legislature, to decide whether and how to proceed. Domestic implementation depends on the issue's perceived importance to the country and different political constituencies. If found to be a priority, the government must ascertain whether there is sufficient financial support and technical capacity for domestic implementation — a more acute problem for developing countries. And even when the decision is made to implement, doing so often takes time; in the case of Malaysia, when policy change is agreed to during interagency meetings, such as adapting internal guidelines, it can take about three to five years to put in place.<sup>426</sup>

## Gender-Responsive Policies

Gender-responsive policies and budgeting are integral to efforts to support and uphold human rights. Ensuring gender-responsive processes requires taking into consideration a range of marginalized groups and how different policies may impact them. This is even more important given the intersectional nature of gender-sensitive budgeting processes, which should enable and support policies that seek to address the vulnerabilities and gaps that cause certain groups to be marginalized or promote social inequities, such as through differences in access to services. Failure to effectively integrate gender sensitivity into the training of police, for instance, may have an impact on how victims and survivors experience the justice system and their willingness to hold perpetrators to account. Interviewees in Liberia often cited inappropriate or discriminatory attitudes and behaviors of the police toward women and LGBTQ+ persons.<sup>427</sup>

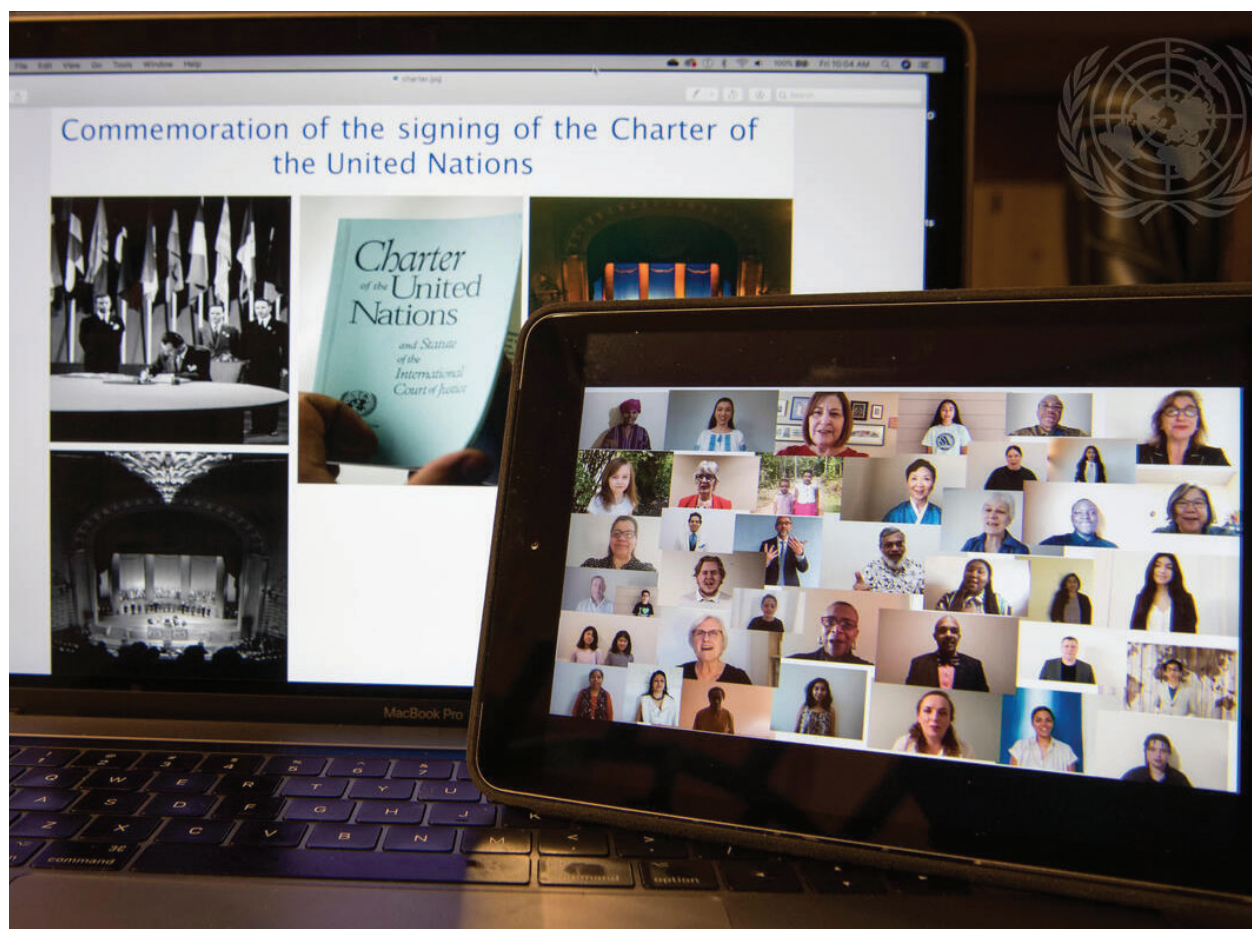
Norway emphasized gender mainstreaming as its primary strategy for achieving gender equality in its 8th report to the CEDAW committee; however, interviewees say that the strategy is limited because of a lack of thorough follow-up and direct responsibility.<sup>428</sup> Interviewees in Malaysia specifically emphasized the need for their respective governments to further integrate gender mainstreaming into government planning and budgeting processes.<sup>429</sup> Interviewees argued that such planning and budgeting would result in more holistic and effective efforts to address the root causes of violence against women, girls, and LGBTQ+ persons.

