

Patterns of Criminalization and Limitations on the Effective Participation of Women Who Defend Environmental Rights, Territory, and Nature in the Americas

- UPDATE 2016 -

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The Urgent Action Fund of Latin America is an independent, non-profit organization, the strategic mandate of which is to protect and promote women's human rights through rapid-response grant-making, collaborative initiatives, research, and publications.

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Presentation

In Latin America and the Caribbean, extractive and infrastructure projects are imposed on the territories of peasant, Afro-descendant and native peoples' communities, generating irreversible, socio-environmental impacts and destroying their ways of life. This imposition is achieved through the adoption by States of legislation contrary to the protection of human rights, strategies of militarization and territorial control and the systematic use of criminalization of those who resist.

In this context, peasant, indigenous, Afro-descendant, and urban women, throughout the continent, have organized to defend their territories, employing creative and transformative strategies which, at the same time, confront historic gender-based violences and discrimination.

Given the magnitude of the powers at play, which question and destabilize their struggles, women defenders of the land and environment constitute one of the groups at highest risk. The attacks and criminalization to which they are subjected take on specific characteristics for their being women, intersecting with other forms of discrimination and impacting them in a differentiated manner.

Concerned with this situation, and responding to an initiative of the Urgent Action Fund of Latin America and the Caribbean, twelve women's and feminist organizations came together in October, 2015 to produce the report 'Patterns of Criminalization and Limitations on the Effective Participation of Women Who Defend Environmental Rights, Territory, and Nature in the Americas', which was presented to the Inter-American Commission on Human Rights during the first regional hearings on this specific topic, during Period of Sessions No. 156.

In that report, we exposed the context of attacks against women defenders; we defined criminalization and its modalities, based on concrete cases; we




brought out the differentiated impacts of criminalization of women's lives; and we issued several recommendations and requests to the IACHR.

Based on our firm commitment to the promotion and protection of women's rights, we are currently presenting an up-date of the afore-mentioned report, with the goal of once again calling the attention of regional and international human rights protection bodies, and civil society organizations. We document persistent criminalization as a strategy for neutralizing the work of women defenders, and the alarming impunity with which State and private agents perpetrate attacks against them.

For this update, we have preserved the original text of the Report, providing recent information about each of the documented cases. In addition, we make note of new information regarding contexts and extractive projects in which criminalization is taking place. We report on developments in the legal cases, and we warn about the current conditions defenders are facing. Lastly, we mention the actions that activists are currently carrying out, emphasizing their resilience and the bravery with which they continue to promote the defense of territory and life, despite violences waged against them.

We hope this document will be useful for the courageous work of the defenders of territory and the environment, as well as organizations and funds that support them; and that regional and international mechanisms for the protection of their rights will encounter relevant contributions.





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Introduction

Women who defend environmental rights, territory, and nature in the Americas are subject to criminalization, as evidenced by the prosecution of activists, their stigmatization, and by diverse forms of harassment related to their gender.

The Urgent Action Fund of Latin America and the Caribbean- UAF-LA, the Fund for Women of the South- FMS (for acronym in Spanish) of Argentina, the Alquimia Fund of Chile, the Latin-American Women's Union- Red ULAM (for acronym in Spanish), the Association for Women's Rights and Development- AWID, Just Associates- JASS, the Mesoamerican Initiative of Women Human Rights Defenders, the member organizations of Ecological Action of Ecuador, Mothers of Ituzaingó of Argentina, the national Coordination of Organizations of Rural Working and Indigenous Women- CONAMURI (for acronym in Spanish) of Paraguay, and Women Defenders of the Pilmaiken River in Chile agreed to prepare this report in order highlight patterns of criminalization. This is a collective contribution designed to bring to light the state of affairs in the region, particularly before the Inter-American Commission on Human Rights- IACHR.

Structure

The document is structured in the following manner: in the first section, the context of aggression against women who defend environmental rights, territory, and nature in the region will be taken up; in the second, we will detail the definition of criminalization and its modalities in the light of specific cases; in the third section we will point out the differentiated impacts of criminalization on women's lives. And finally, we will provide several recommendations and conclude with petitions directed to the IACDH.

We argue that criminalization is applied as a way of neutralizing the struggles of communities and peasant, indigenous, Afro-descendent, women's, environmental, and ecological organizations by State authorities to the benefit of industries and companies. In addition, we are extremely concerned about the lack of visibility of the differentiated impacts on the lives of women.

We should note that the universe of cases regarding the criminalization of women defending territory, the environment, and nature does not end with this report. We have only included those cases about which we have direct knowledge- organizations which promote the rights of women and nature and which we consider to be emblematic, our goal being to bring to light the situation of hundreds of women throughout the region.

Our Background

The Urgent Action Fund of Latin America and the Caribbean- UAF-AL- is a feminist, civil society organization that promotes and strengthens the leadership of women defenders, activists, and their organizations, mobilizing resources for their initiatives from its Bogotá-based, regional office, established in 2009.

Our strategic mandate is to protect and promote the human rights of the diversity of women in all countries of Latin America and the Spanish-speaking Caribbean through Rapid Response Grants¹, Collaborative Initiatives, and knowledge production, which contribute to collective action and advocacy in favor of women's rights, and gender and environmental justice.

Motivated by the ever-increasing number of Rapid Response Grant requests in the theme of defense of territory, in 2013, we created the Collaborative Initiative Women, Territory, and the Environment, the goal being to respond to the increasing needs of defenders in the region. This Initiative builds on the framework of new paradigms such as the 'Buen Vivir' (Well Being), the rights of Nature, and progress in the recognition of women's environmental rights within international human rights law, all of which confront the increasing expansion of extractive industries and increased attacks against women who protect their territories.

By way of this Initiative, we have promoted an articulation of more than 30 organizations in 13 countries, the goal being to exchange knowledge, experience, and strategies for the defense and care of territory, as well as activists' individual and collective protection, and of their organizations and communities. With this idea in mind, we have convened regional encounters, and engaged in collective publications that make their struggles visible, joint declarations, documentation regarding attacks and criminalization of

¹ *Rapid Response Grants- RRGs- consist of flexible resources, granted to support activists and their organizations in a timely and opportune manner when faced by unexpected and unplanned situations, which require immediate intervention for the defense and protection of women's human rights.*

defenders in the regional context of extractive industries, and advocacy initiatives before regional bodies.

Fondo de Mujeres del Sur (Women's Fund of the South) is a foundation that mobilizes financial and technical resources in support of women's rights in Argentina, Uruguay, and Paraguay. Our Mission is to ensure that resources are available to women's groups on the ground, providing support to their organizational initiatives. Resources benefit organized women whose objective is to promote gender equality as a main strategy for social change.


We work in the following areas of women's rights: Social, Economic, and Labor Rights; Cultural and Environmental Rights; Sexual and Reproductive Rights; Rights to Political Participation and Non-discrimination; and Girls' and Adolescents' Rights.

Fondo Alquimia (The Foundation Collective Alquimia Fund for Women-Alquimia Fund) is a not-for-profit organization, whose objective is to mobilize resources to strengthen the women's movement and the organizations of women and feminists working for the autonomy, freedoms, and human rights of women and girls in Chile.

The Alquimia Fund provides financial resources to partner organizations for the implementation of their work plans; delivers capacity-building programs in organizational and activist sustainability, human rights, and communication; and promotes networking among the organizations it supports and among other women's organizations defending human rights.

The Association for Women's Rights and Development (AWID) is an international, feminist, membership organization. For over 30 years, we have been part of the incredible eco-system of movements for the rights of women which work to achieve gender equality, sustainable development, and the human rights of women throughout the world.

Our mission is to be a prime mover within the world community of feminists and activists, and organizations and movements for the rights of women, strengthening our voice, our impact, and our collective influence in order to transform power structures and decision-making, and to move forward on human rights, gender justice, and environmental sustainability everywhere. Collaborative work is key if women's rights and gender justice is to become a real and lived experience for people. We support feminist organizations and those working for women's human rights so they may work together effectively on various thematic, and in various regions and working groups.



The Red Latinoamericana de Mujeres- RedULAM (ULAM Network) is a regional network involving groups and organizations led by women for the benefit of rural and indigenous women who are socially, culturally, and economically affected by mining practices and policies. Our conviction is that we must struggle together collectively so the negative impact of mining on women is recognized, and so measures are taken to curb and prevent these impacts. This is what unites us as sisters in the network.

We support groups of women and facilitate the development of regional goals; we monitor and document violations of women's human rights; we research cases of human rights violations; we promote international activism and create opportunities for women to disseminate their experiences and to consolidate alliances.

The Iniciativa Mesoamericana de Mujeres Defensoras de derechos Humanos- IM- Defensoras (Mesoamerican Initiative of Women Human Rights Defenders MI-Defenders) was founded in 2010 and is formed by organizations, networks, and national coordinations of women defenders from Honduras, Mexico, Guatemala, El Salvador, and Nicaragua, which in total includes more than 691 women from the region.

We promote a holistic model of integral protection, from a gender perspective. It is rooted in the construction and support of networks and coordinations of women human rights defenders who participate in a variety of social movements. Our objective is to prevent and to respond to the increase in attacks in Mexico and Central America, thereby contributing to women's efforts for equality, justice, and peace, as well as providing nourishment for the strengthening and continuation of these movements. Additional strategies are also part of this holistic model of protection:- a Rapid Response Fund for Security and Self-Care; three Welcoming and Self-Care Houses; Urgent Actions and national, regional, and international Advocacy; and a Regional Information Monitoring System that supports the preparation of analysis, reports, and statistical data from a gender perspective, about attacks on women defenders and their needs for protection.

JASS (Just Associates)- Asociadas por lo Justo was founded in 2003 by activists, organizers, popular educators, and academics on five continents, united in their commitment to human rights and shared political struggles, from Central America to Zimbabwe and Indonesia.

JASS is committed to strengthening women's voice, visibility, and collective power so a just and sustainable world may be created for all. We produce cutting-edge knowledge related to power, movements, and change in order to back up theory, practice, and policies, whilst promoting women's rights and democratic transformation. Working with women and diverse organizations

in 27 countries, JASS's structure and flexible processes at the regional and international levels support base-level organizing as well as solidarity and action from the local-to-global level, while at the same time ensuring that front-line activists and their agendas are the central axis of our social justice work.

Acción Ecológica (Ecological Action) is an Ecuadorean ecological organization, founded in 1986. It is committed to promoting the defense of nature with the goal of ensuring the preservation of a healthy environment; to disseminating information about issues related to the use, and especially to the contamination, of rivers, oceans, air, and land; to delivering training and educational programs in rural and marginal urban areas of the country on themes of environmental education and preservation. We also support research and the dissemination of technologies appropriate to the environmental, social, and economic realities of each locale, and we collaborate with public and private, national and foreign, institutions in the defense and protection of the environment.


The organization, Madres del Barrio Itizaingó (Mothers of the Ituizangó Neighborhood), was created in 2002 in Cordoba, Argentina after witnessing a very high number of cancer cases in the neighborhood located next to extensive soya crops. Several neighborhood women took on the task of denouncing the situation, promoting health care for the sick, and dialoguing with authorities for improvements in public services and control over an industry that was affecting their health.

Currently, they are spear-heading mobilizations against genetically modified crops, agricultural pesticides, and all that seriously impacts human rights.

The National Coordination of Organizations of Rural Working and Indigenous Women- CONAMURI-(for acronym in Spanish) was founded in 1999 with a mandate to initiate the construction of a national women's organization that would articulate women's demands and proposals from the two sectors.

Our organization came into being as a response to the need for peasant and indigenous women to have their own space to defend their rights; and to find alternatives to the distressing situation of poverty (mborياهو), discrimination (ñemboyke), and exclusion (ñemboykete) for reasons of class, ethnic roots, and gender.

Women Defenders of the Pilmaiken River belong to a collective of ancestral Mapuche Williche communities of the Pilmaiken. It is a space led by women defenders of water, land, and life, who are mainly women of Mapuche origin. Along with active members of the communities of the Pilmaiken River and




the community of Roble Carimallán, Region of Los Ríos in the South of Chile, the Women Defenders are resisting the possible construction of the Osorno hydroelectric dam involving transnational capital, a dam that would inundate a sacred ceremonial space of vital importance for the Mapuche people.

Our work is based on the protection and safety of the area, given the imminent arrival of resource-extraction projects that would destroy our ceremonial center, a place we have inhabited ancestrally. We also promote the rights of indigenous peoples, as well as the related obligations of the Chilean State to respect, protect, and guarantee these rights.

The International Institute on Law and Society-IILS is a not-for-profit association that was formally constituted in 2002. It is made up of Peruvian and international academics, and was established to provide institutional support to activities being undertaken by members, the goal being to promote social and legal transformations both in Latin America and other countries. We promote human rights and international humanitarian law; women's, children's, youth, and indigenous peoples' rights; legal pluralism, judicial and penal reform, alternative forms of conflict resolution; democracy, social justice, the rights of vulnerable groups, and intercultural dialogue; a culture of peace; civil society strengthening and citizen participation, among other themes.

Inputs for the elaboration of this Report emanate from our organizations' documentation regarding cases we are familiar with and have accompanied. Diana Milena Murcia Riaño, human and environmental rights lawyer, was in charge of production. Support for the documentation of cases and up-dates from 2016 was the responsibility of Laura María Carvajal, coordinator of UAF-LA's Collaborative Initiative Women, Territory, and Environment.





1. Context

The exploitation of mining, hydrocarbon and agroforestry resources, as well as infrastructure construction projects, such as roads and dams, are current factors causing enormous instability in rural community life in the Americas. The resistance offered by communities and their organizations in defense of their communal life projects is labelled “environmental conflict”. Meanwhile, the response from public and private agents (State and companies), far from restraining emerging threats, is accentuating the aggressions and human rights impacts.

² *Inter-American Commission on Human Rights (IACHR). Second Report on the Situation of Human Rights Defenders in the Americas. December, 2011. Par. 312*

³ *Environmental Justice Organizations, Liabilities and Trade. At: <http://ejatlas.org/country>*

Negative impacts on the right to home ownership in secure conditions, on health and food autonomy, and on the degradation of the environment and nature, appear to be inherent to industries that set up in the territories. Community members who act as leaders of diverse resistances, besides the effects already alluded to, must also suffer the abuse of power and the manipulation of the law in order to neutralize their role.

The IACHR noted that *“the attacks, aggression and harassment targeted at defenders of the environment have become more pronounced in some States of the hemisphere, mainly where there are serious tensions between the sectors that support certain industrial activities, like the extractive industries, which have enormous economic interests at stake, and those sectors that resist the implementation of projects”*². Brazil, El Salvador, Guatemala, Honduras, México, Ecuador, Panama y Peru were identified as the countries most at risk for defenders of the environment and territory.

Initiatives like that of EJOLT³ point out that conflicts of a social-environmental nature in Latin America have reached more than three hundred and are mainly localized in Colombia, Brazil, Ecuador, Argentina, Chile, Peru, and Mexico. Global Witness, which mapped the state of aggression against this particular group of people, found that the number of assassinations of defenders of

the environment and land has sharply increased during the last four years and that “the most dangerous place for defenders of the right to land and the environment is Brazil with a total of 448 cases. Next is Honduras (109) and the Philippines (67)⁴”.

Threats against their lives, security, or mobility emanate from a multiplicity of actors, such as companies, military forces, delinquency, paramilitary groups, and even members of their own communities who are in agreement with the projects.

