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Ancestral  
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MOMUJEST



Grupo de Trabajo  
Lesbofeministas  
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Tierra y Territorio



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# IMPUNITY FOR VIOLENCE AGAINST WOMEN DEFENDERS OF TERRITORY, COMMON GOODS, AND NATURE IN LATIN AMERICA

Executive Summary

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www.*fondoaccionurgente*.org.co  
Carrera 27A No. 40 A - 68  
(57+1) 368 6155



/Fondo Acción Urgente - LAC



/FAU\_LAC



info@fondoaccionurgente.org.co

*Responsibility for this book's content solely corresponds to the authors and Urgent Action Fund for Latin America and the Caribbean, UAF – LAC.*

#### **Editorial Coordination**

Tatiana Cordero Velásquez- Executive Director UAF – LAC.  
Fátima Valdivia- Alliances and Capacity Building Officer UAF – LAC.  
Laura Carvajal Echeverry- Women and Territories Initiative Officer UAF – LAC.

#### **Text**

Diana Milena Murcia Riaño

#### **Summary Text**

Laura Carvajal Echeverry

#### **Research**

Diana Milena Murcia Riaño  
Laura Carvajal Echeverry  
*Inputs provided by organizations and women defenders*

#### **Illustrations**

Amalia Restrepo

#### **Design and Layout**

Karen Linares Rodríguez

#### **Printing**


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*To those who care for and defend the land and territory  
in Latin America. We honor your dignified legacy of  
love for life and justice.*





# Presentation

The Regional Report: **Impunity for Violence Against Women Defenders of Territory, Common Goods, and Nature in Latin America** reflects the collective work of the **Urgent Action Fund for Latin America and the Caribbean - UAF-LAC**<sup>1</sup>, together with 14 feminist funds and local, national, regional, and international organizations, and ethnic-communities, of women, feminists, and environmentalists. We are committed to the promotion and defense of human and environmental rights and the integral protection of women activists and communities that resist agro-industry, hydroelectric, extractive, and infrastructure projects in Latin America.

In previous years, we have documented specific attacks against women territorial defenders in different countries in the region, along with the differentiated impacts of such aggressions and patterns of criminalization used to neutralize their powerful struggles<sup>2</sup>. In the face of an alarming continuum of violence against women activists and the confirmation that impunity is the rule in these crimes, we present the following report with the objective of providing key elements to understand this phenomenon and its specific gender-based manifestations from a feminist perspective.

This report has been prepared through a joint effort between Urgent Action Fund for Latin America and the Caribbean, the Association for Women's Rights in Development (AWID)<sup>3</sup>, JASS Just Associates<sup>4</sup>, the Mesoamerican Women Human Rights Defenders Initiative<sup>5</sup>, the Movimento dos Atingidos por Barragens (Movement of People Affected by Dams MAB, acronym in Portuguese) of Brazil<sup>6</sup>, Civic Council of Popular and Indigenous Organizations of Honduras (Concejo Cívico de Organizaciones Populares e Indígenas de Honduras- COPINH)<sup>7</sup>, the Commission of Relatives of Victims of the Curuguaty Massacre (Comisión de Víctimas de la Masacre de Curuguaty) in Paraguay, Ecuador's Assembly of the People of the South (Asamblea de Pueblos del Sur), the Women's Movement of Santo Tomás (Movimiento de Mujeres de Santo Tomás) in El Salvador, the Living Rivers Movement (Movimiento Ríos Vivos) of Colombia, the Inter-Church Commission for Justice and Peace (Comisión Intereclesial de Justicia y Paz)<sup>8</sup> of Colombia, the Center for Justice and Human Rights of the Atlantic Coast of Nicaragua<sup>9</sup>, the Fund for Women of the South (Fondo de Mujeres del Sur)<sup>10</sup>, the Ancestral Mapuche Community of Quillempám (Comunidad Ancestral Mapuche de Quillempám), and the Anti-Racist Lesbian-Feminist Land and Territory Working Group (Grupo de Trabajo Lesbofeministas Antirracistas Tierra y Territorio), who provided input and the documentation of cases that illustrate patterns of impunity.