In an example of a good practice, Canada has applied a “Gender-Based Analysis Plus” (GBA+) tool as part of its development of legislation, policies, and programs since 1995 as part of its ratification of the Beijing Platform



for Action.<sup>430</sup> The GBA+ tool examines how women, men, and gender-diverse people may be impacted by different policies and is offered as a toolkit to help countries that are part of the Open Government Partnership apply GBA+ to all open government commitments and to ensure that their commitments and their co-creation process are inclusive.<sup>431</sup> In the UK, the government has sought to mainstream efforts to end VAWG efforts in other thematically connected national action plans, such as the strategy on tackling child sexual abuse and the forthcoming national disability strategy.

Conducting thorough gender analysis and applying a gender and intersectional lens to public policies is essential if governments are to address the root causes of certain human rights abuses. Gender-based violence is a manifestation of structural inequality, reflecting women's marginalized position in many countries across the world. Even in the most developed economies and despite robust legislative frameworks, women continue to be victimized by domestic violence. Policies focused on prevention need to understand the different gender stereotypes, attitudes, and broader public policies that enable these abuses. The same gendered understanding is essential in addressing other human rights abuses, particularly against marginalized groups who lack privilege, access to services, and the ability to influence public debate. Understanding the drivers of these abuses and how they are utilized as political wedge issues is a critical component in making the case for stronger implementation and protection of multilateral human rights commitments.



Voices from civil society deliver messages during the virtual commemoration of the signing of the Charter of the United Nations on the occasion of UN Charter Day. *UN Photo/Eskinder Debebe*

## CONCLUSION: NARROWING THE GAP BETWEEN NORMS AND IMPLEMENTATION

In December 2023, the international community will commemorate 75 years since the landmark adoption of the Declaration of Human Rights. Yet the social contract around human rights is beginning to fray and become deeply contested in parts of the world. Consequently, the debates and adoption of resolutions within the United Nations — in the Third Committee and Human Rights Council — will continue to provide an important vehicle to frame a new social contract on some of these issues, as proposed by the Secretary-General in his Common Agenda. However, the conversations and action cannot stop there. The commitment made through human rights resolutions in these bodies needs to translate more firmly into action on the ground. Through our study of six case study countries, we have assessed some of the different tensions and obstacles that prevent and enable countries to implement multilateral commitments on human rights, and subsequently identified key areas of action that have the potential to catalyze stronger implementation.<sup>432</sup>