At the same time, Front Line Defenders⁵, revealed an increase in attacks against defenders of rights associated with the environment: “these cases accounted for over a third of the assistance provided by Front Line Defenders in 2013, representing a marked increase over previous years”, and added “it is clear that the international approach taken to business and human rights until now has not ensured that those concerned about the human rights impact of corporate activities can speak out safely”.

Special Rapporteurs on the situation of human rights defenders have identified defenders of the environment and those involved in exposing issues related to companies as among the most-at-risk groups⁶.

In studies concerning these issues, even though patterns of conduct by States and Companies in relation to communities have been characterized, the majority have not taken the care to disaggregate data and analysis, taking gender differences into account. We believe, as does Margaret Sekaggya, ex-United Nations Special Rapporteur on the situation of Human Rights Defenders, “that women defenders need specific and enhanced protection, and targeted and deliberate efforts to make the environment in which they operate a safer, more enabling and supporting one⁷”.

Our organizations can confirm that a significant number of women have been attacked within a context of social-environmental conflicts. In 2012, the Mesoamerican Initiative of Women Human Rights Defenders (MI-Women Defenders) registered a total of 414 attacks against women human rights defenders in Mexico, Honduras, El Salvador, and Guatemala, and according to their registry, the women who confront the greatest risks are those working in rural areas (33.2%), and especially those defending land, territory and natural resources (37.9%)⁸.

For the most part, women defenders belong to groups, movements and organizations that oppose an economic model which deepens social inequalities; they oppose militarization and racism, corruption and the patriarchal system that subordinates, excludes, violates, and kills women. This is to say, their struggles are substantial ones and, as a result, they touch

⁴Global Witness: <http://www.globalwitness.org/sites/default/files/library/Medio%20ambiente%20mortal.pdf>.

⁵Front line defenders, *Informe Anual 2014*.

⁶Frost, Michel. *Special Rapporteur on the situation of human rights defenders. Report A/HRC/28/63 of December 29, 2014. Par. 124-f.*

⁷Report A/HRC/25/55 of December 23, 2013. Par. 100

⁸Report: *Violence against Women Human Rights Defenders in Mesoamerica, Summary Findings 2012; Mesoamerican Women Human Rights Defenders Initiative.*

the vital interests of national and transnational economic elites, of organized crime, of central and local political power, and of military power. Besides, where misogyny has found its maximum expression in the crime of femicide in countries like Mexico, Guatemala, and Honduras⁹, women defenders and activists are exposed to physical and verbal aggression, assassination attempts, implicit or explicit death threats, and sexual violation¹⁰.

Sekaggya has stated that women human rights defenders in the Americas, especially defenders of indigenous peoples' and environmental rights, defenders of land and territory, are at the greatest risk of being assassinated or suffering attacks against their lives¹¹.

⁹INACIF reported 774 cases of violent deaths of women. 1,236 denunciations of femicide were presented, as well as 281 cases for other forms of violence against women. Specialized tribunals on femicide and violence against women handed down 1,400 sentences, compared to 779 in 2013. Report: UNOHCHR, 2014, Par. 51.

¹⁰Papadopoulou, Christina. *Criminalization of the Defense of Human Rights in Guatemala: three emblematic cases. International Platform against Impunity, Guatemala, 2015. P. 26*

¹¹Report of the Special Rapporteur A/HRC/16/44, December 20, 2010

¹²Nilce, better known as 'Ninha' had been denouncing human rights violations committed by the Sustainable Energy Company of Brazil, which was responsible for the construction of the Jirau Dam.

With enormous concern, we register the assassination of many sisters, defenders of their territories. In Latin America, between 1994 and 2016, the assassination of the following colleagues has been documented: in Mexico, **Betty Cariño**, member of the Mexican Network of People Affected by Mining was assassinated in April, 2010; in 2012, **Fabiola Osorio**, **Juventina Villa Mójica** and **Manuela Martha Solís Contreras**; and in 2013, **Rocio Mesino**. In Guatemala, assassinations include: **Dora Alicia Recinos** in December, 2010; **María Margarita Chub Ché** in June, 2011; **Petrona Morán** and **Sandra Saquil Nájera** in 2012; and **Marilyn Topacio Reynoso** in 2014.

In El Salvador, **Dora Alicia Sorto**, member of the Environmental Committee of Cabañas, CAC (Spanish Acronym), was assassinated in 2010. In Honduras, **Jeannette Kawas**, in February, 1995, **María Teresa Flores** in August, 2010, **María Enriqueta Matute** of the Tolupán people, in August 2013, and **Margarita Murillo**, **Alma Janeth Díaz** and **Uva Herlinda Castellanos** in 2014. On March 3, 2016, **Berta Cáceres**, defender of the Lenca people and founder of the Civic Council of Popular and Indigenous Organizations of Honduras, COPINH (Spanish acronym) was assassinated. In Costa Rica, **Kimberly Blackwell** was assassinated in November, 2012, and **María del Mar Cordero** in December, 1994.

In Colombia, the life of **Edith Santos** was extinguished in August, 2014; of **Adelinda Gómez** in September, 2013; while **Sandra Viviana Cuéllar** remains disappeared since February, 2011. In Brazil, **María do Espírito Santo** was assassinated in May, 2011 and **Nilce de Souza Magalhães**, member of the Movimento dos Atingidos por Barragens, MAB, was disappeared in January, 2016¹².

Berta Cáceres: “Words live on when they are replicated”¹³

The Honduran rights defender, Berta Cáceres was assassinated with a firearm by unknown men who stormed her home in the early morning hours of March 3, 2016. Berta, feminist of the Lenca indigenous people, defender of territory and the sacred Gualcarque River, founder of the Civic Council of Popular and Indigenous Organizations of Honduras-COPINH (Spanish acronym), and 2015 Goldman Award winner, was leading resistance against the Agua Zarca Dam belonging to the DESA company in the community of Río Blanco. The Mexican, Gustavo Castro, member of Friends of the Earth Mexico, who was accompanying her, was wounded by these same men and later detained by the Honduran State, only being allowed to return to his country almost a month after the incident.

Although the Honduran State identified the supposed suspects responsible for the assassination, among them the General Manager of the DESA company¹⁴, Berta’s family and COPINH have denounced the lack of transparency in the investigation and are demanding full participation in the same.

Within the context of defense of their territory, COPINH members have been submitted to vigilance, following, harassments and arbitrary detentions, and several of them have been assassinated. In 2013, Tomás García Domínguez¹⁵ was assassinated by the Honduran Army. In March, 2016, only 13 days after the assassination of Berta Cáceres, Nelson García was assassinated during a violent eviction of 150 indigenous families in Río Lindo, Honduras¹⁶.

In May of this year, we denounced human rights violations of the organization’s members during a peaceful demonstration in front of the Presidential Residence in Honduras, demanding that an international and independent commission investigate the assassination of Berta Cáceres¹⁷.

At the same time, 313 organizations from around the world issued a public letter¹⁸ to Mr. Jim Kim, President of the World Bank, indicating our condemnation of his declarations that justified the crime against Berta, and in general, human rights violations, as minor collateral damage in development projects.

¹³For detailed follow-up to the assassination of Berta Cáceres, consult the special section of the web page of the Urgent Action Fund: <http://www.fondoaccionurgente.org.co/#!especial-bertacaceres-fau/jmf1x>

¹⁴See: DESA manager associated directly with the assassination of Berta Cáceres in Honduras, Contagio Radio, May 4, 2016. Consult: <http://www.contagioradio.com/desa-asesinato-de-berta-caceres-honduras-articulo-23574>

¹⁵See: “EL COPINH EXIGE JUSTICIA ANTE EL ASESINATO IMPUNE DE NUESTRO COMPAÑERO TOMAS GARCÍA” COPINH, Noviembre 26 de 2015.

¹⁶See: COPINH CONTINUES TO BE VICTIM OF ASSASSINATIONS, EVICTIONS, AND PERSECUTION, Contagio Radio, March 16, 2016.

¹⁷See the complete declaration here: https://issuu.com/fondodeaccionurgente-al/docs/pronunciamiento_fau_ante_violaci_n?e=17933503/35695165

¹⁸To see the letter go to: http://www.biodiversidadla.org/Objetos_Relacionados/Carta_al_Presidente_del_Banco_Mundial_Jim_Yong_Kim_ante_sus_declaraciones_sobre_el_asesinato_de_Berta_Caceres_en_Honduras

Considering the Agua Zarca dam has been the source of systematic violation of the rights of COPINH, the Lenca people, and all organizations acting in solidarity, we demand the withdrawal of the Desarrollo Energéticos D.E.S.A. Company, and the Honduran Army, from the sacred Gualcarque River. Just as the Dutch Development Bank suspended financial support for Agua Zarca and other projects in Honduras after the assassination of Berta Cáceres and Nelson García, so should all funds directed to Agua Zarca be withdrawn, leading to the definitive suspension of this project.

¹⁹Amnesty International. *Transforming Pain into Hope. Human Rights Defenders in the Americas*.

²⁰Resolution 68/181 of January 30, 2014. *Protection of Women Human Rights Defenders and the Defenders of Women's Human Rights*.

²¹*Ibíd.*

Amnesty International highlights that “often attacks have been preceded by character defamation and public accusations of women defenders as subversives or enemies of progress”¹⁹. This scenario, indicative of patterns of behavior by States and companies, requires us to highlight issues such as excessive use of force, intimidation, psychological harassment, abuse of power, public shaming, and other threats and attacks confronted by women defenders of rights to territory, the environment, and nature, and particularly those subjected to diverse forms of criminalization (harassment, stigmatization, and prosecution).

Given this panorama, the United Nations General Assembly has, for example, expressed its concern for the abuse of norms “against human rights defenders, among them, women human rights defenders and defenders of the rights of women”²⁰ and has recommended “that the promotion and protection of human rights not be typified as a crime”²¹ and that independence of the judiciary be promoted.



2. Criminalization and its modalities



We understand the phenomenon of criminalizing human rights defenders to be a process involving a multitude of initiatives designed to neutralize their capacity for action, whether through apparently legal means (use of force, judicial or administrative bodies), or through illegal attacks (such as harassments, threats, interceptions, delegitimizing the organizations' work, stigmatization of their struggles or their persona, etc.).

In any given context, criminalization always surfaces a democratic deficit. For example, in her trip report to Honduras, Rapporteur Sekaggya noted: a) a culture of impunity and lack of protection mechanisms; b) deficits in institutional capacity and coordination for recognizing the goals of defenders' activities, and for acting accordingly; c) restrictive environments for the exercise of fundamental rights; and d) stigmatization of human rights defenders, a mix that undermines conditions for the exercise of the defense of human rights.

Many countries in the region present one or more of these characteristics. In this report, we will talk about three forms or patterns of criminalization which are used to neutralize the activities of women working to defend territory, the environment and nature. In the first instance, criminalization as a legal phenomenon or prosecution; in the second, criminalization as public exposure by means of stigmatization; and thirdly, criminalization emanating from different forms of harassment.

The idea of revealing the current state of affairs through these patterns is to bring to light and emphasize certain behaviors used against women in

specific contexts, but it is worth noting that all the cases studied involve all three forms of criminalization of activists to some degree. We begin by recognizing that criminalization is not limited to the prosecution of defenders, but rather is the cause and/or consequence of other situations such as public stigmatization and harassment, which worsen the conditions of women's existence.

2.1 Prosecution

Acuña et al define criminalization as “the process by which the idea of potential criminality becomes associated with certain behaviors and individuals (...) always serving as a justification for the use of force as a preventative measure²²”. Resistance to the exploitation of resources or to the construction of infrastructure is a behavior that State authorities and companies associate with illegality and with behaviors representative of infractions, whether of constitutional or administrative mandates, but especially, of criminal ones.

To consider resistance to different types of projects as crime, and the leaders of peasant, indigenous, Afro-descendent, environmental and ecological processes, as delinquents, constitutes a form of social disciplining and punishment that, in addition, violates “the generally-recognized principle of individual criminal responsibility, a fundamental principle of justice²³”.

Behind the recurring practice of naming leaders as detractors of development is the notion that development- present in constitutional documents as a goalpost- is a condition that does not allow for objections. Therefore, by linking the idea of “development” with the principle of the “common good”, any opposition to projects becomes identified with rebellion against the existing constitutional order.

Hence, the inadmissibility of paradigms distinct from development (sustainable development, or sustained development), such as those of decreasing growth, *sumac kawsay* or post-development, lie at the root of the criminalization of those who defend the environment and nature.

Furthermore, the supremacy of administrative procedures over constitutional rights, that is, the supremacy of environmental licensing, administrative expropriations, indentured servitude, etc., over community rights, constitutes a type of constitutional circumvention, understood as the abduction of this type of normative acts from constitutional control, so that only “symbolic or low-intensity control is exercised over them²⁴”. Based on the experience of the communities we are familiar with, we can affirm that, in practice, these administrative acts have greater hierarchy than the Constitution and international human rights instruments.

²²Acuña Ruz, Felipe, Daniel Fredes García and Domingo Pérez Valenzuela. “Criminalización de la protesta y judicialización de las demandas sociales. Producción de legitimidad a partir del doble juego de la dominación”. (*Criminalization of protest and judicialization of social demands. Production of legitimacy through the double game of domination*- translation is ours). University of Chile. Magazine *Derecho y humanidades*, No. 16, Vol. 1, 2010.

²³FIDH (International Federation of Human Rights). *Non-violent social protest: A right in the Americas?* No. 460/3, October, 2006.

²⁴Quinche Ramírez, Manuel Fernando. “La elusión constitucional, una política de evasión del control constitucional en Colombia”. (*Constitutional Circumvention, a Policy of Constitutional Control Avoidance in Colombia*-translation is ours). Rosario University, 2009. P.19.

For example, environmental licenses appear as legal instruments, when, in reality, they are mere patents for aggression against communities and their territories. The technical language, the limited time-frames for their gestation, the deceptive forms of socialization and consultation of such instruments, the enormous advocacy capacity of companies in contrast to the scarce margin of action by communities, all illustrate the perversity that judicial procedures acquire in the context of resource extraction.

It is at this moment that the criminal justice system becomes involved in order to neutralize resistances not contained through administrative measures, during, at least, three stages: 1) the creation of criminal offences directed at containing social protest; 2) the initiation of criminal proceedings against those who resist; and 3) the effective application of sentences as an exercise of social disciplining.

This panorama has led to the formulation of commentaries and recommendations directed to States by international organisms with the goal of curbing the prosecution of human rights defenders. Among them, the following deserve attention:

- “Ensure that the authorities or third parties do not manipulate the punitive power of the State and its organs of justice, with the goal of harassing human rights defenders, subjecting them to unjust or unsubstantiated trials²⁵, and accordingly, “to strengthen mechanisms for the administration of justice and to guarantee the independence and impartiality of justice system operators²⁶” .
- “Revise and ensure that criminal typologies commonly used to detain defenders are formulated according to legal principles; that authorities charged with legal files do not surpass reasonable periods of time for emitting their verdicts; and that authorities and third parties do not violate the principle of innocence by emitting declarations that stigmatize defenders subjected to criminal proceedings, as delinquents²⁷” .
- Since the right to freedom of expression during demonstrations can be blocked by the judiciary, it is necessary “to analyze whether the use of criminal sanctions can be justified under Inter-American Court standards, which establish the need to prove that the limitation (the criminalization) satisfies an imperative public interest required for the functioning of a democratic society²⁸”.
- “Ensure that all laws that criminalize activities in defense of human rights are repealed²⁹, “abstain from criminalizing non-violent and legitimate activities of defenders³⁰”.

