



DEFENDERS
COALITION

NI MAMA Itaani

A Survey of the Situation of
Women Human Rights
Defenders during the
Covid Pandemic



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Following a growing concern on the situation of Women Human Rights Defenders (WHRDs) in the country due to the Covid-19 pandemic prompted Defenders Coalition to conduct a survey.

Women's unique role within the society, more so WHRDs, made their situations be magnified by the pandemic and were amongst the thematic group severely affected by the pandemic. In conducting this survey, Defenders Coalition honoured the role of WHRDs as pillars of the community as well as warriors in the protection and promotion of human rights.

We are grateful to the WHRDs across the 47 counties who took time to speak with us and provide feedback and information towards compiling of this report. Without them sharing their vulnerabilities, this situation would not have been known but assumptions would be drawn based on general media reports.

We applaud the programs team who took time to mobilise, talk to the WHRDs and compile information.

Through this report, it is our hope that the situation of WHRDs continues to be highlighted and their role in defending rights appreciated and applauded countrywide.

Kamau Ngugi
Executive Director
Defenders Coalition

For someone to be regarded as a human right defender (HRD), these individual acts to address any human right issue. They champion rights in their daily acts of service and stand for the respect constitution and other relevant laws. The declaration on human rights defenders acknowledges HRDs as people who, individually or with others, act to promote or protect human rights.

HRDs face numerous challenges in the course of their work directly as a result of their work and/or during the course of their work. These challenges are often gendered with Women Human Rights Defenders bearing the brunt of these due to cultural norms and societal structures.

Women have important roles to perform within the society. Roles that cut across various spheres of society including social, political, economic, cultural and religious. For this, women are often regarded as pillars of any given society.

With family being regarded as the foundation of the society, women's role as caregivers and homemakers is often emphasized on this front. This means that everything else a woman does; she carries the responsibilities of her home along.

It is often noted that at the break of a calamity, it is the woman who suffers most. Such has been the case with the Covid-19 pandemic that almost brought the world to its knees.

It is in this regard that Defenders Coalition undertook a survey to assess the situation of women human rights defenders (WHRDs) during the Covid-19 pandemic and appreciate their resilience at the face of a global pandemic yet still defending and promoting human rights.

The survey aimed to;

1. *Highlight the resilience and innovation of WHRDs*
2. *Examine the role and expectations of and for WHRDs within a society*
3. *Identify partners and existing mechanisms that support the work of WHRDs*

From the exercise, the role of WHRDs in the society was identified as a difficult one and often regarded as individuals with mixed and/or different priorities from those expected of them by the society they live in. For a WHRD to be active and vocal in her society, she is regarded as remiss of her responsibilities at the home front. However, this period really highlighted the importance of WHRDs as leaders both at the home and community fronts.

The display of tenacity in rising above the pandemic was very evident through WHRDs who led efforts of prevention and support to the affected within their communities by the virus. WHRDs came up with innovative ideas to support and sustain their livelihoods.

About Defenders Coalition

Defenders Coalition is the National Coalition of Human Rights Defenders-Kenya (NCHRD-K), a national organization that works primarily for the protection of Human Rights Defenders (HRDs) in Kenya. Formed in 2007, Defenders Coalition works to strengthen the capacities of HRDs to work more effectively and reduce their risks to persecutions and/or harm. This is through a wholistic approach looking into capacity building and advocating for favourable, legal, policy and institutional environments.

The Coalition is currently implementing the Strategic Plan 2020 – 2025 which outlines the vision, ambition and strategies of realizing the same. The Plan, which is also aligned to global human rights instruments seeks to effectively reposition the Coalition in the rapidly changing environment. Guided by the analysis of the prevailing operational context and the organization’s track record, the Coalition will over the next six years concentrate on the following strategic areas of focus:

1. Supportive Legal, policy and Institutional framework
2. HRD safety and security
3. Socio-economic wellbeing of HRDs
4. Institutional excellence

Context

At the wake of the Covid 19 global pandemic at the beginning of the year, Kenya reported its first Covid 19 case on March 13th. What followed was a set of measures put in place by the government to curb the virus. These included;

- Dawn to dusk curfew from 7:00pm – 5:00am. This was since amended to from 9:00pm – 5:00am.
- Lockdown of the Nairobi Metropolitan area, Mombasa, Kilifi and Marsabit Counties. This was since lifted.
- Ban of congressional meetings which is still active.

These measures meant that some restrictions had to be faced especially in the conducting of day to day activities for citizens and more so for Women human rights defenders (WHRDs) who continue leading from the community front.

Defenders Coalition, after receiving several complaints of human rights abuses especially against HRDs, established a pool of monitors to help with the monitoring and documentation process of the violations occurring. From the cases being reported, WHRDs had been vastly affected. It was on this basis that the Coalition conducted a countrywide survey with WHRDs so as to establish the different concerns that WHRDs had and the challenges they were experiencing.