First, it is important to communicate *what* commitments have been made and *why* they have been made. For most ordinary constituents, the processes that countries engage in at the UN are opaque and far removed from their everyday lives. In some instances, even those working on different human rights files in capitals had a limited understanding about the nuances of discussions in Geneva or New York. Governments have an important role in communicating the outcomes of some of these resolutions to their constituencies. This means ensuring there is engagement beyond the so-called “elites” that may be actively contributing to civil society discourse, with more efforts to engage communities that live outside of capitals. This may serve as a particularly important bulwark against populist and nationalist sentiments, where people feel marginalized and are more susceptible to arguments that their rights are being diminished by international processes.

Second, responsibility and accountability for implementing different multilateral commitments need to be clearly identified and prioritized in domestic settings. Some countries have utilized their advocacy and support for resolutions to demonstrate a clear commitment on furthering human rights, or as a sufficient means to promote their credentials when they fall short domestically. Support for a resolution is only one element in upholding human rights commitments. Member states need to consider how they map the commitments that they have agreed to in various resolutions and clearly articulate which departments and stakeholders have responsibility for strengthening their implementation.

Third, plans, policies, funding, and resources are essential to advancing implementation of human rights commitments. Holistic strategic plans that assign responsibility to different government departments, provide space for civil society engagement, apply gender-sensitive and intersectional analysis, have robust monitoring and evaluation mechanisms, and are effectively budgeted can catalyze significant change. They can make different government departments more accountable, provide a tool for communication to different constituencies, and even inform more robust and evidential approaches in future UN negotiations.

Finally, efforts to engage on human rights reform are not only the responsibility of governments, but a whole-of-society endeavor. Governments need to listen to those whose rights are being ignored or abused. Civil society is very actively engaged in efforts to strengthen commitments on VAWG and the protection of HRDs. Ensuring that civil society and different constituencies are actively engaged in these processes is essential if they are to respond to the needs of those whose rights are marginalized. Governments need to make room for more individuals at the table when considering their approach to human rights resolutions. That will provide a new “social contract” and support efforts to build trust in democratic institutions and more open societies.

# ANNEX 1. COMMITMENTS OF CASE STUDY COUNTRIES

## International and Domestic Commitments on Ending VAWG and Protecting HRDs

The table below outlines different international, regional, and national commitments to strengthen and implement human rights commitments.