1. Urgent Action Fund for Latin America and the Caribbean UAF-LAC is a regional feminist fund that contributes to the sustainability and strengthening of activists and their movements by providing quick and strategic support in the face of risky situations and opportunities. It supports women human rights and territorial defenders' resistance, struggles, and demands to transform unjust and unequal systems, putting at the center protection and care. 365 days a year, UAF-LAC provides resources to women defenders and their organizations in a quick and flexible way to respond to situations of risk, criminalization, and attacks against them, or take advantage of windows of opportunity to advance women's rights in Latin America. To do so, it has a secure online system. UAF-LAC makes women territorial and environmental defenders' actions visible, documents attacks against them, and promotes their advocacy and protection and care strategies. For more information and to consult our publications, visit our web page: <http://www.urgentactionfund-latinamerica.org/>

2. In 2015, Urgent Action Fund, together with other women's, feminist, environmentalist, and community funds and organizations presented the first Thematic Hearing on Criminalization Patterns and Limitations to the Effective Participation of Women Environmental and Nature Defenders in Latin America for the Inter-American Commission on Human Rights. In 2016, we updated the cases presented in that report. To consult the full publication, see: <http://www.urgentactionfund-latinamerica.org/publicaciones>

3. See: <https://www.awid.org/>

4. See: <http://www.justassociates.org/>

5. See: <http://im-defensoras.org/es/>

6. See: <http://www.mabnacional.org.br/>

7. See: <https://www.copinh.org/>

8. See: <http://justiciapazcolombia.com/>

9. See: <https://cejudhcan.org>

10. See: <http://mujeresdelsur.org>

# Content

In order to demonstrate the situation of vulnerability and impunity experienced by this group of women defenders, we have documented the situation of thirteen activists subjected to individual and collective criminal charges, threats, attacks, and other forms of harassment, up to the most extreme form of repression-physical extermination-in the form of femicide. These cases allow us to demonstrate the alarming situation of women defenders, the breach in implementation for rights related to the defense of human rights, and the lack of recognition from all types of judicial operators regarding standards they must observe in the fight against impunity for attacks committed against women defenders.

In our report, we begin by presenting documented cases according to the type of aggression suffered by the activists. Following is a description of situations where these women defenders are vulnerable, in order to explicitly show the scenarios and risks that they face. In the next three chapters, we address elements that, in our opinion, make up a coherent system of international standards in the fight against impunity for attacks suffered by women defenders. These are standards developed both in universal and regional human rights systems: **a)** the obligation to investigate an attack; **b)** protection policy and prevention strategies that must be set in motion and; **c)** the fight against impunity as State public policy.





# VULNERABILITY OF WOMEN

## *defenders of territory, the environment and nature in LATIN AMERICA*

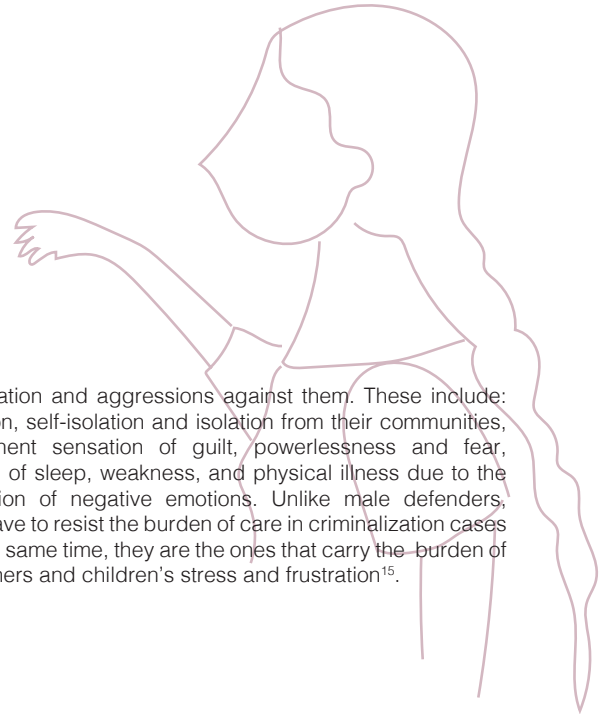
The risk level, lack of protection, and attacks against people who defend environmental rights around the world is alarming. Global Witness' most recent report<sup>11</sup> reveals more than 200 defenders assassinated in 2016, characterizing this as an expansive phenomenon linked, in particular, to the mining industry. It mainly costs the lives of indigenous people in the context of projects that do not respect the right to consultation or free, prior, and informed consent. According to Global Witness, **60% of the deaths occurred in Latin America**, with the most concerning cases in Brazil, Honduras, and Colombia.