The survey entirely seeks to understand the types of human rights work the women are involved in, the impact of the pandemic on the work of the WHRDs and the coping mechanisms the women were applying to ensure continuance of their work, impact of the pandemic on other roles of the WHRDs, how they have been affected and the measures the women have put in place to cope with the situation. The survey also seeks to understand the impact of the pandemic on the well-being of the WHRDs and the coping mechanisms they were applying to cope with the situation.

From the interviews with the women, Defenders Coalition sought to understand if the women are working on their own during the pandemic or they have actors supporting them in their work, the kind of support that is available to the women as well as the support they need to cope with the challenges presented. Defenders Coalition seeks to identify the gaps that exist in dealing with the challenges presented by the women. Women Human Rights Defenders (WHRDs) work towards the realization of women's rights or any gender-related rights. As they are in their line of work, WHRDs are more at risk of being subject to certain forms of violence and other violations, prejudice, exclusion, and repudiation than their male counterparts

Purpose and Objectives of the Survey

The Survey set out to:

1. Assess the situation of Women Human Rights Defenders during the Covid-19 pandemic
2. Determine the support structures that exist for WHRDs within their communities

The survey was guided by the following broad research questions:

1. What human rights work do you do?
2. How has this been affected by the pandemic?
3. What support mechanisms exist?
4. What can be done to improve the situation of WHRDs?

Methodology

The study utilized a quantitative approach. A total of 188 WHRDs were reached from across the 47 counties in Kenya. The respondents were chosen from active HRDs' networks across the regions. They all identified as women human rights defenders working individually, through formally or loosely established networks, through human rights organisations within their localities all doing their part in the protection and promotion of human rights.

A questionnaire was developed and shared with some of the respondents. Due to the challenges of internet connectivity and mobile networks, most of the respondents were reached through phone calls and the questionnaire filled during the discussion.

Desktop research and previous work with WHRDs informed the background of the survey in relation to the role of WHRDs in a society.

Operating Environment of Women Human Rights Defenders

WHRDs have been regarded as pivotal in driving change through addressing discrimination and inequality and in advancing civil, political, economic, social and cultural rights¹. WHRDs are at the fore front of every social justice movement within this country.

Based on their very vocal and present leadership within these movements, WHRDs often face challenges which extend to their personal lives. Challenges that remove the advocacy efforts and items, but instead reduce the WHRD to the person, an object of society.

¹ <https://www.ohchr.org/en/issues/women/wrgs/pages/hrdefenders.aspx>

The environment in which WHRDs work in is one that is a collage of many different situations including but not limited to gender inequality, harmful cultural practices, patriarchy, low literacy levels and women-disregarding communal practices.

The above environment manifested within the survey conducted. WHRDs role in the promotion of human rights is often disregarded as it takes them away from what should be concerning them most which is leadership and servitude at the home front. With their defined roles beginning at home, Covid left glaring impressions on these defenders who continued to fight injustice within their community but now with the extra burden of fighting a global pandemic.

Survey Findings

The survey was conducted in the 47 counties where each recorded almost similar challenges attributed largely to the measures put in place by the government including cessation of movement, threat of forceful quarantine and closure of schools and business especially those in the hotel industry.

Some of the effects noted include;

- Loss of livelihoods; from the survey, Defenders Coalition found out that most WHRDs were not permanent employees of the organizations they worked for. Most of them worked on contract basis and due to the pandemic they had to take unpaid leave. Others were purely volunteers and so when the organizations were ordered to close they were rendered jobless. This has also led to WHRDs getting stressed while others develop depression as they are not in a position to feed their families as well as carry out their human rights work. Responding to cases that required the WHRD to travel was equally affected

With no jobs and sources of income, WHRDs opted to alternative livelihoods as a way to enhance their socioeconomic wellbeing. Most WHRDs had started kitchen gardens where they planted vegetables for their own consumption and the excess they sold to make an income, rearing poultry and fish while others started making liquid soap to start selling to other community members to earn an income. In order to cope with the stress WHRDs opted to talking to family and friends about their.

- Increase in gender-based violence and sexual gender-based violence; the stay at home measures meant that both women and girls were confined to close quarters with their abusers and no means of getting help as these cases have been treated as domestic issues.
- Community response mechanisms; This was largely affected by the ban in social gatherings and the curfew which meant WHRDs could not travel far distances. Most WHRDs carry out their work by meeting with community members through training and sensitization forums. Training on key human rights issues had to be halted. The ban on social gatherings meant that the WHRDs cannot hold meetings or carry out sensitization in their communities effectively. This led to an increase in human rights violations and also responding to cases by the women became a challenge. Most issues faced by the women and the community members went unreported while some were even unattended to.
- Access to health; medical services and PPEs was also a major problem the WHRDs were facing. Another obstacle to accessing services is fear of the spread of the virus as some local clinics and hospitals would ask women to provide negative Covid-19 tests yet the tests were not widely accessible. Other health amenities also suffered including the access to antiretroviral drugs.
- Access to education; With the closure of schools and the encouragement for online learning, most WHRDs did not have access to such facilities including laptops or even smart phones, internet and at the bare minimum, no electricity. This was further exacerbated by the fact that the WHRDs interviewed noted their lack of formal education therefore unable to sufficiently support their children in learning. With the burden of making sure that there was food on the table, the children's education further sunk into neglect but not out of choice.