	CANADA	COLOMBIA	LIBERIA
<b>GDP IN 2020 (USD)</b> <sup>433</sup>	<b>1.64 trillion</b>	<b>271.5 billion</b>	<b>3.2 billion</b>
<b>National Human Rights Institute</b> and GANHRI ranking <sup>434</sup>	Canadian Human Rights Commission. Ranking: “A”	Defensoría del Pueblo (Defensoría) Ranking: “A”	Independent National Commission on Human Rights. Ranking: “A”
<b>Select Human Rights Conventions, Treaties, or Declarations</b>	<b>Inter-American Convention on the Granting of Political Rights to Women</b> - ratified: 1991; <b>Inter-American Convention on the Granting of Civil Rights to Women</b> - ratified: 1991	<b>Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará)</b> - ratified: 1996 <b>Inter-American Convention on the Granting of Political Rights to Women</b> - ratified: 1959; <b>Inter-American Convention on the Granting of Civil Rights to Women</b> - ratified: 1959	<b>African Charter on Human and Peoples’ Rights</b> - ratified: 1987. <b>Maputo Protocol</b> - ratified: 2007. <b>Contonou Declaration</b> on protection of all HRDs in Africa (2017).
Convention on the Elimination of Discrimination Against Women <sup>435</sup>	Signature: 1980; Ratified: 1981	Signature: 1980; Ratified: 1982	Ratified: 1984
CEDAW Optional Protocol <sup>436</sup>	Ratified: 2002	Signature: 1999; Ratified 2007	Signature: 2004
UN Declaration on Human Rights Defenders – Third Committee Sponsorship <sup>437</sup>	Sponsor	Sponsor	—
<b>Constitutional Protections</b>	The <b>Charter of Rights and Freedoms</b> guarantees constitutional protection for all people. Section 15 ensures the equal protection and benefit of the law without discrimination. Section 28 guarantees all rights covered in the Charter apply equally to men and women.	1991 <b>Constitution</b> includes several articles supporting women’s rights. Articles 5 and 13 establish gender equality and Article 40 guarantees adequate participation of women in public administration	<b>Constitution</b> , Chapter III: Fundamental Rights, including freedom of expression, assembly, and association.
<b>SELECT LEGISLATIVE MECHANISMS</b>			
Domestic Violence	No specific offence of family violence in the Criminal Code, however, most acts of family violence are criminalized.	<b>Law 294</b> establishes standards to prevent, remedy and punish domestic violence (1996) <b>Law 599</b> incorporates domestic violence in the penal code. (2000)	<b>Domestic Violence Act</b> (2017)
Sexual Harassment & Abuse	Canada has a broad definition of sexual assault. It includes all unwanted sexual activity, including rape. Sexual activity is only legal when both parties consent. <b>Criminal Code (R.S.C., 1985, c. C-46); Criminal Code (R.S.C., 1985, c. C-46)</b>	<b>Law 360</b> enshrined rights for victims of sexual violence in the criminal process. (1997) Modifications were made in Law 1257 (2008) and Law 1719 (2014) Harassment in the Workplace, addressed in Law 1010 (2006)	<b>Rape Act</b> (2005)
Child Marriage	The <b>Canadian Civil Marriage Act</b> (Updated in 2015 to prohibit marriage before the age of 16 years)	<b>Article 116 and 177</b> of the Civil Code of Colombia states that the legal age of marriage is 18 Years.	<b>Liberian Children Law (2012)</b> ; contrarily, <b>Domestic Relations Law (1973)</b> allows marriage with guardian consent from the age of 16.

MALAYSIA	NORWAY	UNITED KINGDOM
337 billion	362.2 billion	2.76 trillion
SUHAKAM. Ranking: “A”	Norwegian National Human Rights Institution (NIM). Ranking: “A”	Great Britain: Equality and Human Rights Commission. Ranking: “A”; Northern Ireland: Human Rights Commission. Ranking: “A”
<b>ASEAN Declaration on the Elimination of Violence against Women and Elimination of Violence against Children</b> (2013); <b>ASEAN Regional Plan of Action on WPS</b> (Draft status)	<b>Istanbul Convention</b> - entered into force: November 1, 2017	<b>Istanbul Convention</b> - not ratified. Signature: 2012
Ratified: 1995	Signature: 1980; Ratified: 1981	Signature: 1981; Ratified: 1986
	Signature: 1999; Ratified: 2002	Ratified: 2004.
—	Lead sponsor	Sponsor
<b>Federal Constitution</b> , Article 5-13 guarantees basic rights, including freedom of expression, opinion, assembly, and association.	Norway amended and strengthened its <b>Constitution</b> in 2014 to include a comprehensive human rights catalogue. The principle of non-discrimination is enshrined in Article 98 of the Constitution.	—
<b>Domestic Violence Act</b> (2019)	National legislation was reviewed, and amendments proposed in connection with the ratification of the Istanbul Convention. Norwegian law criminalizes most acts of family violence.	<b>Domestic Abuse Act</b> (2021)
<b>Anti-Sexual Harassment Bill</b> (under review); current legislation in Penal Code a bit ‘piecemeal’.	<b>Equality and Anti-Discrimination Act</b> (The act was amended to include a prohibition against sexual harassment in 2002.) The prohibition against sexual harassment, <b>HR-2020-2476-A (2020)</b>	<b>Sexual Offences Act</b> (2003), addresses rape and sexual assault; <b>Equality Act</b> (2010), defines sexual harassment. <b>Online Safety Bill</b> under drafting.
Allowed under civil law (ages 16-18) with consent of state Chief Minister. Syariah law requires court approval for girls under 16 and boys under 18.	Norwegian parliament voted unanimously for a law banning all child marriage (2018)	<b>Marriage and Civil Partnership (Minimum Age) Bill</b> (under review), which if passed would raise minimum age from 16 to 18.