Despite the fact there is not sufficient disaggregated information produced on the number of women defenders of territory, the environment, and nature who are victim to attacks due to their work, we can affirm that they suffer differentiated impacts and that community chastising experienced due to attacks is significant and requires greater attention. These impacts range from their bodies up to their capacity to lead processes to vindicate rights: they are victims of domestic and sexual violence, suffer psychological torture, and restrict their freedom of movement within their own territories or are forced into exile.

In comparison with male defenders, women defenders “are

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11. Global Witness (2017). Defenders of the Earth: Global Killings of Land and Environmental Defenders in 2016. Available at: <https://www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/>



more at risk of suffering certain forms of violence, as well as prejudice, exclusion and repudiation<sup>12</sup>, such as the threat of sexual violence and other offenses that specifically allude to gender. As verified by Michel Forst, United Nations' Special Rapporteur on the situation of human rights defenders, women environmental defenders face specific challenges, such as exclusion from participation and decision-making spaces, criminalization, and slander in the media, in addition to violence within their families, communities, movements, and organizations. In this context, indigenous women, Afro-descendent women, and women with disabilities face more discrimination<sup>13</sup>.

At the Regional Meeting "Protection Strategies for Territorial Defense"<sup>14</sup>, with the participation of more than 60 territorial and environmental defenders in Latin America, women defenders expressed that patriarchal and misogynistic practices exist within their organizations, which minimize their demands, increase their risk situation, and restrict their capacity to participate in the defense of their territories and rights.

In turn, they highlighted a variety of specific effects caused by

criminalization and aggressions against them. These include: depression, self-isolation and isolation from their communities, a permanent sensation of guilt, powerlessness and fear, disruption of sleep, weakness, and physical illness due to the somatization of negative emotions. Unlike male defenders, women have to resist the burden of care in criminalization cases and at the same time, they are the ones that carry the burden of their partners and children's stress and frustration<sup>15</sup>.

12. Special Rapporteur on the situation of human rights defenders. Report A/HRC/25/55 of December 23, 2013. Par. 99

13. Special Rapporteur on the situation of human rights defenders. Report A/71/281 of August 3, 2016.

14. This meeting was held in May 2017 in Mexico City and was organized by Amnesty International, Peace Brigades International (PBI), Urgent Action Fund for Latin America and the Caribbean (UAF-LAC), Front Line Defenders, the Mesoamerican Women Human Rights Defenders Initiative, Just Associates (JASS), Bread for the World, and Protection International, in coordination with Aluna Psychosocial Accompaniment (Aluna Acompañamiento Psicosocial), Committee for the Freedom of Expression Honduras (Comité por la Libertad de Expresión Honduras - C-Libre), Oaxaca Consortium (Consorcio Oaxaca), Human Rights Coordinator of Paraguay (Coordinadora de Derechos Humanos del Paraguay - Codehupy), Human Rights Coordinator of Peru (Coordinadora Nacional de Derechos Humanos Perú), Somos Defensores Program, Advisory Services for Peace (Servicios y Asesoría para la Paz A.C. - Serapaz), Latin American Network of Women Defenders of Social and Environmental Rights (Red Latinoamericana de Mujeres Defensoras de Derechos Sociales y Ambientales), Brazilian Committee of Human Rights Defenders (Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos), Unit for Protection of Human Rights Defenders in Guatemala (Unidad de Protección a Defensoras y Defensores de Derechos Humanos Guatemala - UDEFEGUA), acronym in Spanish), and the Union of Latin American Women (Unión Latinoamericana de Mujeres - ULAM).