²⁵IACHR, 2006. *Párr. 342-11*

²⁶IACHR, 2012. *Párrs. 541-24 a 26.*

²⁷*Ibidem.* *Párrs. 541-13.*

²⁸ACDH, *Chapter IV, 2002 Annual Report, Volume III “Report of the Rapporteur on Freedom of Expression”, OAS/Ser. L/V/II. 117, Doc. 5, rev. 1, par. 35*

²⁹Frost, Michel. *Special Rapporteur on the situation of human rights defenders. Report A/HRC/28/63 of December 29, 2104. Par. 124-k.*

³⁰Report A/HRC/25/55 *Párr. 131.*

Despite the existence of these recommendations, the number of cases in which criminal law is “instrumentalized” to contain and neutralize the collective exercise of rights to territory, continues to multiply in the region. What follows is an exposé of exemplary cases from Chile, Ecuador, and Mexico where women defenders of territory and nature have been prosecuted.

Communities of the Río Pilmaiken in Resistance, south of Chile, and Criminalization of the Machi, Millaray Huichalaf

Millaray Hichalaf, Machi or spiritual leader of the Mapuche people, was accused of being an accomplice to a fire in January, 2013, a fire which happened more than 25 km. from her residence, and for which she was held in preventative detention in the maximum security jail in Valdivia for four months. This episode of criminalization happened during struggles of the Mapuche communities to defend their territory and their collective rights, under threat of construction of the Hydroelectric Osorno Dam. Prior consultation, as stipulated in ILO Convention 169, has not taken place and the environmental impact study ignored the ancestral presence of the Mapuche communities of Maihue, Roble-Carimallín and Lumaco, located in the area that will be directly affected.

As a result of the privatization of water and land, and the destruction of their ceremonial sites, this project would threaten continued cultural existence and permanence in the Mapuche peoples’ territory by preventing access to the common goods required for the development of their traditional forms of life.

Prosecution of the Machi should be understood within a framework of the political persecution and systematic criminalization endured by the Mapuche people for their non-violent opposition to the development of hydroelectric and mining projects and forestry plantations, which violate their rights³¹. In the case of the Millaray family, persecution

began in 2006 when her sister, Amanda Huichalaf, community leader, was detained and accused on the basis of a judicial set-up in a case that was eventually thrown out for lack of evidence. Currently, Millaray's partner is facing criminal proceedings as the result of another set-up.

The capture of Machi Millaray Huichalaf took place during an illegal break-in, characterized by the excessive use of force (long-range firearms, destruction of household items and serious damages to the home, intent to remove ceremonial elements and dress, among others). All this was witnessed by her three-year old daughter who suffered serious psychological impacts as a result. The same day, the homes of other leaders in the Bueno River community and in the town of Osorno were violated, including Millaray's mother's home which was destroyed by the police. During the operation another three members of the community, who were in the Machi's residence, were detained.

Millaray was accused of illegal possession of arms and cover-up of the fire, according to intelligence findings- no order from the Public Ministry or a legal warrant-; declarations from public servants (firefighters, military police, investigative police of Chile who had taken charge of criminal investigations against the Mapuche communities, etc.); and goods confiscated illegally, since there was no legal warrant for this intrusion. During the trial, compelling evidence, related to the participation of the Machi in the events for which she was accused, was not collected; instead, references to activities and situations related to her personal life and community role, which do not constitute crimes, prevailed.

Nine months later, despite being tried for the same crime and relying on the same evidence, the other three community members were absolved while the Machi was the only one charged by the Tribunal of Oral Criminal Trials in Valdivia. Clearly, therefore, criminalization resulted from a gender-based bias and for her role in the community. She was a central figure, a political and spiritual authority charged with the responsibility of acting as a bridge between the land and its sons and daughters, of ensuring harmony and equilibrium between nature and human beings; additionally, she was the most visible leader in the resistance against the dam.

Meanwhile, some Mapuche community members were coopted, deceived, or harassed into giving their consent for the construction of the hydroelectric dam and for new extractive and forestry projects that

³¹*The detention of Millaray Huichalaf and the Machi, Tito Cañulef, happened during the same period as the detention of Machi Celestino Córdoba (January 4, 2013) and Machi Linconao (January 5, 2013).*

were appearing in their territories. In this case, the criminalization of the Machi and the forward march of projects and economic interests overlap perfectly. Community energy for the defense of what is rightfully theirs and for their physical and cultural survival is weakened when they are required, on another front, to sustain social, legal and political support for the Machi and other community members.

An anthropological survey undertaken in 2013 revealed that the prosecution of the Machi had had devastating impacts on the community due to the interruption of her function as a spiritual leader. They are reflected in alterations in the spirituality and harmony of the Río Bueno community and surrounding areas as a result of her being unable to continue with a variety of ceremonies and rituals, as well as from interruptions in permanent exchanges of knowledge. This absence led to the weakening of community health since it was impossible for her to exercise her curative functions.

Besides the emotional trauma, and the rupture in her role as spiritual and political leader during her detention, sentiments of insecurity, anguish, fear, and anger currently remain with her and her family. Moreover, recent harassments underscore the persistence of persecution: tracking from strange automobiles, permanent vigilance of her home by unknown subjects, finger-pointing and stigmatization, and continued interception of her cell phone. Furthermore, her sister's home was illegally broken into on April 25, 2015 by supposed delinquents and audiovisual material and portable computers that contained important information about the organization and the territorial conflict were stolen. These acts remain in impunity.

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Communities of the Pilmaiken River in Resistance in southern Chile, and Criminalization of the Machi Millaray Huichalaf

After the trial of the Machi Millaray Huichalaf in 2013, her lawyers and relatives filed a complaint against the Chilean State before the Inter-American Commission on Human Rights, requesting the trial and sentence be revised, based on respect for due process, principles of legality, and the presumption of innocence.


However, the criminalization strategy against her and her family continues. In January, 2015, at the time of an eviction by the Police in the Lof Marriao Colihuinca, Bajo Lumaco sector, where the machinery shed of the Osorno project is installed, Millaray suffered the theft of her ceremonial robes. During this operation, Police officials fired at short range on members of the community, resulting in several wounded and others detained, among them, Jaime Javier Uribe Montiel, Millaray's current partner.

Jaime Javier was accused of a 'failed homicide attempt' against a policeman and suffered torture and inhumane treatment in the high-security Llancahue prison in Valdivia. After being acquitted of this crime in November, 2015, he is currently subject to probation. In addition, Miguel Antiqueo, accused of violent land seizure was seriously injured, losing complete sight in his left eye. On this same occasion, several women from the community were also severely wounded and likewise stand accused of violent usurpation based on land recovery promoted by the community. The evictions increased between October, 2015 and January, 2016, leaving a total of 26 people, men and women, with this same accusation³².

In 2016, Amanda Victoria Huichalaf Pradines, elder sister of Machi Millaray and vice-president of the Koyam Ke Che Legal Association of the Pilmaiken territory denounced that, on three occasions, she has been photographed from close-up by a certain individual at the entrance of her son's school. This individual has followed her for hours in the center of the city of Osorno. Her partner, Jorge Romero, has been photographed from moving vehicles when he was travelling in his own car in the community of El Roble Callimarín-Pilmaiken³³. Both fear for their safety and for that of their son, since they have also received threatening phone calls related directly to the family's resistance to the construction of the dam.

³²See Weichan Pilmaiken: 'Being in the Mapuche Lumaco Bajo community is like living in feudal times', March 22, 2016.

³³Faced with the denouncement of such incidents, the Police respond by saying it is a 'security area', and for this reason farm-owners have the right to photograph any individual moving around within the territory.



Juan Antonio Huichalaf, father of Millaray and Amanda, who works as a State-employed teacher and who, likewise, is a leader of the same Association, denounced that on two occasions, motorized police stopped public transport buses along the route from the rural communities to the city of Osorno, looking for his daughter Machi Millaray. “They terrified peasant and indigenous passengers with high-caliber weapons, publicly sentencing that it would be dangerous to meet with her”, said Juan Antonio.

All community members conclude that insecurity in their homes has increased, and they have clear evidence of telephone interceptions, following, police harassment at public demonstrations, among other violations.

Currently, the hydro-electric project of Osorno, managed by the Norwegian State company Statkraft S.A., continues to cause conflict in ancestral Mapuche communities that care for the Pilmaiken River and the ceremonial complex, Ngen Mapu Kintuante in southern Chile. The communities have denounced the illegal or illegitimate nature of the project that was imposed on their territory after a fraudulent prior consultation process that did not comply with standards laid out in ILO Convention 169. The company presented records that included false consents and excluded the participation of directly-affected families and ancestral authorities. The so-called ‘consultation’ took place in the midst of severe flashpoints of criminalization during which several leaders were detained. The communities are still waiting for an answer from the Office of the Superintendent of the Environment, an office which has received denouncements against Statkraft for these events since 2014.

Despite intense political persecution, the communities persist with their work of defense and have made a territorial alliance with other sectors of Río Bueno, San Pablo, and Puyewé in order to protect the Nygen Mapu Kintuante ceremonial site. In April, 2016, two Mapuche werken (representatives) met with the President and members of Parliament, as well as with the Norwegian Samis Youth Organization. As a result of this meeting, the Sami people declared their solidarity, requesting the Norwegian State to abandon the project in order to avoid human rights violations.

In May, 2016, communities led by the Machi Millaray Huichalaf organized a peaceful demonstration in front of the cathedral in the city of Osorno, demanding the definitive withdrawal of the hydroelectric project and respect for territorial, mining, and water rights, and freedom of worship.

Large-scale Mining in Ecuador and the Criminalization of Women from the Front of Women Defenders of the Pachamama- FMDPM (for their acronym in Spanish)

The organization of rural women from the highland Andean populations of Molleturo and Victoria del Portete was founded in 2008, as well as that of Amazon-based peoples from Limón and Indanza in the south of Ecuador, in rejection of concessions granted for mining exploitation, and in defense of nature.

Within the framework of a protest in 2009, several participating women were facing criminal charges. Georgina Gutama was accused of organized terrorism and after eight months of investigation, judges acquitted her. Rosa Gutama and María Chuñir faced charges of blocking a public road and were accused. However, the arrest warrant was never issued and the process lapsed in 2013. María Zhaguí faced the same charge but her case was amnestied by the Constituent Assembly.

Lina Solano has faced several charges- occupation and theft of the Rosa de Oro camp belonging to the Explocobres Company in the province of Morona Santiago at the time of a manifestation in November, 2006. The case was amnestied by the 2008 Constituent Assembly; however, she was required to report to the Public Prosecutor's office until June, 2010. She also had to confront a process for obstructing a public roadway in July, 2007 that was also amnestied. And furthermore, she confronted an accusation for the alleged illegal occupation of a building belonging to the Ecuacorrientes Company that was dropped for lack of evidence.

As Amnesty International points out, "in response to the accusation that the right to protest is being criminalized, the President has likewise made declarations: 'enough of deceptions, enough of hypocrisy, the protesters are criminals and the Law must be applied' ". Moreover, he has repeatedly used the phrase "criminal social protest" to write off manifestations opposed to government policy as delinquent activities³⁴.

Far from diminishing the practice of criminalization of social leaders in the country by means of dialogue, the prosecution repertoire is maintained in areas where extractive and infrastructure construction projects are underway.

³⁴Amnesty International. Report: So that No One Can Demand Anything. 2012; P. 30. At: http://www.amnesty.org.uk/sites/default/files/ecuador_report_-_report_eng.pdf

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Large-scale mining in Ecuador and Criminalization of Women from the Front of Women Defenders of the Pachamama- FMDPM- (Spanish acronym)

In November, 2015, despite overwhelming rejection by communities and social organizations, the Ministry of the Environment granted an Environmental License to the Chinese company, Junefield, for the Río Blanco gold exploitation project. The Front of Women Defenders of the Pachamama- Frente de Mujeres Defensoras de la Pachamama- has been denouncing the lack of transparency during the development of the process and pointing to the environmental consequences, as well as the impacts on women's lives, which would result from the destruction of an ecologically fragile, high plain area that provides water to populations in the Andean region and Azuay coastal area, as well as to Guayas and El Oro. The project was approved without independent studies that recognize these impacts and without Prior Consultation with the affected communities.

On October 20th, 2015, eight members of the Front of Women Front for the Defense of the Pachamama (FWDP from hereon) were attacked and detained arbitrarily by police and security agents in the context of a peaceful protest in the Central Park of Molleturo, District of Cuenca, Province of Azuay. The WFDP engaged in this action to express disagreement with the Río Blanco mining project during a visit of the President of the country, Rafael Correa, to inaugurate a project of 'Ecuador Estratégico'.

The incident was denounced by Lina Solano, rights defender and FWDP coordinator, before the Inter-American Commission on Human Rights, IACHR, in the context of the First Regional Audience on Patterns of Criminalization of Women Defenders of the Environment, Territory, and Nature, promoted by the Urgent Action Fund UAF and 12 international and regional organizations.

During this peaceful protest, WFDP members exhibited a banner with the slogan "Responsible mining, a miserable story" that was grabbed from them and destroyed by the police while they were attacked physically and verbally. Later on, they were arbitrarily detained for more than two hours in a street near the Park, violating their rights to resistance, freedom of expression, assembly, participation, and free transit, rights enshrined in the Ecuadorean Constitution and in international treaties.



After filing a complaint for the violations of their rights with the Ombudsman's Office (Zone 6, Azuay), the defenders, once again, have been the object of stigmatization by the General Intendent of the Azuay Police force, who, far from acknowledging the abuse of power by the police, has accused the women of being the aggressors, using discriminatory, gender-based language. In his report, the Intendent called them 'crazy ladies' who violently interrupted proceedings and broke through the police barrier to "offend the country's President". This, in the words of the defenders, is completely "unacceptable to us and constitutes yet another attack by the Police, since this is the typical way of stigmatizing us and undermining our work, making us appear like people who act senselessly, aggressively, and dangerously".

The Police have resorted to slander, threatening the organizations' good name, for no evidence has been presented to sustain their accusations. On the contrary, the defenders have presented audiovisual and photographic material that supports their declarations and that of their witnesses in which violences perpetrated by the police can be clearly distinguished. The FWDP has denounced these and other attacks before different national bodies with no positive response, thereby proving the partiality of justice officials and the persistent persecution of people who disagree with governmental extractivist policies.

For the October 20th, 2015 inaugural event, there was a disproportionate display of force by the Police: more than 100 police officers, accompanied by security and police agents of the presidential motorcade, as well as an aerial-police unit that overflowed the area. That day, Molleturo was completely militarized.

The service order containing general directives for the police operation clearly reveals the intention to violently contain any manifestation of discontent through "mass action of a purely preventative nature, applying the progressive use of force". The order also stipulates that the officers must ensure "video and audio registers in order to identify actors who transgress criminal law".

Currently, defenders are hoping the Ombudsman Office's resolution related to these incidents will set a precedent favoring defenders of human rights and Nature in a country that prides itself on having the 'most progressive Constitution in the world'.

Wind-Power Project in Indigenous Territories and the Criminalization of Bettina Cruz

Bettina Cruz is a Binnizá (Zapoteca) indigenous woman from the state of Oaxaca, Mexico; member of the Assembly of Indigenous Peoples from the Isthmus of Tehuantepec in Defense of Land and Territory (APIITDTT for its Spanish acronym); of the Network of Women Activists and Human Rights Defenders of Oaxaca; and of the National Network of Women Human Rights Defenders in Mexico (RNDDHM for its Spanish acronym).