	CANADA	COLOMBIA	LIBERIA
FGM/C	Female genital mutilation/cutting (FGM/C) is a criminal offense in Canada.	Under Colombian law, if FGM results in death it is considered femicide, which carries a harsher sentence than homicide.	—
Human Rights Defenders	—	<b>Victims and Land Restitution Law</b> (Law 1448 of 2011); <b>Law 418 (1997)</b> ; 14 relevant laws and decrees, involving 18 institutional bodies as of 2018.	—
<b>National Action Plans or Strategies</b>	—	—	<b>Pro-Poor Agenda</b> (2018-2023)
VAWG	<b>It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence</b> (the GBV Strategy) (2017); <b>Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People NAP</b> (2021)	<b>National Policy on Gender Equality; Comprehensive Plan to Guarantee Women a Life Free of Violence</b> , CONPES 161 (2012 – 2022) <b>Mujeres Libres de Violencia</b> (Women Free from Violence)	<b>Roadmap on Ending Sexual and Gender-based Violence</b> (2020-2022)
Women, Peace and Security	<b>NAP on WPS</b> (2017-2022)	—	<b>NAP on WPS</b> (2019-2023) - second phase
Human Rights	Continuing Committee of Officials on Human Rights' Engagement Strategy on Canada's International Human Rights Reporting Process	<b>NAP on Business and Human Rights</b> (2020-2022)	<b>NAP on Human Rights</b> (2019-2024) - second phase
HRDs	<b>Voices at Risk: Canada's Guidelines on Supporting Human Rights Defenders</b>	Protection of HRDs is included in the <b>NAP on Business and Human Rights; Decree 2137</b> (2018) Action plan to better coordinate the various programs to protect HRDs	—



MALAYSIA	NORWAY	UNITED KINGDOM
Allowed in government hospitals.	Law prohibiting FGM passed in 1995, amended in 2004. FGM is banned in the <b>General Civil Penal Code section 284</b> (carrying a maximum of 6 years in prison).	<b>Female Genital Mutilation Act</b> (2003), which makes FGM/C a criminal offense both in UK and abroad.
—	—	—
<b>National Women Policy</b> (2011); <b>Strategic Plan for Women</b> (2021-2025); <b>Twelfth Malaysia Plan</b> (2021-2025)	—	—
<b>NAP on Addressing Root Causes of Child Marriage</b> (2020-2025)	<b>Action for preventing and combating domestic violence</b> (2021-2024); <b>Action Plan against Rape</b> (2019-2022); Action plan against negative social control, forced marriage and FGM (2017-2020);	<b>Rape Review</b> Action Plan (June 2021); <b>Tackling VAWG</b> Strategy (July 2021); <b>Domestic Abuse</b> Strategy (forthcoming)
—	<b>NAP on WPS</b> (2019-2022)	<b>NAP on WPS</b> (2018-2022) by FCDO
—	<b>NAP on Business and Human Rights</b> (2015); <b>Transparency Act</b> , aims to promote enterprises' respect for fundamental human rights and decent working conditions (to be implement-ed by July 2022)	<b>NAP on Business and Human Rights</b> (2013; updated May 2020)
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