15. To consult this meeting's final declaration, see in Spanish: [http://docs.wixstatic.com/ugd/b81245\\_f96879cca1da4efa98e5f48d53c6997c.pdf](http://docs.wixstatic.com/ugd/b81245_f96879cca1da4efa98e5f48d53c6997c.pdf)

# WOMEN DEFENDERS AND THEIR STORIES:

## *documented cases*

### *Cases that illustrate individual and collective judicial procedures as a form of criminalization<sup>16</sup>*

In the documented cases, we see a clear pattern of neutralizing women defenders' leadership through criminalization. Through these cases, we seek to demonstrate the partiality of Latin American justice systems, which act quickly and irregularly to criminalize these activists, but do not operate diligently to prevent and sanction attacks against them. Likewise, we seek to highlight the gendered nuances of the violence exercised against activists during their detention, trials, and prison terms.

- ♦ **Sonia Sánchez. Women's Environmental Movement of Santo Tomás (MOMUJEST - Movimiento de Mujeres Ambientalistas de Santo Tomás)- El Salvador.** Leader of territorial defense against the construction of a housing project in Santo Tomás. In 2015 and 2016, she faced charges for coercion, defamation, and slander, initiated by the Robles

Company, part of the business conglomerate Grupo Poma. Although Sonia was acquitted, she is currently victim to different acts of harassment. It is feared that such actions seek to prevent her declarations against a second construction phase for the residential project.

- ♦ **Isabel Cristina Zuleta- Movement of People Affected by Dams Living Rivers- Antioquia (Movimiento de Afectados por Represas Ríos Vivos- Antioquia) - Colombia.** As a member of the Movimiento Ríos Vivos in Antioquia, she has promoted territorial defense, opposing the construction of the Hidroituango hydroelectric dam since 2010. The Public Companies of Medellín (Empresas Públicas de Medellín) acts as the project operator. Her efforts have left her victim to threats, harassment, forced disappearance attempts, and criminal charges. Currently, she is facing at least six judicial procedures, all of them related to her activism.
- ♦ **Lucia Aguero, María Fani Olmedo, and Dolores López- Paraguay.** They were part of a small-scale farmer communities' actions to recover the Marina Kue property in Paraguay. They were detained and charged for the events known as the "Curuguaty Massacre" in

16. The photographs were taken from diverse sources. In the cases of Sonia Sánchez, Isabel Cristina Zuleta, and Luisa Lozano, they were taken from social media. The photo of Karina Monteros was obtained from Taller Ninja Ecuador, the photos of Dolores López and Fani Olmedo from SERPAJ-Paraguay. The photos of Yolanda Oqueli were obtained from <http://wagingonviolence.org>, those of Lottie Cunningham were obtained from <http://elaw.org>, and those of Berta Cáceres from <http://escr-net.org>. Finally, the images of Nilce de Souza were obtained from Processo de Articulação e Diálogo, and those of Macarena Valdés from Radio Villa Francia.

Paraguay, in the context of a violent eviction carried out by more than 300 police officers. They have been sentenced to house arrest. Their trial was full of irregularities, including unjustified administrative and disciplinary sanctions against the acting defense attorneys. One of the defenders was pregnant when she was detained; another was sexually harassed while she was in jail. None of these abuses have been investigated. For these women, criminalization has meant devastating emotional, physical, and economic impacts.

- ♦ **Luisa Lozano and Karina Montero: Defense of the right to land and the collective rights of indigenous peoples in Ecuador.** Kichwa women from the Saraguro people and territorial defenders who participated in the August 2015 demonstrations in defense of indigenous peoples' rights. They were charged, along with other women, with the crime of obstruction of public services, and sentenced to four years in prison, the payment of a fine, public apologies, and other humiliating punishments. They suffered violence and discrimination for being indigenous women at the moment of their detention.