Since 2007, as a member of APIITDTT, she has been engaged in meaningful and intense activity in Mexico to defend the territory and natural resources of the Ikjoots and Binnizá peoples who are confronted by private entities interested in occupying their ancestral and community lands to install wind energy generators. The required prior consultation did not happen and the local economy and food chain of the indigenous communities, among other rights, have been put at risk.

Because of her activism, Bettina has been threatened, followed, intimidated, and victimized by campaigns of defamation, an assassination attempt, and criminalization. On February 22, 2012, she was arbitrarily detained, and later received a formal pre-trial detention order. She was accused of crimes of illegal constraints on freedom and crimes against “consumption and national wealth” because of a non-violent demonstration by APIITDTT on April 13, 2011 in which she did not participate.

During her incarceration, a prison guard pointed out to her that her human rights had been suspended and that she should understand he was in command here; exercising, moreover, psychological terror over her by reminding her that just to use the washroom, she had to request his permission. Furthermore, she was repeatedly questioned and told that “madam, you are in big trouble; why don't you think of your children and family and the hardship you cause them before getting involved in these problems”?

During and after her detainment, authorities and the company took advantage of her incarceration to undertake a defamatory smear campaign in which it was stated that “as a woman, she should be at home and not looking for or causing problems and conflicts”, and that as a defender, she deserved to be in jail since she was not a “housewife”. At

heart, they were attempting to justify her imprisonment because they could not conceive that a woman would be publicly questioning the State and its policies, since her place was in the home.

On February 24, 2012, after paying a bond, our defender was released on bail, and for more than three years, confronted her criminal proceedings in freedom, having to sign every month in the court of Salina Cruz, Oaxaca. In February, 2015, the Sixth District Tribunal of the State of Oaxaca formalized the acquittal of Bettina Cruz for the imputed charges. This can be seen as a victory for the persistence of support from women human rights defenders and from organizations that defend and promote human rights at the national and international levels.

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Wind-Power Project in Indigenous Territories and the Criminalization of Bettina Cruz

For more than five years, the Assembly of Indigenous Peoples of the Isthmus of Tehuantepec in Defense of Land and Territory (APIITDTT-Spanish acronym) has been defending common lands against the imposition of a wind-powered energy megaproject. In September, 2015, the Seventh District Judge of Salina Cruz issued an order to suspend all authorization, license, and changes in the use of land previously granted to the Energía Eólica del Sur-EES mega-project. Permission had been given by federal and local authorities, in violation of the Mexican Constitution and ILO Convention 169, the land having been granted without consultation.

In October, 2015, Bettina Cruz Velázquez, beneficiary of the National Protection Mechanism for Human Rights Defenders and Journalists, sent a letter to the Secretariat of the Interior, institution responsible for this mechanism, indicating a breach of the protection measures and the Security Plan to which it had committed.

Both actions, in support of territorial protection and self-determination of indigenous peoples of the Isthmus, led to retaliations and an increase in attacks and threats against Bettina and other members of the APIITDTT. On September 27, two unidentified persons smashed the windshield and banged the van belonging to ombudsman Rodrigo Flores Peñaloza; and

Guadalupe Ramírez Castellanos and Juan Regalado Martínez have been subjected to harassment by hit-men. On October 3, a man identified as a member of the Moro family and associated with criminal activity, passed in front of Bettina Cruz Velázquez's house shouting: "where is Bettina? where is she?", in addition to insults and disqualifications. The following day, Miguel Jiménez Orozco and Brígido Numenthey Jiménez were seriously injured by armed individuals.

The Mesoamerican Initiative of Women Human Rights Defenders disseminated a public letter directed to the state of Mexico demanding that the federal authorities who had granted licenses to EES be sanctioned for acting against the rights of the Zapoteca Peoples of the Isthmus, and obliging the National Protection Mechanism of Human Rights Defenders and Journalists to comply with protection measures for Bettina Cruz.

New Cases of Legal Prosecution in Central America

Land Conflicts in Honduras and Legal Prosecution of Defenders of the Permanent Human Rights Observatory of Aguán

Since 2007, peasants from the Bajo Aguán area of Honduras, have been leading a struggle for land recovery, for which they have been the object of persecution, threats, criminalization, assassinations, and other violations of their human rights within a context of territorial militarization. The conflict in the area, which has taken more than 125 peasant lives and caused the disappearance of six people, was generated by the National Agrarian Institute's unjustifiable delay in the adjudication of uncultivated land of the Cattle Rancher's Fund. As a result, 60 landless families decided to farm it.

In 2014, Irma Lemus, leader of the Peasant Communal Business, Fuerzas Unidas, and vice-coordinator of the Permanent Human Rights Observatory of Aguán, faced trial, along with other peasants, accused of land seizure, cattle theft, and damages against the Cattle Rancher's Fund.

As the Mesoamerican Initiative of Women Human Rights Defenders affirms, women defenders are especially vulnerable to stigmatization and discrimination by the authorities, for the mere fact of being women.

During one of the audiences, the trial judge of Trujillo enquired about her profession, to which Irma replied: 'I am a human rights defender' and he replied in a burlesque manner 'and for this reason you go about seizing land?'³⁵.

In this context of systematic persecution of the organization, Orbelina Flores Hernández has been detained on repeated occasions: in 2010 she was detained along with 40 more people, accused of "seizure", and for this reason was granted protective measures by the IACHR. In March, 2016, during a break-in of her home, the police detained Orbelina and her son, Arly Gredys Flores, her daughter-in-law, Daysi Noemi Madrid and her three-year old grandson who required special care.

Moments later, our defender was freed, but when she went to visit relatives, she was once again detained and referred to the District Attorney's office, because of "land issues" without any formal accusation by the authorities. Since, April, 2016, Orbelina has been confronting a new legal prosecution process for a presumed case of "land seizure".

The Struggles of Former Workers of Cañaverale in Nicaragua: Persecution and Inhumane Treatment of Mariela Lissette Molina Peña

On October 7, 2015, Mariela Lissette Molina Peña was detained after leading a protest of former sugar workers that ended in violent repression. Mariela was working as the secretary of the Board of Directors of the Nueva Esperanza Association, IRC (those affected by Chronic Kidney Infection), who for a decade have been requesting compensation from the Nicaraguan sugar complex, Sugar Estates Ltd., given deterioration to their health caused by exposure to agrochemicals, strenuous working hours, and dehydration during working hours.

After the peaceful protest on October 7, Mariela was detained when visiting a friend's home, accused, along with 15 other people, of the offence of organized crime in association with aggravated theft and damages.

Mariela is currently detained in Legal Aid Offices, 'El Chipote', a police complex that has been scrutinized for the isolation to which detainees are subjected and for human rights violations. Mariela suffers from high blood pressure and she is kept nude in the jail. Her mother is only

³⁵See: "Alternative measures granted to leader of the Human Rights Observatory of Aguán", On-Line Defenders, November 12, 2104.

³⁶See: "My daughter is thin, they leave her in her underwear, December 17, 2015; <http://confidencial.com.ni/mi-hija-esta-delgada-la-dejan-en-ropa-interior/>

allowed to visit her once a week for 20 minutes³⁶. According to the Code of Criminal Procedure, she must be freed or put in the hands of a judge 48 hours after detention. Up to now, she has had a preliminary hearing but no trial has been programmed and the process has not advanced.

The Mesoamerican Initiative of Women Human Rights Defenders has provided accompaniment to the defender, demanding her immediate freedom, protection for her health and physical integrity, full respect for her rights and legal guarantees.

Persecution of Carolina Castillo, Garifuna Defender Faced with the Dispossession of Territory in Honduras

In Honduras, the Garifuna communities of Nueva Armenia have suffered land invasions, promoted, for the most part, by organized crime and perpetrated with impunity, and until now, the competent authorities have not taken the required measures to resolve the conflict in accordance with international human rights standards. Despite the existence of collective titles granted to the communities, ownership is threatened by irregularities committed by the Municipality of Jutiapa and the National Agrarian Institute (INA-Spanish acronym), leading to their dissolution and contravening ILO Convention 169 and the Inter American Convention on Human Rights.

In this context of a strategy of systematic dispossession of the Garifuna people's territory, worsened by the 2009 coup, communities and defenders have been the object of persecution and criminalization. Within this framework, Carolina Castillo, Garifuna, defender of territory, president of the Committee for the Defense of Land in the community of Nueva Armenia, and member of the Honduran Fraternal Organization of Black People (OFRANEH- Spanish acronym), has been subjected to unjustifiable denunciations and death threats. Since May 4, 2016, she has been faced with a new legal process, accused of 'land grabbing'.

Criminalization of Land Struggles in Paraguay What is Happening with Women in Curuguaty? ³⁷

During the event known as the 'Massacre of Curuguaty', June 15, 2012, eleven peasants and six police lost their lives in the midst of a violent eviction carried out against landless peasants who were occupying the Marina Kué property in Curuguaty District in Paraguay. Three days later, 63 peasants were charged, among them individuals who were not present at the eviction, and indeed were outside the country. Later, twelve of them were accused with attempted homicide, criminal association, and invasion of foreign property.

Since the decade of the '70's, the Campos Morombí Company³⁸ has pressured the Paraguayan State to obtain ownership of the Marina Kué property. From 2004, landless peasants have approached authorities and undertaken peaceful occupations, claiming the property as a public good and part of the agrarian reform. The peasants' legitimate claims are encased in a context of historical social inequality and high rates of land concentration. The demands of their struggle are for guarantees to the right to land, labor, housing and food; the inhabitants of the area need to cultivate land to guarantee an adequate food supply and the survival of their traditional peasant ways of life³⁹.

On June 14th, 2012, following a denouncement of land invasion filed by Campos Morombí- despite not having title to the property-, the Criminal Trial Judge of the city of Curuguaty gave the order to take over the property that was already occupied by peasants who were no more than 60 in number. On June 15th, the police proceeded to evict the occupants, sending in more than 300 troops, the majority of whom were armed. After an exchange of words between police and peasants, a first shot rang out and then a gunfight ensued, resulting in eleven peasants and six police dead.

In the Curuguaty case, action by the Paraguayan State indicates multiple irregularities and involvement in severe human rights violations; while implausible official versions against the peasants, accused of hiding and altering evidence, have been filed, without proof. At least seven of the peasant deaths constitute extrajudicial executions since they did not die from stray bullets but from direct impact, as they lay helpless on the ground; the corpses being handed over later in undignified conditions. In addition to the assassinations, inhumane treatment,

³⁷In an annex, an extended version of this case was provided to the Inter American Commission on Human Rights during the period of sessions, No. 156 in October, 2015.

³⁸At the time, Campos Morombí S.A. belonged to Blas N. Riquelme (large landowner, right-hand man of ex-dictator Alfredo Stroessner). The company had purchased thousands of hectares right next to the Marina Kué property and illegally occupied public lands. Later, Campos Morombí alleged having occupied Marina Kué between 1967 and 1999, when the property was being used by the Paraguayan Navy.

³⁹FIAN Internacional and Vía Campesina. *Land and Sovereignty in the Americas: Report No. 6-2014. Agrarian Conflicts and Criminalization of Peasants in Paraguay: The Marina Kué Case and the "Curuguaty Massacre"*.

death threats, persecution, and physical and psychological torture were evident. None of the detained and wounded received adequate medical attention.

Criminalization of peasants' struggles for land by the Paraguayan State is evident. Accusations of crimes of "criminal association" are exclusively related to the fact the peasants belong to a landless peoples' movement, thereby violating their right to free association. The behavior of the authorities throughout the legal process has violated their right to due process, the right to equality before the law, and access to justice⁴⁰. Until now, no member of the security forces has been investigated for the events and no relative of the assassinated peasants has received compensation.

The human rights crisis generated by the massacre led to political destabilization that ended in the destitution of then-President Fernando de Lugo Méndez by impeachment. Because of this, the country's political forces were reconfigured, where once again collusion between the State administrative apparatus and corporate agribusiness interest is evident⁴¹.

Women Defenders Legally Persecuted

Lucía Argüello is a young peasant girl whose brother was extrajudicially executed in Marina Kué. After suffering a wound in her leg, for protecting a young boy from a bullet during the massacre, she was taken to the Penitentiary, without receiving any medical attention. Days later, it became necessary to extract the bullet from her leg with a razor blade. In September, 2012, she was the only woman to become involved in the 59-day hunger strike, undertaken mainly to obtain freedom for two of her imprisoned sisters who were pregnant.

Dolores López and Fani Olmedo were captured during the massacre as they attempted to leave the property to save their lives. They were caught by surprise by two police dressed in civilian clothes who grabbed them violently. During their prison stay, they end up pregnant and for this reason, are stigmatized by the security guards. Their transfer to house arrest in order to give birth was a result of the hunger strike and the pressure and solidarity of human rights organizations.

Raquel Villaba is a minor and was carrying her two-month old baby in her arms when she was captured. She was accused of 'criminal association'

⁴⁰ *Ibid*

⁴¹ *Ibid*

for carrying out logistics chores, such as food provision for the peasants involved in the occupation. Due to intervention by the Ombudsman's office she was placed under house arrest from the beginning. Raquel refused to become involved in summary proceedings, since this would imply accepting charges in order to receive a reduced sentence. Besides, she was pressured by the attorney Jalil Ranchid to declare against Rubén Villalba, her partner and father of her son, who has been the main person accused in the case because of his being one of the most visible leaders of the landless peasant movement.

In addition to Lucía, Fani, Dolores, and Raquel, there are many more women who are charged and who currently live in a situation of permanent insecurity; their freedom is restricted since they can't go out, move around, get health care, work, nor go about their daily activities for fear of being captured. One of the most tragic cases is that of a woman who was in quite delicate health; for fear of being detained, she could not get to health services opportunistically and now has terminal phase cancer.

Other women have been legally persecuted for actions subsequent to the massacre, which do not correspond to punishable offenses, but rather to the legitimate exercise of the right to protest and freedom of expression. Martina Paredes, member of the Landless Commission and the Victims' Commission, who lost two brothers during the massacre, was accused in 2013 of criminal association and invasion of foreign property due to her participation in demonstrations on the borders of the property and occupation of the property, by sowing crops.

Discrimination and Violences against Women during the Trial

During their time in jail, the women were victims of other discriminatory acts by the security guards. They were the object of mockery and verbal violence by the guards when they requested to be with their partners. One of them was sexually harassed by one of the guards during her detention, a situation that was duly denounced by her and her mother. However, the only witness of these aggressions was bought off by the guard and he finally withdrew his testimony.

The four women under criminal investigation currently remain under house arrest in absolutely inhumane conditions. Besides the precariousness resulting from historic exclusion and marginalization

of peasant communities, their legal situation prevents them from undertaking income-generation activities outside their homes, and as a result, they don't have sufficient resources to sustain themselves. This is aggravated by the disequilibrium caused by the loss of their comrades and relatives, who contributed economically to the maintenance of their homes.

Their mental, physical, and emotional health has deteriorated due to attacks suffered during detention and their stay in jail. The psychological effects, resulting from the assassination of relatives and comrades, together with the persecution they have been subjected to, prevents their recovery. Lucía Argüello suffers long-term physical and psychological damage from the hunger-strike period; some family members claim that she has a mental disorder and insist in keeping her away from her two children, which, for her and her children, has been incredibly painful. In the case of Raquel, until now, her baby has suffered respiratory complications as a result of the clouds of dust and the gunpowder to which he was exposed during the massacre.

As the accused women and accompanying organizations argue, women's participation in land struggles has been historically delegitimized by the Paraguayan authorities. In the particular case of Curuguaty, they have insisted that women were 'manipulated' and 'used' by male peasants in order to trick the police and undertake the ambush that ended in the massacre. In affirming they were present against their will is to make them invisible as political actors and subjects of agrarian reform, thereby perpetuating discriminatory discourse that attempts to justify the lack of guarantees for women's access to land and the systematic violation of their rights.