WHRDs due to their interest in serving humanity opted for door to door community sensitization and even held open door meetings with community members. With this coping mechanism in place, the work of WHRDs continued.

Challenges faced

- Closure of courts have had serious effects on HRDs who have pending cases in court because this will cause further delay. For the few times courts have been operational, HRDs have not been able to show solidarity with their colleagues.
- The lockdown especially in Nairobi and Mombasa has meant that lawyers have been unable to travel for mentions which are also crucial processes of access to justice.
- Increased costs of living has had an effect on HRDs as well as staff. This has increased demand for livelihoods support which had not been fundraised for.
- Increased targeting of HRDs by state and non-state actors thus increasing the number of HRDs needing support.
- Internet connectivity and technological challenges which had an effect on implementation of the work by HRDs and even staff members.

Intervention by Defenders Coalition

Defenders Coalition responded to some of the concerns raised in two major ways which were network support and media profiling of WHRDS. This was in efforts to establish livelihood support to a number of WHRDs through their various networks while positively profiling them to ensure their skills and products are well marketed to a broader audience.

Network support;

The Coalition supported networks of HRDs that reached out with ideas and proposals of what they were doing to deal with the pandemic at community level. The following activities were supported by NCHRD-K to HRD networks among them WHRD networks across the counties. The supported networks were in Nairobi where Maringo Finest, Miss Koch, Samburu Women Trust, Feminist for Human Rights and Peace justice centre, Faiya Women group, Embombut women group, Nakuru human rights network, Magharibi justice centre, Nyando justice centre, Grassroots for women human rights defenders and KISPED in Kisumu. These networks were supported to undertake the following activities;

- a) Liquid soap production and distribution
- b) Access to water through distribution of water jerricans at the community level
- c) Enhancing safety and security of HRDs through

provision of personal protective equipment's (PPEs). These networks have continued making liquid soap for the entire period. Some of them are already making limited resources out of selling the soap which helps them meet their livelihood needs.

Media Profiling and Visibility of WHRDs;

Several WHRDs engaged in community driven initiatives to support fellow community members during the pandemic. Defenders Coalition amplified the voices of these women through an online campaign dubbed Shujaa Mtaani (community hero). This campaign enabled Kenyans at large to plug into the initiatives of the women and support them virtually.

Family support;

During the period, loss of livelihoods was the most adverse effect experienced with some HRDs facing evictions due to rent arrears. The Coalition supported some WHRDs with rent support and food for a period of time as they sought alternative incomes.

A devastating flood was experienced in parts of Nyanza and Western that saw several families displaced, they included four (4) WHRDs families whom were supported with relocation and family support.

Conclusion and Recommendation

Human Rights Defenders (HRDs) are vital in every society. To ensure a just state, HRDs must be active to ensure that rights are upheld and protected. The contribution of women in any given society cannot be downplayed and especially not while the world is battling a global pandemic.

The role of women in any given society can never be underplayed as they play a vital role in the progress of humanity. Throughout history, the central role of women in a society has ensured the stability and progress of communities as has been witnessed during this period with women going above and beyond to ensure that their families and communities are both safe and healthy.

Recommendations:

From the survey, Defenders Coalition appreciated the fact that regular mapping and research into the work of WHRDs is vital in understanding their working environments and identifying the unique contexts they operate in therefore facilitate actions and policies geared to respond positively to these situations.

Specific recommendations are as follows;

Government

1. Ensure accountability of law enforcement from the National Police Service who were responsible for human rights violations during these periods.
2. Take necessary measures to ensure Gender Desks at respective Police Stations have well trained officers to deal with cases of Gender Based Violence (GBV) and Sexual Gender Based Violence (SGBV)
3. Ensure equal opportunities in government sponsored projects to WHRDs so as to further empower them economically and skill wise
4. Develop laws which target the protection of HRDs anchored on the following key international instruments;
 - The Universal Declaration of Human Rights (UDHR)
 - UN Declaration of HRDs (UNDHRD)
 - The African Charter on Human and Peoples'

Rights (Banjul Charter)

- Convention on Elimination of All forms of Discrimination against Women (CEDAW)
- International Covenant on Economic Social and Cultural Rights (ICESCR)
- International Covenant on Civil and Political Rights (ICCPR)

Civil Society Organisations (CSOs) both local and international

1. Offer capacity building opportunities to WHRDs especially in sustained livelihoods including registration of business and patenting of ideas
2. Empower WHRDs by making use of some of their facilities and services as a form of promoting sustainability
3. Advocate for the enactment of a HRD Policy which will recognize the role of WHRDs
4. Support WHRDs to establish networks that will support not just human rights work but also income generating activities

Human Rights Defenders Networks

1. Recognize the role of WHRDs
2. Involve WHRDs in community activities
3. Ensure that WHRDs are well represented including in holding community responsibilities

Appendix



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