## Cases that illustrate threats, attacks, and other forms of harassment

*We have characterized criminalization as a phenomenon that not only includes criminal charges, but also stigmatization and different forms of harassment directed at neutralizing women defenders' work. These attacks “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; affronts activists' safety when it impedes their free circulation and transit (...).”<sup>17</sup>*

### ♦ Yolanda Oqueli – Resistance to mining in Guatemala.

Leader of the Metropolitan Area's Northern Front (Frente Norte del Área Metropolitana - FRENAM), which denounced the impacts of mining activities in San José del Golfo and San Pedro Ayampuc in Guatemala. She was attacked in July 2012 after participating in a peaceful protest as part of the Peaceful Resistance of La Puya. The next year, unidentified persons fired shots in front of her house. Since 2014, when the peaceful protests were held, she has faced court charges for alleged illegal detention, coercion, and threats.

### ♦ Juana Bilbano and Lottie Cunningham Center for Justice and Human Rights of the Atlantic Coast of Nicaragua – Nicaragua.

The women defenders accompany more than one hundred indigenous communities in the Puerto Cabezas, Waspam, and Prinzapolka municipalities, which are at high risk and have suffered attacks with firearms, assassinations, injuries, kidnappings, crop burning, and forced displacement. Due to their defense of indigenous peoples' rights on the Atlantic Coast, they have received serious death threats since February 2017.

17. Urgent Action Fund. 2015. Patterns of Criminalization and Limitations on the Effective Participation of Women Who Defend Environmental Rights, Territory, and Nature in the Americas. Regional Report, 2015. Available at: [http://docs.wixstatic.com/ugd/b81245\\_33bf16237c2847e2bb300f664356d424.pdf](http://docs.wixstatic.com/ugd/b81245_33bf16237c2847e2bb300f664356d424.pdf). The 2016 update for this report can be found at: [http://docs.wixstatic.com/ugd/b81245\\_ee41c150c74544bca57298c050633f1f.pdf](http://docs.wixstatic.com/ugd/b81245_ee41c150c74544bca57298c050633f1f.pdf)



## *Femicide*

Assassinations of women who defend human rights, territory, and the environment constitute femicide because they respond to a continuum of structural violence against women. These crimes are State responsibility: due to omission, given that they show a lack of diligence and a failure to implement effective measures to prevent, investigate, and punish this violence; and action, when state actors carry out actions or act in collusion with businesses and/or organized crime.

In the context of extractive industries, agro-industry, and infrastructure works, femicide against women territorial defenders takes on other dimensions that must be highlighted: "violence against women in its most infamous expression, femicide, is one of the deterritorialization strategies (...) carried out by global capitalism, which needs those territories to carry out its large-scale investment megaprojects"<sup>18</sup>

In femicide and attacks against women territorial defenders, we clearly see the two dimensions of violence: a) the instrumental dimension, which seeks to eliminate a person with a key role that impedes perpetrators from achieving their interests; in this case, expropriate territories and common goods via the destruction (material and/or symbolic) of the women who protect them; and b) the expressive dimension which, as a discursive act, has the objective of sending a message to those who continue to fight for their rights.

As the black Colombian activist Betty Ruth Lozano indicated, referring to femicide against Afro-Colombian women in Buenaventura: "This violence against women is carried out as a way to chastise other women, their organizations, and as a threat to the community in general"<sup>19</sup>. In the analyzed cases, these attacks not only seek to impact those who defend the environment and nature: they also send a specific message to women that reaffirms the misogynistic power that perpetrators have over their bodies and lives – whether these are public

18. Betty Ruth Lozano (n.d.). "Asesinato de mujeres y acumulación global: el caso del bello puerto del mar mi buenaventura."

19. Betty Ruth Lozano (n.d.). "Asesinato de mujeres y acumulación global: el caso del bello puerto del mar mi buenaventura."

officials, police, military, company workers, members of private security, or members of organized crime.

By documenting these cases, we want to highlight the misogynistic character of these crimes' motives, in addition to that of hypotheses and lines of investigation established by authorities.