In Raquel Villaba's case, discriminatory and stereotyped action on the part of the Public Ministry has been manifest, and she has been signaled out and pursued for being the partner of Rubén Villaba, concerting her into 'the spoils of war'. Criminalization is carried out in order to weaken one of the most visible leaders of the peasant movement.

Update 2016

A Trial of Many Contradictions

The trial is at the witness stage in the city of Asunción. Currently, defense of the accused is in the hands of a group of six lawyers working pro bono, after the assigned lawyers were disqualified due to a lack of communication and rumors of political manipulation. All witnesses presented by the Public Prosecutor are State officials: police of all ranks, expert witnesses from the public ministry, public officials⁴² ; many of those summoned and did not appear.

During one of the trial sessions, Dolores López requested to use the washroom for which she was granted two minutes, a ridiculous amount of time given the closest was 100 meters away and that she suffered from a leg injury, making walking difficult. As a result of this incident, the court was challenged on the basis of discrimination, manifest hate, and humiliation. The challenge has been repeated on more than 20 occasions during the trial that has been underway since July, 2015, but no change having been realized.

The prosecution process continues, insisting that unarmed police responded to the eviction and that they were victims of an ambush planned by the peasants, facts that have been disputed by members of the police force themselves, who insist that this type of specialized troops never move about unarmed⁴³ . The assassination of the eleven peasants is not being investigated; neither is the plantation of illicit crops in the area close to the Marina Kué property.

Approval by the Paraguayan Senate of a supposed donation of 1,780 of the 2,200 hectares of the Marina Kué property by the Campos Morombí company to the Paraguayan State, supposedly for the fraudulent constitution of the Yberá Natural and Scientific Reserve, is terribly worrying⁴⁴. Clearly, this reserve is illegal since the company never had ownership of the property. For the accused men and women and the accompanying organizations, this donation is a seal of impunity in the case of the Curuguaty Massacre.

Current Situation of the Legally-Prosecuted Women

During the prosecuted women's period of house arrest, they managed to survive, thanks to support from organizations like CONAMURI and individuals who provided a place to live and to sell combustibles. The current conditions for Dolores⁴⁵ , Fani, and Lucía are quite tragic since they had to abandon what

⁴²During investigation of the case, the Public Prosecutor did not investigate the facts, simply hiding photographs, videos, x-rays, automatic bullet caps, and testimonies, that contradicted the theory of peasant guilt. <https://absolucionya.wordpress.com/2016/03/09/acusacion-fiscal-caso-masacre-curuguay-marina-cue/>

⁴³At least 30 members of tactical forces (FOPE, GOE, GEO, and the Specialized Force) carried automatic assault rifles. Police members who participated in the process declared they received shots from this type of weapon, a fact confirmed by the forensic Irala of Curuguaty. However, the Public Prosecutor's office only found five homemade pellet shotguns among the peasants, used for hunting, and a revolver.

⁴⁴See: "Paraguay: Massacre of Curuguaty. Repudiate Senate approval of "donation" of Morombí lands. Challenge to attorneys for outright partiality". *Resumen Latinoamericano*, November, 2015.

they had recovered up to this point in order to settle into a shelter in the city of Asunción during the trial. They have been able to maintain themselves thanks to donations but they have not been able to provide for their families.

Both Dolores and Fani lost custody of their children due to legal proceedings, however, they were able to see them sporadically; however, today they are severely affected by the recent separation due to transfer to the city. Lucía Argüello is still suffering from the aftermath of the hunger strike, including the loss of 20 kilos. Her two children are with her mother and show signs of health and learning problems, and have not received adequate medical and psychological help.

⁴⁵ Her partner, Luis Olmedo, was also charged and severely beaten in the police station for which he presented a formal complaint for torture and inhumane treatment.

⁴⁶ Margaret Sekaggya, *Special Rapporteur on the Situation of Human Rights Defenders*; Report: A/HRC/22/47/Add., of December 13, 2012. Par. 113

Prosecution operates as a form of social disciplining. The cases mentioned above have in common that:- i) they took place in contexts of social mobilization or protest; ii) they focus on individuals with a certain degree of visibility or leadership in the community or organization; iii) they send the signal that to mobilize for rights is a criminal act; iv) they involve great personal cost for the victims: interruption of life projects and family and community relationships, the use of hard to-come-by economic resources to cover legal defense costs, uncertainty about the future, deprivation of various rights, and humiliation at being exposed to the mass media as criminals; v) the end result favors the imposition of an industry or the interests of a specific company directly, to the detriment of organizational unity in the communities; and vi) the independence of the justice system is compromised when cases turn into a media façade, while this out-of-court level goes unrecognized, and the principle of the presumption of innocence is annulled.

Specifically, for women, prosecution undermines their possibilities to exist as subjects of rights in public life and to participate in decisions related to their territories, the environment, and the conditions for the physical and cultural survival of their peoples.

2.2 Stigmatization

Stigmatization is directly linked to the intention of undermining legitimacy for the defense of human rights, territory, the environment, and nature, as well as pointing to and undercutting the public image of specific defenders. It takes place “in the mass media and (in) declarations by public officials with the goal of decreasing defenders’ legitimacy⁴⁶”.

In the first case, “the mass media plays a crucial role in representing perceptions about the work of human rights defenders and their struggles for justice (...)

If media reports continue to depict defenders as a threat to public order rather than actors for the creation of conditions to diffuse social conflict, it will become more difficult to ensure protection of their lives and physical integrity⁴⁷, as Hina Jilani stated so well.

From what is broadcast in the mass media, whose interests are nearly always aligned with those of extractive industries, workers repeat the same messages as do community members who feel empowered to attack women and their families in a variety of ways.

In certain contexts, the declarations of public officials can constitute “forms of direct or indirect inherence, or adverse pressure, on the rights of individuals to contribute to public debate through the expression and dissemination of their ideas⁴⁸”. The Constitutional Court of Colombia determined, for example, in a legal protection action, which had originated in Presidential discourse against human rights defenders, that given his role in the direction of State affairs, his declarations must comply with the Constitution, and as such are not absolutely free.

According to this Court, in the case of high senior officials, “their communication with the Nation must contribute to the defense of the fundamental rights of citizens, especially those who merit special protection⁴⁹”, The principle of not exacerbating “the level of exposure to risk” to which activists are subjected by virtue of their work, must be observed.

Similarly, the United Nations General Assembly has recognized that women human rights defenders “can experience gender-based violence, rape and other forms of sexual violence, harassment and verbal abuse, and attacks on reputation, on-line and off-line, by State actors, including law-enforcement personnel and security forces, and non-State actors, such as those related to family and community, in both public and private sphere⁵⁰”.

With respect to women defenders of territorial and environmental rights, animosity towards activism on these issues is linked to gender-based violence. This has encouraged international entities to comment and make recommendations, among them:

- In cases of government advertising, its objective should be “to satisfy the legitimate aims of the State and it should not be used for discriminatory purposes, (or) to violate the human rights of citizens⁵¹”
- States must, at all levels of state activity and in all spheres of power-executive, legislative, or judicial- recognize the role of human rights defenders in guaranteeing democracy and the rule of law⁵² and the legitimacy of defending human rights⁵³. Therefore, public officials must

⁴⁷Hina Jilani, *Special Representative of the Secretary General for the Situation of Human Rights Defenders. Report A/HRC/4/37/Add.2 of December 19, 2006. Visit to Brazil. Par. 79.*

⁴⁸IAHR Court. *Case of Ríos and others Vs. Venezuela. Preliminary Exceptions, Funds, Reparations, and Costs. Sentence 28 of January, 2009. Series C, No. 195, párr. 151. Translation by the author.*

⁴⁹Sentence T-1191 de 2004. M.P

⁵⁰United Nations General Assembly. *Resolution 68/181 of January 30, 2014.*

⁵¹IACHR. *Principles on the regulation of government advertising and freedom of expression. March 7. 2011. Par. 42*

abstain from “making declarations that stigmatize defenders or that suggest that human rights organizations behave in an improper or illegal manner, only by the fact of undertaking their work in the promotion or protection of human rights⁵⁴” And in the case of women, specific measures must be put in place “for the purpose of promoting recognition of the importance of their role in the movement for the defense of human rights⁵⁵”

- Public recognition of the “important and legitimate role that women human rights defenders, and defenders of the rights of women, play, is fundamental in the promotion and protection of human rights, democracy, the rule of law and development⁵⁶”.
- “Defending human rights is not only a legitimate and honorable activity, but a right in itself , and implies the corresponding obligation to “publicly acknowledge the particular and significant role played by women human rights defenders” in the construction of democracy⁵⁸.

⁵²IACHR, 2006. Párr. 342-1 y 2012. Párrs. 541-4 a7.

⁵³Ibídem, párr. 342-2

⁵⁴Ibídem, párr. 342-10.

⁵⁵Ibídem, párr. 7.

⁵⁶United Nations General Assembly. Resolution 68/181 of January 30, 2014. Protection of women human rights defenders and defenders of women's rights.

⁵⁷Margaret Sekaggy, Special Rapporteur on the situation of human rights defenders. Report: A/HRC/25/55 Par. 128.

⁵⁸Ibídem, párr. 131.

Despite the existence of these recommendations, cases in which the stigmatization of women activists is used as a tool for neutralizing the collective exercise of rights linked to territory, continue to multiply in the region. Below we will present two emblematic cases that reflect this second pattern of criminalization, from Ecuador and Peru:

Exploitation of Hydrocarbons in Protected Areas and the Media Lynching of Esperanza Martínez

Esperanza Martínez is an ecologist, well known for her work endorsing the recognition of nature as a subject of rights, for her promotion of community rights in contexts of environmental aggression, for initiatives to keep petroleum underground, and for promoting mechanisms of constitutional participation, such as popular consultations, especially for prohibiting the exploitation of hydrocarbons in Yasuní National Park.

Since the time of her participation as a consultant to the process of the National Constituent Assembly, she became the object of comments and of hostile private and public attacks by the highest officials of the Executive, and especially by the President of the Republic.

On several national channels during Saturday broadcasts, the President alluded to her using several hateful phrases and insults such as ‘infantile ecologist’, ‘fundamentalist’, ‘árgolla’ or ‘tranquera’, putting her on public display as an enemy of his political project. In one of the most recent episodes, after several non-governmental sources identified the construction of a highway in the Yasuni Park using satellite images, and which Martínez denounced, the Vice President of the country publicly named her “liar of the year”.

Since dialogue between civil society organizations and the national government has come to a halt in recent years- due to hostility towards the former and to constant attacks which have been described as veritable “lynching spectacles”- and given that neither justice officials nor the Ombudsman’s office show any signs of commitment to clarifying the attacks of which human rights defenders in the country are victims, the activist had to respond to the insults and the ensuing pressure through open letters⁵⁹.

Other epithets against the ecologist, closely linked to the fact she is a woman, have circulated on social media, such as “witch with 37 cats”. Emails entitled “Yasunidos attacked by Esperanza Martínez’s porn video” were received by family members, among others. Moreover, billboards have appeared along the highways which read “indeed, responsible mining exists, the ONG does not pay my salary”.

Far from alleviating the situation, or correcting the insults, the institutional response has been based in attempts to close the organization where she has worked for 25 years- Ecological Action (Acción Ecológica)-, through intelligence activities of an offensive nature, through the elaboration of organigrams by intelligence police where she is presented as a delinquent along with other members of the Yasunidos movement, and by new taunts and ugly discourses⁶⁰.

⁵⁹See for example: Letter from Esperanza Martínez to Rafael Correa, January 2010. At: <http://www.accionecologica.org/accion-ecologica-opina/1196-carta-de-esperanza-martinez-a-rafael-correa> and letter from Esperanza Martínez to Jorge Glas, July, 2104. At. <http://lalineadefuego.info/2014/07/04/9658/>

⁶⁰Such as when the country’s Vice President indicated he would send her a ruler so “she could learn to measure” (the highway she denounced for the Yasuní Park). See: Vice-President Glas sends a ruler to Esperanza Martínez in response to her letter. In Ecuador Inmediato, July, 2014. At: http://ecuadorinmediato.com/index.php?module=Noticias&func=news_user_view&id=2818765682&umt=vicepresidente_glas_envia_un_metro_a_esperanza_martinez_en_respuesta_a_carta. Be aware that that the activist travelled to the Park to verify the dimensions of the highway; however, the Army stopped her.

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Hydrocarbon Exploitation in Protected Areas and the Media Lynching of Esperanza Martínez

⁶¹See: *Yasunidos protest the initiation of oil drilling in the Tiputini*, *La Hora Nacional*, April 2, 2016.

⁶²See *Acción Ecológica's declaration on Exploration in the Yasuní: Imposition Strategies vs. Resistance Strategies*.

⁶³*Ibid*

At the end of March, 2016, the State-owned company, Petroamazonas, announced the drilling of its first well in the platform known as Tiputini C in the protected area of the National Yasuní ITT National Park, in the Ecuadorean Amazon. According to the Ministry of Industries, the perforation is located outside the Yasuní Park and that 'environmentally-friendly' technologies have been used in compliance with the license granted by the Ministry of the Environment.

However, the Yasunidx Collective fears exploration will be extended to the Ishpingo and Tambococha Platforms, thereby devastating a world-renown territory for its extensive biodiversity and where indigenous peoples live in voluntary isolation. Yasunidx warns the government has concocted a false appearance of legality around oil exploitation in the Yasuní⁶¹.

At the same time, Acción Ecológica (Ecological Action) affirms that, as part of its strategic discourse, the government has applied measures in a 'gradual' manner in order to ensure progressive acceptance of exploitation in the Park: "first a license of doubtful legality, then a roadway within the Park, next the pipes, the thermoelectric plant, an oil corridor, leaving everything ready for exploitation to take off more quickly and with less visibility". For this reason, they organized a demonstration on April 2 in the north of Quito to make their discontent known.

Stigmatization of defenders of the rights of Nature persists as a strategy for 'disciplining and controlling', a strategy which censures, disqualifies, and prosecutes people and organizations who disapprove of national extractivist policies. In this context, Esperanza Martínez- member of Acción Ecológica and Yasunidxs- continues to be harassed by the Ecuadorean State.

During the week that initiation of perforation was announced, Esperanza was surveilled from an armored police van parked in front of her house. Later, this van moved a block away and surveilled her for another week. According to the defender, the earthquake that recently affected the country turned attention away from controversial issues and produced a paralysis of certain projects. However, the organizations remain in alert.

Despite de-legitimization and intimidation by the Ecuadorean State- whose environmental policies contradict the principles of Healthy Living enshrined in the Constitution-, social movements have strengthened their discourse and analysis in order to continue defending human rights and Nature. Through creative communication initiatives and the permanent demand for a popular consultation⁶⁴, the Yasuní has become a national and international emblem in favor of conservation vs. the destruction of life.

The Río Blanco Mining Project in Peru and the Stigma against Women Who Protect the Highlands

In August, 2005, during a five-day, non-violent march, Cleofo Neyra and Elizabeth Cunya, members of the Association of Women Who Protect the Highlands- AMUPPA (for acronym in Spanish) and members of the Ñangali community located at 2,250 meters above sea level in the area of the Huancabamba cloud forest in Piura, northern Peru, were kidnapped along with 26 demonstrators, by the Río Blanco security forces.

Being the only women in the group, they were kept half naked in a small bathroom with black plastic bags over their heads, and their feet and hands tied. Both women remember receiving permanent threats of rape and sexual harassment. “We had neither food nor water. They beat us constantly with their fists and boots. All of them took pleasure in squeezing my breasts with such force that I thought I would faint. They threatened us all the time with rape, while they talked about their fantasies of what they would do with us”, revealed Cleofe Neyra.

Cleofe and Elizabeth received indemnization in an out-of-court settlement with the company and from that moment on, their lives deteriorated significantly. Cleofe’s and Elizabeth’s reputation was destroyed, while community members blamed them for the sexual abuse as being the result of their wanting to participate in the demonstrations. They are treated like “dirty women” resulting in the distancing of friends and family members. Both Cleofe and Elizabeth

⁶⁴For a detailed account of government fraud in collecting signatures for a popular consultation on oil exploitation in the Yasuní, see: RUALES, Gabriela. *The Yasuní: A Seedbed for Creating Other Ways of Defending Life* (“Un semillero de creación de otras formas de defender la Vida”). In: *Women Defending Territory. Experiences of Participation in Latin America* (“Mujeres Defendiendo el Territorio. Experiencias de Participación en América Latina”). Urgent Action Fund of Latin America and the Caribbean, 2015. Available at: www.fondoaccionurgente.org.co

⁶⁵*Observatory of Mining Conflicts in Latin America. See: www.conflictosmineros.net*

have been isolated from the community. The constant defamation and discrimination spread by radio and community leaders (who have relationships with the mine) is what incites, provokes, and feeds violations against them.

From the time of this episode, women belonging to AMUPPA and their families have received death threats, and on several occasions, intentions of sexual violation have been affirmed. Some of the daily insults include: “stupid, repugnant old ladies- what do you know about rights, get to cooking and sweeping your houses”; “bitch of shit, we are going to rape you and cut you in to pieces”; “real women go back home, they don’t go on with this”; “shameless thief, give back the money you got from the mine or if not, better we get rid of you”; “traitors, repugnant old ladies, assassins, give back the money you received from the mine or you will see what happens”; “let’s see who is going to save you when we get hold of you”; “if you keep screwing around against the mine, we are going to mess you up, unfortunate one”; “watch out bitch, salt to snare you like we did in Río Blanco.....”.

With stones, sticks, and shouts, on the road home or to town; by phone or in person, the daily life of these women is one of permanent threats, with no effective protective action taken by any public authority.

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Río Blanco Mining Project, Peru, and the Stigma against Women Who Protect the Highlands

Located in Piura, 50 meters from the Ecuadorean border, the Río Blanco copper extraction project has been a source of conflict since the initiation of exploration in the decade of the 2000’s. Imposition of the project, without local peasant community approval, has led to death, injury, arbitrary detention, and lawsuits against several peasants⁶⁵.

After a long period of suspension, the company once again took up exploration activities.

In the midst of incessant conflict generated by the Company, defenders belonging to the Association of Women Who Protect the Highlands and Watersheds of Peru, AMUPPA (Spanish acronym), continue to be stigmatized and threatened by those in favor of mining; verbal attacks once again revealing gender-based discrimination that condemns women's participation in defense of the environment.

In January, 2016, Pastora García from the hamlet of Locupe Alto was insulted and threatened by two unknown men who told her: "miserable bitch, get to work and make your husband happy, instead of muddling in nonsense...", "what makes you a defender of water, of animals...?" Stupid bitch, stay away or you will be sorry...". In the same Hamlet, on April 17, Ismena Pusma, Nivia Lizana, Angélica Maticorena, Reina Peña, and Jesús Acha, who were watering their family plots⁶⁶ were threatened by Pascual Neyra Rosillo and an unknown individual who told them "eat crap...although you plant what you want, the mine is going ahead, whether you like it or not..... and we want to see you there to beat you up...".

A week later, Ismena Pusma was verbally attacked in her home by Rogelio Peña, who, in a drunken state, told her "bloody thieves, you are deceiving people with your defense of the highlands and you are getting rich ;thieves and enemies of the community!".

At the same time, violences against Cleofe Neyra persist. In May, 2016, Cleofe was threatened by telephone with the words: "we are following you in one of these goddamn stupid meetings you have; we'll get hold of you and get rid of your desire to keep fighting...ha, ha, ha".

We are concerned with how stigmatization and bullying have extended to girls in the community: on March 22, 13 year-old Kelly Peña Ojeda, when leaving her school, was insulted by two boys who told her: "you are an enemy of the hamlet. Your family doesn't allow our parents to work in peace in the mine, we don't want you in the school....idiot girl".

Despite constant intimidation, AMUPPA members persist in their protection of territory rights and the rights of communities, having being recognized in 2015 with the '2015 Award for Rural Women's Creativity', granted by the Women's World Summit Foundation (WWSF)⁶⁷.

⁶⁶Traditional organic family plot

⁶⁷See: Unión Latinoamericana de Mujeres ULAM
<http://redulam.org/peru/amuppa-a-recibir-premio-internacional/>

In the cases described, stigmatization is used to denigrate women and to damage them psychologically, physically, emotionally, and sexually, reinforcing mistaken perceptions in their family, community, organizational, and social milieus. The result is that their work as protagonists in the public sphere and as defenders of environmental and territorial rights, is made more difficult, and in many cases, annulled.

Smear campaigns against activists is grounded in promoting suspicion around their sexual morality, while insidious and ill-intentioned comments, and insulting and prejudiced messages place women in a situation of vulnerability in terms of their emotional and physical integrity. This results in shortening the distance between animosity and the license to threaten, attack and even assassinate women activists.

2.3 Harassment

In the context of their activism to defend territory and nature, women are also victims of different types of harassment, exercised by public, military, and civilian officials, as well as by company workers and representatives.

Such harassment responds to the abuse of power, and can include anything from subtle forms of undermining women's lives in their territories through insults, acts of daily-life apartheid, spreading gossip and rumors, and including offensive intelligence activities⁶⁸, and even attacks against their physical integrity.

For example, Margaret Sekaggya confirmed the conduct of security guards, contracted by companies in the extractive sector, in all types of harassment against defenders of land and natural resources, uncovering their complicities in violations against defenders⁶⁹.

As the Honorable Commission has recognized, in contexts where legal protection is weak or non-existent- as is the case of communities in contexts of extractive projects-, there are "sectors of society that are unable to access other channels for denouncing or petitioning, including the traditional press or right to petition mechanisms within State entities where the very object of the petition originated⁷⁰", They therefore revert to protest to bring violations to the fore and to demand their rights.

In contexts of public demonstrations, acts of harassment are more conspicuous, both for the excessive use of force by authorities, and because of intelligence activities. In the specific case of women activists, the United Nations General Assembly has indicated that "censure and hacking of email accounts, mobile phones, and other electronic devices with a view to discrediting them and/or inciting other violations and abuses against them, are a growing concern and

⁶⁸A term, which in the Colombian context defined the behavior of the Administrative Department of Security- DAS (Spanish acronym)-against human rights defenders, consisting of "campaigns of disinformation, of smearing opponents, creating specialized espionage groups, and intelligence networks, or of informants, infiltrations, monitoring, illegal interceptions, and psychological warfare for the purpose of intimidation". Corporación Jurídica Libertad, 2009. At: <http://www.cjlibertad.org/files/INTELIGENCIA%20OFENSIVA.pdf>. Psychological intimidation within this gamut of strategies is directed specifically at destroying the activists' social, family and organizational networks.

⁶⁹ Report A/HRC/25/55 Par. 105.

⁷⁰IACHR, Annual Report 2005. Chapter V. Public Demonstrations as an Exercise of Freedom of Expression and Freedom of Assembly.

can be a manifestation of systemic gender discrimination, requiring effective responses compliant with human rights⁷¹.

The situation is exacerbated when women become the victims of retaliations after filing complaints about the different types of attacks they have experienced. Michel Frost, current Special Rapporteur on the Situation of Human Rights Defenders, has taken up this issue- “such attacks may take diverse forms: personal threats or threats against members of the defenders’ families, smear campaigns, death threats, physical attacks, kidnapping, judicial harassment, murder, and other forms of police harassment and intimidation”⁷².

This has encouraged international bodies to elaborate comments and issue recommendations to States, among which the following deserve attention:

- Review of existing mechanisms for the monitoring and accountability of the State security apparatus, particularly the military police, is recommended. There is a general lack of confidence in the competence, vigilance, and independence of existing mechanisms for this purpose⁷³.
- The IACHR has urged States to adopt effective strategies to prevent attacks against defenders⁷⁴, to protect their lives and integrity when threatened⁷⁵ and to investigate, process, and sanction those involved in acts of violence against them⁷⁶ so that impunity surrounding the attacks does not become an incentive for further violence⁷⁷ special attention has been requested for women defenders “whenever they run the risk of being attacked, using specific, gender-based mechanisms⁷⁸”. The IACHR has also called for a revision of the principles of intelligence activities directed against defenders, as well as of the procedures⁷⁹. EWith regard to organizations, the IACHR has recommended that States ensure that regulations do not hinder their work⁸⁰ or restrict their operations⁸¹.

Despite these recommendations, women have been victims of multiple forms of harassment, as can be seen in cases we have identified from Peru, Argentina, and Honduras:

⁷¹Resolution 68/181 of January 30, 2014. *Protecting Women Human Rights Defenders and Defenders of Women’s Rights*

⁷²Informe A/HRC/28/63 del 29 de diciembre de 2014.

⁷³Hina Jilani. Informe A/HRC/4/37/Add.2 del 19 de diciembre de 2006. *Visita a Brasil. Párr. 105. La traducción es propia.*

⁷⁴IACHR, 2006. Párr. 342-5 y 2012. Párr. 541-9

⁷⁵IACHR, 2006. Párr. 342-6

⁷⁶Ibíd. Párr.342-9

⁷⁷Ibíd. párr.342-21 y también, 2012. Párr. 541-22.

⁷⁸IACHR, 2006. Párr. 342-7

⁷⁹Ibíd. párr. 342-14 y también 2012. Párr. 541-16

⁸⁰IACHR, 2006. Párr. 342-16

⁸¹Ibíd. párr. 342-17 y también 2012. Párrs. 541-18 a 20.

Mining in Peru and the Harassment of Máxima Acuña and Mirtha Vásquez

Máxima Acuña de Chaupe is one of the emblematic women leaders involved in resistance against the Conga Mining Project (Cajamarca). After the Yanacocha Mining Company beat her and destroyed her home in August, 2011, she was accused of aggravated theft by the company. The complaint, after a long process, was dismissed and filed during an appeal to the Superior Court of Cajamarca. The company presented an appeal before the Supreme Court for a judicial review, and at the same time, introduced another eight complaints against Máxima and her family.

After fencing off the entire surface of the land bordering on hers, they remain trapped in the plot under dispute, and are prohibited access to their ancestral roads. Company officials present a civil lawsuit for ownership of the land and the judge who hears the case admits precautionary measures, denying Máxima “any type of activity” on the land, including planting and harvesting. As her lawyer, Mirtha Vásquez, argues “as a consequence of this struggle they are reduced to a life of near misery, due to the hostilities of the company:- legal processes, threats, physical attacks, and restrictions to cultivate what they require for their own subsistence”.

Mirtha Vásquez, director of GRUFIDES, an institution that has been working for the rights of peasants threatened by extractive companies in the area of Cajamarca, Peru since 2001, has also been threatened, harassed, and spied upon by the Yanacocha security company (Yanacocha operates the Conga Mines) in an espionage operation denounced by La República newspaper in 2006. Once again she is being harassed, including approaches by the police (PNP) to her young children (4 and 2 respectively) and forced searches of her home.

Mirtha Vásquez and Máxima Acuña de Chaupe were granted precautionary measures by the IACHR. In the case of the former, the Peruvian government provided a police escort “to accompany her” in her daily activities in Cajamarca. In the case of Máxima Acuña de Chaupe, the public prosecutor, Luis Huerta, still refuses the requested precautionary measures by the Peruvian State.

The case of Máxima exposes an amalgam of judicial forms of neutralization as well as diverse forms of harassment: her house has been destroyed, some of her animals have been killed, among them, her dog. Her household items (beds, clothing, and kitchen utensils) have been confiscated, her crops destroyed, and the security company has prevented her from transporting food. In the community she is presented as the person who stops the company from contracting workers and she is forbidden a seat in the local bus that transports people from her community, “because she has problems with the company”. She has received threatening phone calls telling her “to leave your property or they will kill you”; during the house searches, officials laughed at her and insulted her. Her family has also suffered verbal ill-treatment and threats at the hands of the police and mine workers.

Update 2016

Mining in Perú and harassment to Máxima Acuña and a Mirtha Vásquez

In the Peasant Community of Sorochuco, the gold-mining project, ‘Conga de la Minera Yanacocha’ - whose investors are: Newmont (51.35%), Buenaventura (43.65%), and the World Bank’s International Financial Corporation (5%)-dried up four lakes, five rivers, and more than 700 springs, and which would leave other irreversible impacts, placing native peoples’ subsistence in Celendín, Bambamarca, and Cajamarca at risk. Dispossession of territory caused by these projects has been possible thanks to the Peruvian State’s progressive easing of indigenous peoples’ territorial rights, which promotes land expropriation in favor mining companies. In addition, legislation, which does not comply with international standards, such as the Law of Prior Consultation, Law No. 29785, has been enacted.

In this context, Máxima Acuña de Chaupe, winner of the 2016 Goldman Award, represents the resistance of many indigenous peoples, and especially indigenous women faced with the violent imposition of extractive megaprojects by companies operating with the complicity of the Peruvian State. In order to neutralize her unshakeable struggle, the Yanacocha Mining Company has deployed a repertoire of harassment techniques against her

and her family, which continue to persist and indeed have become more intense since the period included in the first version of this report. However, the Peruvian State continues to ignore the Precautionary Measures granted in May, 2014 by the IACHR, and up to now, has not implemented any mechanism to guarantee her life and integrity, nor that of any other beneficiary of these measures.

The documented events of October of last year, plus those reported this year, reveal the terrible cruelty of the Yanacocha Mining Company. So far in 2016, company workers and security personal repeatedly invaded her property, destroying crops and possessions, and rounding up and threatening her son, Daniel Chaupe. In January, 2016, the family dog, 'Cholo,' appeared with a deep neck wound; a month afterwards, in another onslaught by the company on the Chaupe family's property, workers told Daniel: "you see what we did to your dog, now with your crops, tomorrow it will be your turn". Daniel has publicly denounced these happenings, directly naming Jhonny Mendoza, head of security, as the responsible agent.

Besides the cruelty, we are warning about the unprecedented use of technologies for stalking and constant vigilance of defenders and their families. Since the middle of January, 2016, the Yanacocha Mining Company has sent drones to overfly the Chaupe family property, with the goal of spying on the family's activities. These fly-overs are carried out every few hours, during the morning, at mid-day, and in the afternoon. In addition, communication equipment with a video-security camera, and an internet antenna for transmitting to their operations center in real time everything that happens in the Máxima Acuña home, has been installed.

In April, 2016, the Mixed Jurisdiction Court revoked the precautionary measure granted by the Judiciary in favor of the Yanacocha Mining Company that forbade Máxima and her family from cultivating their own land and which allowed the Company to enter her property and destroy everything in its path. Likewise, on May 1, 2016, the Judge of Celendín, Edith Cabanillas, ordered the withdrawal of the communication system installed by the company to harass the family.