- ♦ **Berta Cáceres, Civic Council of Popular and Indigenous Organizations of Honduras – (Consejo Cívico de Organizaciones Populares e Indígenas de Honduras- COPINH).** Berta was an indigenous Lenca woman, assassinated in her home on March 3, of, 2016 due to her leadership, and her people and COPINH's resistance to the implementation of the Agua Zarca hydroelectric dam project. Currently, the investigation of her assassination is suspended in a preliminary hearing, after evidence of multiple irregularities including the loss of the case file and a declaration of evidentiary reserve. The International Advisory Group of Experts (GAIPE - Grupo Asesor Internacional de Personas Expertas) report<sup>20</sup> states that her assassination was going to be investigated as a crime of passion and due to a conflict of interest within COPINH.

- ♦ **Nilce de Souza - Movement of People Affected by Dams - MAB- Brazil.** Leader of the Movement of People Affected by Dams of Brazil. She was disappeared on January 7, 2016 in Velha Vetum – Paraná, and her body was found five months later in the lake built by the dam with signs of violence. The femicide occurred in the context of resistance to the impacts of the Jirau Hydroelectric Dam. One of the arrested suspects escaped from prison in April 2016. In an investigation with precarious advances, the crime was never linked to Nilce's leadership.

20. International Advisory Group of Experts - GAIPE (2017), "Dam Violence: The Plan that Killed Berta Cáceres."

- ♦ **"La Negra" Macarena Valdés - Newen-Tranguil Community - Chile.** Assassinated on August 22, 2016. Although the police authorities rushed to present the case as a suicide, her assassination was a femicide carried out in response to her leadership in community resistance to electrical network installations by the Austrian-Chilean company RP Global Chile Renewable Energies S.A. (RP Global Chile Energías Renovables S.A.). After many obstacles, her family achieved a second independent autopsy, which demonstrated the judicial farce surrounding the crime: Macarena's body was arranged to simulate a suicide after her assassination. In addition to violence against Macarena while she was alive, after her femicide other members of her community have received death threats and 13 people – including her husband Rubén Collío– **are facing judicial procedures for their peaceful protest actions.** Even Macarena was subpoenaed after her death.



# A FEMINIST PERSPECTIVE

## *on impunity:* KEY FINDINGS

The marked imbalance in power relationships that arise in the context of extractive projects and the grave defenselessness faced by communities and their women leaders, suggests a scenario of impunity which contributes to strengthen discrimination and violence against women. They foster insecure, hostile and exclusionary environments, which are not conducive to the defense of rights or participation as agents of change. According to the Observatory for the Protection of Human Rights Defenders of the International Federation for Human Rights (FIDH, acronym in Spanish), and the World Organization against Torture (OMCT, acronym in Spanish), **more than 95% of attacks and assassinations against land defenders in the world remain in impunity**<sup>21</sup>.

Impunity involves much more than an absence of punishment in the criminal arena. As Wilder Tayler points out, impunity means victims do not know the truth about the attacks suffered, do not have access to reparations, and the State does not adopt measures to prevent their repetition<sup>22</sup>. Furthermore, following researcher and academic María Luisa Bartolomei, we characterize impunity as a “phenomenon that affects society as a whole and as such, has political, economic, social, ethical, and cultural dimensions. That is, impunity installs itself

in all spaces of society; it eats away at and corrupts political life, destroys the social fabric and legitimacy of the judicial system, installs terror and hopelessness in the people, weakens democratic participation and trust in our governments, installs privilege for some sectors of society, and consecrates the law of silence as the supreme norm of survival. In short, impunity ensures a reproduction of injustice in all of its dimensions and a continuity of the status quo<sup>23</sup>”.

Based on an analysis of the women defenders' cases, we conclude with the following findings, regarding the specific violence that they face and factors that influence a perpetuation of impunity.