Currently, Máxima and her family fear retaliations the company might take against them in the future, after having won these two legal cases. Therefore, she denounced that it is no coincidence that two days before the withdrawal of the Precautionary Measure favoring Yanacocha, her husband, Jaime Chaupe, suffered an attempt to his life and integrity by fire-arm on his own property. On this occasion, the police took charge of the crime scene and they merely sought evidence of the shots fired.

After 20 minutes and finding nothing, they withdrew, without taking any preventative measure to protect Jaime Chaupe. This negligence and partiality on the part of the police and the authorities has been a constant in the case of criminalization and harassment against the family⁸².

In April, Máxima won the 2016 Goldman Award, and faced with this, the manager of Yanacocha Mining Company, Javier Velarde, came out complaining that he had never been contacted by the Goldman Foundation to give his version of the conflict, and that “public opinion deserves complete information”⁸³. This recognition of Máxima’s brave and emblematic struggle has infuriated the company, leading to new threats; recently, she and other family members have been told that “something is going to happen to you” as a result of their defense activity and for having won the award, since, “it is your fault the mine cannot operate”.

Currently, Máxima suffers from severe health problems that cause fainting, loss of consciousness, and convulsions. Due to the intense stigmatization of her struggle, her family must refrain from taking her to the Cajamarca Hospital for fear of attempts on her life. However, she remains committed to her resistance and exclaims to the world “I defend earth and water because this is life; I am not afraid of the power of the companies”⁸⁴.

Genetically Modified Mono-Cropping in Argentina and the Case of the Mothers of Ituzaingó

The organization, Mothers of Ituzaingó, appears in 2002 to publicize environmental and health problems caused by fumigations with glyphosate in the Ituzaingó Annex Neighborhood in the province of Córdoba, Argentina. Later, they become part of the organizational process of the Assembly of Neighbors of the Malvinas, Struggle for Life (Lucha por la Vida), established to stop the construction of a Monsanto processing plant in Malvinas Argentinas due to the environmental contamination and negative effects on the community that such an installation would cause. Sofía Gatica emerges as the emblematic figure for the legal enforceability of rights against soya mono-cropping, and for which she received the Goldman Prize in 2012.

⁸²This event was publicly denounced by Máxima. See <https://www.youtube.com/watch?v=PmmZyvZ2ths>; <https://redaccion.lamula.pe/2016/04/24/urgente-maxima-acuna-denuncia-nuevo-ataque-en-contra-de-su-familia/jorgepaucar>

⁸³See: “Yanacocha: Goldman Foundation did not contact us before giving the prize to Máxima Acuña. LaMula.pe; April 21, 2106. <https://redaccion.lamula.pe/2016/04/27/yanacocha-fundacion-goldman-no-nos-contacto-antes-de-otorgar-premio-a-maxima-acuna/redaccionmulera>

⁸⁴Words exclaimed by Máxima during the ceremony where she received the 2016 Goldman Award.

During public hearings and the filing of complaints regarding the negative health effects and environmental contamination caused by the fumigations, Sofía Gatica and the Mothers of Ituzaingó were called “mad women” and “liars” and other degrading verbal epithets by public officials and by community members who agree with the project. Specifically, Sofía Gatica was called a “gringa revolutionary” and “terrorist”.

In 2002, in the context of protests against the fumigations, they were threatened by the fumigators, who “were waiting for them with machetes, and they dropped their pants”, and threw their fumigation machines at them to scare them and to get around their blockades. Later, in the context of “camping out” to block the installation of Monsanto’s processing plant in Malvinas, Sofía and the Mothers were victims of excessive force by public officials, and suffered major health consequences.

In 2013, when Sofía Gatica was on her way to work, she was followed by an unknown individual. On public transport, he threatened her with a fire-arm and said that “he would blow her brains all over the Malvinas Argentinas if she didn’t abandon the struggle against Monsanto”. In another occasion, she was followed by two individuals “(...) one threw himself on top of me, pushed me to the ground, and kicked the life out of me. The other one got down and began to pull me by my hair. I screamed a great deal and just then a passing car stopped to help me. With this, the guys started their motorbike and escaped (...)”.

She has also received threats in her home: her dog was killed with a fire-arm, her children have been robbed and assaulted, and there was an attempt to burn down her house. In September, 2015, she was once again threatened and physically attacked in her residence by individuals who warned her about not participating in the Monsanto Spring Festival, or her life would be in danger. Although she has received police accompaniment there is no evidence of progress in the investigations related to the several attacks of which she has been a victim.

Actualización 2016

Genetically-Modified Mono-Cropping and the Case of the Mothers of Ituzaingó

Despite permanent resistance by the Malvinas Argentinas Community, and steps toward a Popular Consultation so citizens might indicate their opinion on this conflict, Monsanto insists that new environmental studies be presented, which would allow them to obtain permission to establish a seed-processing plant.

Meanwhile, the Mothers of Ituzaingó and neighboring organizations, supported by hundreds of citizens, men and women, who have joined their cause, maintain the blockade of the company's installations, meaning that construction cannot go ahead. In addition, they participated in the Worldwide March against Monsanto on May 21, 2016. In this context, and despite the case's high visibility, Sofía Gatica continues to be subjected to accusations and harassment by individuals allied with the multinational.

Mining and Lumbering: The Persecution of Consuelo Soto in Honduras

Consuelo Soto is an indigenous defender from the Tolupana Tribe of San Francisco Campo in the Locomapa Sector, Yoro, and a member of the Broad-based Movement for Dignity and Justice. Since 2013, she has been a victim of persecution and intimidation; she survived a violent episode in which hired assassins killed two male members and one female member of her same tribe.

Due to the impunity that reigns in Honduras, the Broad-based Movement for Dignity and Justice decided to protect their lives, rescuing them from the Sector area and moving them to places where their personal security would be guaranteed. In February, 2014, challenging the confinement, Consuelo decided to return to her community where she had to confront numerous intimidations and harassments from community members who are in favor of mining and logging operations in the area.

On April 4, 2015, Luis Macías, her partner, was assassinated, and on Friday, May 22 she suffered a new assault that forced her to once again leave her community. Consuelo was granted precautionary measures by the Inter-American Commission on Human Rights (IACHR).

These acts of harassment, distinct from those of prosecution and stigmatization which are very visible and public, take place in the activists' most private and intimate spaces. Often they can't exactly be denounced as crimes or abuses of power. They involve body language, shouting, attitudes, and different forms of hostility against women defenders in their social milieu; family peace is wounded when the security of loved ones is compromised; activists' security is abused when they are forbidden to travel and move about freely; affronts to their security and exhibitions of cruelty occur, for example, when their pets are killed, as has been mentioned in the cases described.

Distinct forms of harassment curtail the normal development of the lives of women; they interlock with the other forms of criminalization that have been described, and submerge women in a hostile world that limits the exercise of many of their rights.



3. Differentiated Impacts of Prosecution, Stigmatization, and Harassment against Women Defenders of Territory and Nature



We coincide with the Worldwide Movement for Human Rights-FIDH (acronym in Spanish)- that the prosecution of human rights defenders in contexts of environmental and territorial disputes “is employed as an instrument of social control to dismantle popular struggles⁸⁵” and that criminalizing processes against social movements take on a symbolic and exemplary character, where militants of this or other social movement are shown that if they continue with their activities, they will end up in jail⁸⁶”.

⁸⁵Ob cit. FIDH Pág. 23

⁸⁶Ob. Cit. FIDH. Pág. 30

Social control and exemplary punishments have a disciplining effect on the population: they perpetuate fear and attack the very heart of the Rule of Law by denying genuine participation of citizens in the affairs that affect them. As a result, decisions about the destination of the common goods is left in the hands of economic minorities. However, there are differentiated impacts on the lives of women which need to be analyzed and which we will discuss next.

3.1 Impacts Related to Property Rights and Secure Home Ownership

In the first place, various forms of criminalization aggravate the precarious situation for women's land rights and secure ownership of a home. As recognized by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the United Nations Commission on Human Rights, "millions of women worldwide suffer from extremely poor housing and living conditions, including severe pollution, overcrowding, polluted water, and inadequate sanitation, all of which give rise to serious mental and physical health problems and cause thousands of women to die, or to live in a permanent state of ill-health⁸⁷".

The current state of affairs, which already "constitutes a violation of women's human rights to equality, protection against discrimination, and to the equal enjoyment of the right to an adequate standard of living, including adequate housing⁸⁸", is worsened by actions unleashed against women activists by companies and public officials.

Dealing with women living in rural areas where conditions for existence and work are demanding, community life is key for sustaining families. In the cases studied, companies attack, precisely, this community unity in the countryside by using perks, harassments, or threats. The State does the same with its disproportionate displays of force and the instrumentalization of criminal law.

The progressive loss of a rural life project seriously affects women since "they see their real income and purchasing power reduced as they must spend more money to pay for essential food and services. Faced with insufficient resources, women may be forced to reduce their food intake or their access to essential services to provide for their families⁸⁹". Once stripped of their homes, possibilities for achieving equality in property ownership and economic sustainability, which would render women less prone to dependence and to related violences, are also extinguished.

3.2 Impacts Related to the Right to Participation and Non-discrimination

Principle 20 of the Río Declaration on the Environment recognizes that "women fulfill a fundamental role in environmental management and in development. It is imperative, therefore, to ensure their full participation in order to achieve sustainable development".

For this reason, Agenda 21 recommends that States a) "ensure opportunities for women, including those women who belong to indigenous communities, so they may participate at all levels, in the adoption of decisions related to the environments⁹⁰", b) "elaborate a strategy for change that eliminates

⁸⁷Sub-commission on the Prevention of Discrimination and Protection of Minorities of the UNOHCHR. Resol. 1997/19. Women and the right to adequate housing and to land and property

⁸⁸Sub-commission on the Prevention of Discrimination and Protection of Minorities of the UNOHCHR. Resol. 1998/15. Women and the right to adequate housing and to land and property

⁸⁹Independent expert on the Effects of Foreign Debt and other Related International Financial Obligations of States on the Full Enjoyment of all Human Rights. Report: Impact of foreign debt on women's rights. Report A/67/304 de 2012. Par. 40

all barriers to the full and equal participation of women in sustainable development and access to, and control over, resources on an equal footing⁹¹".

In addition to current problems with existing participation mechanisms: deficiencies in consultation procedures within the framework of ILO Convention 169; rejection of obligatory acceptance of decisions adopted in community consultations; barriers to mechanisms of citizen participation such as popular consultations; and the narrow margin of recognition of rights achieved at the judicial level- specific difficulties for women's participation must be factored in.

Gender-based discrimination suffered by women, which limits their ability to participate in public affairs and to effectively influence decisions, is aggravated in contexts of environmental aggression and territorial dispossession. Some of the cases discussed in the text verify this situation. Disharmony at the center of communities and limited possibilities for participation annul the exercise of citizenship by women.

3.3 Impacts Related to the Right to Enjoy an Enabling Environment for the Promotion and Defense of Human Rights

Women's activism is a legitimate form of resistance for humanity's common goods and in defense of ancestral, collective, and diverse domains of life. But when women are labelled as "enemies of development", "liars", "witches" or "terrorists", gender-based violence is exacerbated.


In all the cases described, women suffered some form of attack linked to gender: threats of rape, sexual assault, harassment of different types, and outrages against honor. These attacks prevent women from exercising their activism in an enabling environment for the defense of human and territorial rights, and of nature.

Attacks against women in contexts of resource extraction projects or threats that they will come to fruition, expose additional vulnerabilities, since they "have few opportunities to present these abuses before the courts, and when they do, they experience incomprehension and fierce pressure in their family and community settings⁹²". Additional threats directed towards their families constitute a form of psychological torture and subject women to pressures that compromise their physical and mental health and that go hand in hand with guilt.

It is important to name the economic and emotional disaster brought on by the criminalization of women defenders, the progressive deterioration of their health, and the limitations on their possibilities for action since they must concentrate

⁹⁰Strategic Objective K.1. To achieve women's active participation, at all levels, in the adoption of decisions related to the environment.

⁹¹Strategic Objective K.2. To integrate gender concerns and perspectives in policies and programs in support of sustainable development.



all of their energies and resources in defending themselves, contracting defense lawyers in spite of the high costs, and at the same time fulfilling their gender commitments and roles in family, social, and organizational milieus.

What follows is stress, frustration, anger, the inability to trust others, and paranoia, unleashed by the attacks and by the actions of intelligence offensives. Sadness and isolation come next. In certain cases, the emotional consequences can lead to the point of women resigning from activism due to exhaustion.

Therefore, the dynamics of extractive enterprises and the construction of huge infrastructure projects are joined to the precarious nature of women's lives in the community, the development of their leadership capacities, and their recognition as citizens.

⁹² *Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples. Report on indigenous women. A/HRC/4/32. 2007. Par. 71*

4. Recommendations

We request that regional and international bodies, designed to protect human rights, and States and civil society organizations, take the following recommendations into account when proceeding with cases of criminalization, constructing standards, and elaborating public policies and programs related to women who defend women's rights and those of territory, the environment, and nature.

4.1 Recommendations Related to the Recognition of the Legitimacy of the Work of Women Who Defend Rights to Territory, the Environment and Nature.

Noting the need to adopt all necessary measures to revert “attitudes, customs, practices, and gender stereotypes that are the underlying cause of violence against women, including women human rights defenders, and which perpetuate said violence⁹³”, States and societies together must recognize the legitimate and essential work of human rights defenders, and especially of those who defend women's rights and rights related to the environment and territory, as essential in promoting and consolidating democratic and pluralist societies.

In their policies, declarations, and decisions, States must reaffirm the role of women defenders of territories, as change agents, and create greater awareness and publicly support their work through campaigns and the mass media, taking into account their unique contribution to human rights promotion⁹⁴.

States must ensure that “any stigmatization of human rights defenders, whether by public or private entities, such as the media, should be

⁹³A/RES/68/181 Resolution approved by the General Assembly, December 18, 2013. Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders.

⁹⁴Accordingly, the United Nations Special Rapporteur on the Situation of Human Rights Defenders has indicated that certain categories of defenders make special contributions, among them: “women, (...) those defenders responsible for companies and rights related to land, those defending the rights of minorities and indigenous peoples, and those struggling against impunity”.

discouraged and sanctioned⁹⁵". The Rapporteur Sekaggya, during her visit to Colombia, pointed out that "putting an end to the stigmatization of human rights defenders by all State officials is an absolute priority⁹⁶" as well as an imperious mandate for protecting the lives of activists and territorial governance. For this reason, all public officials must refrain from using discourse that stigmatizes defenders and implement policies that generate an enabling environment for women.

4.2 Recommendations Related to the Performance of the Judiciary

We coincide with Sekaggya that "the judiciary should be aware of the role of human rights defenders. It should also take proactive measures to ensure the protection of human rights defenders⁹⁷". This implies a two-way obligation: on the one hand, abstain from being an instrument of oppression and on the other, act with diligence, celerity, and commitment whenever reports concerning attacks on human rights defenders become known.

The independence of the judiciary depends on budgets so that officials can refuse to be instrumentalized for the repression of human rights defenders. As an example, "the Attorney-General's Office should review all criminal investigations against human rights defenders, immediately close all cases found to be baseless, and prosecute State officials, including prosecutors, who maliciously investigated defenders⁹⁸", according to a recommendation by Sekaggya. The Public Ministry Office could generate "guidelines to prevent the legal persecution of human rights defenders because of their activism", as recommended by Jilani⁹⁹.

As Sekaggya affirms, the judiciary must ensure that violations of the rights of defenders working on women's human rights violations committed by State and non-State actors "are promptly and impartially investigated and that those responsible are punished in an appropriate manner. The struggle to end impunity is essential for the security of this group of defenders"¹⁰⁰. For this reason, it is essential to adopt an effective methodology to thoroughly investigate all threats and attacks¹⁰¹ that might consist of:

- Ensure that cases of sexual violence against defenders are attended by personnel trained from a gender perspective in order to avoid re-victimization. The victim must be consulted during each step of the process¹⁰².
- Collect all formal complaints about every type of attack against women activists, systematize them, and ensure appropriate procedural initiatives, setting up special units within investigative units, if required¹⁰³.

⁹⁵Report A/HRC/22/47/Add.1 of December 13th, 2012. Visit to Honduras. Par. 150

⁹⁶Report A/HRC/13/22/Add.3 of March 1st, 2010. Visit to Colombia. Par. 140

⁹⁷Report A/HRC/22/47/Add.1 of December 13, 2012. Visit to Honduras. Par. 136

⁹⁸Report A/HRC/13/22/Add.3 of March 1, 2010. Visit to Colombia. Par. 149

⁹⁹Report A/HRC/4/37/Add.2 of December 19, 2006. Visit to Brazil. Par. 79

¹⁰⁰A/HRC/16/44 20 Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, 20 December, 2010. Par. 109

¹⁰¹Report A/HRC/13/22/Add.3 of March 1, 2010. Visit to Colombia. Par. 147

¹⁰²A/HRC/16/44 20 Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, 20 December, 2010. Par. 109

¹⁰³"Practical measures should be taken to address backlogs and delays in administering cases of human rights violations"; Margaret Sekaggya, Report A/HRC/22/47/Add.1 of December 13, 2012. Visit to Honduras. Par. 137.

- Establish areas of investigation that include background information to hostilities arising from extractive operations or infrastructure construction, so that patterns, actors, material and intellectual authors, and beneficiaries of the aggressions against activists, can be identified.
- Periodically produce reports on the progress of investigations and distribute them publicly, and especially to private or public companies participating in resource exploitation projects or infrastructure construction¹⁰⁴.

4.3 Recommendations Related to the Prevention of Misuse of Criminal Law to Criminalize Defenders of Environmental Rights and Territories

States must guarantee the principle of legality in the formulation of all offenses. These must be formulated in a concrete, precise, and limited manner with clear definitions regarding the criminalized conduct by “establishing its elements and allowing it to be differentiated from behaviors that are not punishable or punishable with non-penal measures. States must also refrain from promoting and enacting laws and policies that use vague, imprecise and broad definitions.”¹⁰⁵

To avoid criminalization of the legitimate work of defenders of the environment and nature, States must revise the criminal offenses that protect public order, peace, or national security, as well as those referring to terrorism; and insure that exercising the right to protest does not depend on prior authorization or excessive requirements by the authorities¹⁰⁶.

At the same time, States must eradicate the misuse of precautionary measures, and guarantee they be put into effect only when meeting the standards of the American Convention and the American Human Rights Declaration. When the case involves defenders of human rights, territory, and nature, “special consideration to the negative effects that could derive from this imposition on his or her defense work, in the framework of their right to defend rights”¹⁰⁷. must be given.

4.4 Recommendations Related to Accountability

We coincide with Margaret Sekaggya that “full accountability for violations against human rights defenders is an absolute priority and that perpetrators must be brought to justice”¹⁰⁸.

At a minimum, accountability requires that each State Party “institutionalize consultations between the Government and civil society organizations in those areas subject to government intervention¹⁰⁹” in order to guarantee

¹⁰⁴“The State should ensure that both public and private actors, including transnational companies and private security companies, respect the work of human rights defenders, particularly those working on economic, social and cultural rights”. Margaret Sekaggya, Informe A/HRC/22/47/Add.1 del 13 de diciembre de 2012. Visita a Honduras. Párr. 134

¹⁰⁵IACHR Criminalization of Human Rights Defenders. OAS. Ser.L / V/ II Doc. 49/ 15, December 2015. Recommendation 8

¹⁰⁶Ibid

¹⁰⁷IACHR Criminalization of Human Rights Defenders. OAS. Ser.L / V/ II Doc. 49/ 15, December 2015. Recommendation 32.

¹⁰⁸Ibidem, Párr. 121

¹⁰⁹Hina Jilani, Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos. Informe A/HRC/10/12/Add.3 del 6 de febrero de 2009. Visita a Guatemala. Párr. 91

the periodicity and seriousness of the process. It goes without saying that the presence of women is a requirement in scenarios of accountability, concertation, and consultation.

4.5 Recommendations Related to the Creation of an Enabling Environment for Women Human Rights Defenders

Given the structural and systemic violence and discrimination that affect the defenders of women's rights, aggravated in this case by being defenders of environmental rights in the context of extractive industries, and in addition, belonging to indigenous peoples on many occasions, it is crucial that States "take all measures necessary to ensure their protection and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defense of human rights¹¹⁰" as the United Nations General Assembly has urged.

Institutions must clarify their roles relevant to the promotion and protection of women defenders of human rights, territory, the environment, and nature. In particular, consistent and committed support from national human rights organisms, such as Ombudsman's Offices, Ministries of Justice and Human Rights, Secretariats of Social Affairs, etc. is expected. In summary, State organisms must become "a source of political and institutional support¹¹¹" for women.

States must not act as third parties removed from the disputes between companies and communities. Rather, they must take responsibility for the human rights violations they have generated by granting concessions of land belonging to ethnic communities or peasants and licenses for project development. Sekaggya has recommended that in such contexts "efforts be redoubled to mediate conflicts over land ownership rights¹¹²" mentioning community consultations whenever necessary. For Jilani, it is fundamental that human rights defenders "do not remain isolated in their struggles for social justice against powerful or influential social entities and economic interests¹¹³".

4.6 Recommendations Related to Promoting the Participation of Women

We support the United Nations Experts' Declaration of October, 2015¹¹⁴ which urges governments in Latin America and the Caribbean to adopt a legally-binding regional mechanism on environmental democracy and which warns that the effectiveness and justice of their policies within the framework will depend on full rights to participation, especially by women and indigenous peoples.

States must "ensure that public policies, including development policies

¹¹⁰A/RES/68/181 Resolution approved by the United Nations General Assembly on December 18, 2013. *Protecting women human rights defenders and the defenders of women's human rights. Par. 5*

¹¹¹*Ibidem*, párr. 98

¹¹²Report A/HRC/22/47/Add.1 of December 13, 2012. *Visit to Honduras. Par. 135.*

¹¹³Report A/HRC/4/37/Add.2 of December 19, 2006. *Visit to Brazil. Par. 102.*

¹¹⁴United Nations Experts' Declaration regarding CEPAL's negotiation of a regional instrument on environmental democracy, October 2015

and projects, are developed and implemented in an open and participatory manner, and that defenders and communities affected are able to actively, freely and meaningfully participate¹¹⁵". To this end, a gender perspective must be incorporated, which includes the specific demands of women and defenders affected by extractive activities whose territories are violated and "spaces generated for open dialogue with human rights organizations to get feed-back on existing policies (...) and legislative gaps"¹¹⁶.

Participation must start from the principle of equality between women and men. In the design and implementation of participation mechanisms, a gender analysis is required and "members of both sexes must be given the opportunity to represent their views, including, if necessary, through specially targeted consultations (for example, women-only spaces) and support. Processes to identify participants must not rely on community elites in a manner than can reinforce existing inequalities¹¹⁷".

The principle of equality must be applied to Prior, Free, and Informed Consultation and Consensus, as well as to popular and community consultation procedures, which must be guaranteed before any project is approved and comply with international standards¹¹⁸. In this regard, the last report from the IACHR on indigenous peoples, Afro-descendant communities and extractive industries points out that "it is urgent that in decision-making spaces, States and indigenous peoples, by coordinating efforts, promote women's participation. In this regard, the IACHR has been able to identify the role played by indigenous women in several processes in the defense of indigenous territories"¹¹⁹.

Women have the right to protest and to feel and be secure, implying a substantially different approach from that used by States to confront social protest. Therefore, States must recognize the legitimacy and importance of the participation of women defenders in these scenarios and not only within institutional channels. As such, they must ensure no one "becomes subject to excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman, or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings, or threats of such acts"¹²⁰.

4.7 Recommendations Related to the Effective Protection of Women Defenders and Documenting Violations against Them

Women defenders of the environment and territory require sustainable practices and political programs that effectively protect them, and resources for this purpose should be provided in an immediate, flexible, and long-

¹¹⁵Sekaggya, Margaret. *Special Rapporteur on the Situation of Human Rights Defenders; Report A/HRC/25/55 of December 23, 2013. Par. 131-h.*

¹¹⁶ IACHR *Criminalization of Human Rights Defenders*. OAS. Ser.L / V/ II Doc. 49/ 15, December 2015. Recommendation 5.

¹¹⁷Special Rapporteur on extreme poverty and human rights. Report A/HRC/23/36 of 2013, par. 49.

¹¹⁸In its last report on Indigenous Peoples, Communities of African Descent and Extractive Industries, the IACHR generated four specific recommendations to guarantee this right. OAS/ Ser.L/V/11. Doc. 47/15, December 31, 2015. IACHR: *Indigenous Peoples, Afro-Descendant Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation and Development Activities. Recommendations: Number B.*

¹¹⁹"For example, in the case of the Kichwa People of Sarayaku in Ecuador, indigenous women, at various times and under different circumstances, monitored the entry of any non-authorized third party to indigenous territory, particularly the Armed Forces". Ibid. Par. 212.

¹²⁰A/RES/68/181 Resolution approved by the United Nations General Assembly, December 18, 2013. *Protection of Women Human Rights Defenders and Defenders of Women's Rights. Par. 8*

term manner. These should include a gender perspective that addresses the specific risks and security needs confronted by women defenders¹²¹.

Due to the type of attacks and the criminalization women defenders face, as reflected in the cases documented throughout this report, their protection must be of a comprehensive nature, and measures extended to their daughter, sons, and other family members. As the United Nations General Assembly correctly stated, it is crucial “to otherwise take into account the role of many women human rights defenders as the main or sole caregivers of their families”¹²²

In this regard, we welcome the words of United Nations Special Rapporteur on Human Rights Defenders, Michel Forst, when he pointed out in his last report that “protection practices should focus on strengthening the security of defenders in a holistic manner. Security should not be defined as physical security alone, but should be understood as encompassing multiple dimensions such as economic security, political security, environmental security, digital security, and psycho-social well-being.”¹²³ With this understanding in mind, practices of self-care and recognition of risks and emotional symptoms should be promoted by defenders, and they should receive support for prevention and treatment¹²⁴.

According to Principle 3 on protection, enunciated by Rapporteur Forst, it is urgent to recognize “the significance of gender in the protection of defenders and apply an intersectionality approach to the assessment of risks and the design of protection initiatives. They should also recognize that some defenders are at greater risk than other because of who they are and what they do”¹²⁵.

- Environmental impact studies of extractive projects must be done before implementation, with no exceptions allowed and in an impartial manner, by experts who are not from the companies¹²⁶. To guarantee the protection of women’s rights, all studies must “take into account the differentiated impacts and specific rights of women and children, older persons, and persons with disabilities”¹²⁷, as recommended by the IACHR in its recent report on indigenous peoples, afro-descendant communities, and extractive industries.
- We recommend that States and civil society organizations promote and adopt actions and methodologies to improve and further develop the documentation of cases of violations against women defenders and those working on women’s rights in the context of extractive industries¹²⁸.
- Documentation should take into account the differentiated risks and impacts on their lives in a holistic manner, especially on physical and

¹²¹A/HRC/16/44 20 Report from Margaret Sekaggya, Report of the United Nations Special Rapporteur on the Situation of Human Rights Defenders. December 20, 2010. Par. 111

¹²²A/RES/68/181 Resolución aprobada por la Asamblea General de la Naciones Unidas el 18 de diciembre de 2013. Protección de las defensoras de los derechos humanos y los defensores de los derechos de la mujer. Párr. 19

¹²³A/HRC/31/55 Report of the Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst. February 1, 2016. Par. 44

¹²⁴Furthermore, proposals from feminist organizations and funds can be consulted in regard to self-care and mutual care in the area of protection. The Urgent Action Fund has assumed this approach in its ethical political proposal of Sustainable Activism. For additional information, consult: <http://www.fondoaccionurgente.org.co/#!activismo-sostenible/cej6>

¹²⁵Ibid Par. 111

¹²⁶OAS/Ser.L/V/II. Doc 47/15, December 31, 2015. IAHCR: Indigenous Peoples, Afro-Descendant Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation and Development Activities. Par. 213 and 218.

¹²⁷Ibid, Recommendation No. 28

emotional health, due to attacks not only by State agents and companies, but also in their family and community surroundings, and within the organizations of which they are members.

- And lastly, States, civil society organizations, and regional and international human rights mechanisms must promote the active participation of women defenders on issues related to extractive industries and the environment during “consultations with human rights defenders when dealing with protection programs or in other contexts”¹²⁹, in order to ensure their needs are effectively incorporated.

¹²⁸A/HRC/16/44 20 Report by Margaret Sekaggya, Report of the United Nations Special Rapporteur on the Situation of Human Rights Defenders, December 30, 2010. Par. 111

¹²⁹A/HRC/16/44 20 Informe de Margaret Sekaggya, Informe de la Relatora especial de Naciones Unidas sobre Defensoras y defensores de derechos humanos 20 de diciembre de 2010. Párr. 111


5. Requests

The organizations: Urgent Action Fund of Latin America and the Caribbean- UAF-LA, the Women's Fund of the South- FMS (for acronym in Spanish) of Argentina, the Alquimia Fund of Chile, the Latin American Union of Women- Red ULAM (for acronym in Spanish), the Association for Women's Rights and Development- AWID, Just Associates –JASS, the Mesoamerican Initiative of Women Human Rights Defenders, member organizations of Ecological Action of Ecuador, Mothers of Ituzaingó of Argentina, National Coordination of Organizations of Rural Working and Indigenous Women- CONAMURI (for acronym in Spanish)- of Paraguay, Women Defenders of the Pilmaiken River of Chile, and the International Institute on Law and Society- IILS, request regional and international mechanisms for the protection of human rights:

¹³⁰For further consultation, see: MURCIA, Diana; "International Instruments and Standards: Women, Environment, Property, and Territory" 2014. Available at: http://media.wix.com/ugd/b81245_cdd26cadba0445aebf10f2c39bf89480.pdf

5.1 To include aspects mentioned in this report which it considers pertinent, in the preparation of thematic reports about the issue at hand, particularly in its report on criminalization through the abuse of criminal law against human rights defenders; or in consideration of the admissibility of cases that respond to patterns of criminalization presented here.

5.2 To consider the possibility of undertaking a regional survey with women defenders of territory, the environment, and nature concerning the most appropriate measures for their protection, in keeping with the Resolution, "Protection of Human Rights Defenders", adopted in November, 2013 by the United Nations General Assembly. The survey would also gather data about the most appropriate measures for guaranteeing women's participation in contexts of natural resource extraction and infrastructure construction, aligned with international standards on women's participation in issues related to development and the environment¹³⁰.



5.3 To monitor the situation of women activists defending territory, the environment, and nature, during country visits, and in overall interlocution with States, formulating appropriate recommendations, especially those related to the adoption of effective measures for confronting impunity surrounding attacks against women defenders, through exhaustive and independent investigations; and to avoid the instrumentalization of criminal law in order to neutralize women's struggles.

5.4 To urgently call the attention of States to recognize the legitimacy of women activists who defend the environment, territory and nature and to generate a safe environment, free from risks to their lives and personal integrity.



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