### COLLUSION BETWEEN THE STATE AND COMPANIES

As defenders have affirmed: *“there exists systematic collusion [between companies, private groups in charge of local security, persons linked to organized crime, etc.] to block reports by the defenders that throw light on acts of corruption and human rights violations*<sup>24</sup>”. All of the documented cases show

21. This percentage corresponds to 106 situations affecting 282 defenders of the right to land and 19 NGOs researched by the Observatory between January 2011 and August 2014. Available at: [https://www.fidh.org/IMG/pdf/obs\\_2014-uk-web2.pdf](https://www.fidh.org/IMG/pdf/obs_2014-uk-web2.pdf)

22. “The Problem of Impunity and its Treatment in the United Nations – Notes for Reflection.” IIHR Magazine. Vol. 24. 1996. These elements are reflected in principle 1 of the set of principles for the protection and promotion of human rights through the fight against impunity: “Impunity constitutes a failure by States to meet their obligations to investigate violations; to take appropriate measures in respect of the perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsibility are prosecuted, tried and duly punished; to provide victims with effective remedies and to ensure that they receive reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations.” E/CN.4/2005/102/Add. 1. February 8, 2005.

23. María Luisa Bartolomei, 2011, “Las consecuencias de la impunidad en la cultura jurídica, política y social de la Argentina.”

24. Special Rapporteur on the situation of human rights defenders. Report A/70/217 of July 30, 2015. Par. 68.



coordinated action between state agents and companies, and in some cases, with members of organized crime. This collusion is expressed on different levels and stages of socio-environmental conflicts. We highlight here some manifestations: a) legislation and policies that favor the entry of investment and companies into the country; b) the violation of the right to free, prior, and informed consent, and in general of citizen participation, allows projects to be installed; c) the protection of company installations through a militarization of territories and coordinated action with armed groups and organized crime; and d) the actions of judges and attorneys who establish lines of investigation that deny company responsibility and separate attacks suffered by women defenders from their activities to resist company actions.

## CONTINUUM AND SPIRALS OF VIOLENCE

The specific vulnerability and multiple attacks suffered by women territorial defenders reflects a continuum of violence that has been historically and permanently faced by women within the framework of an unequal society shaped by gender, race, and class injustice. It is not only about a continuum, but also a spiral in which manifestations of violence increase in scale, producing more devastating impacts and leaving women defenders with fewer tools to recover and respond. Women defenders simultaneously suffer from different attacks, coming from different actors: they are criminalized, harassed, and suffer from smear campaigns, while they also face violence from colleagues in their organizations and members of their community.

In the case of femicide, the violence does not end with the elimination of the woman defender's physical existence: the way in which investigations are conducted – or the absence of investigations – revictimizes them, blames them, or prevents them and their families from obtaining justice.

## STRUCTURAL RACISM

In addition to the misogyny and sexism expressed in attacks against women defenders from diverse public and private actors, indigenous women and Afro-descent women suffer from multiple acts of discrimination. Existing structural racism shapes the geopolitics of extractivism: exploitation and land grabbing principally occur in territories inhabited and protected by indigenous, Afro-descendent, Raizal, and small-scale farmer communities. This creates higher and more specific risks for women defenders who are members of these communities. After suffering aggressions, women defenders have more difficulty in accessing justice and, on the contrary, are often criminalized and judged under racist stereotypes.

Such as the case of Karina Montero and Luisa Lozano, Kichwa women from Saraguro, **misogynist and racist police violence not only ended in impunity, but also subjected the victims to the humiliation of having to ask the officers for forgiveness because they resisted their violence.** It is hard to imagine a more mortifying symbolic violence – in particular for indigenous women – that moreover was legitimized by Rafael Correa, when he congratulated the police for their 'correct actions.'

## ABSENCE OF RECOGNITION FOR WOMEN DEFENDERS' WORK

In the majority of cases, there is a lack of recognition, legitimization, and support for women defenders' work. This comes from both state actors as well as from communities and colleagues within the women's own organizations. This lack of acknowledgement from their communities and States, which is translated into an absence of support and strategies to prevent attacks, comes from refusing to recognize them as political subjects and recognize the transformative power of their struggles.

## DEFICIENCY OF EFFECTIVE PROTECTION MECHANISMS FOR WOMEN DEFENDERS

As confirmed in all of the documented cases, the countries do not have effective protection programs or mechanisms for women defenders in the context of extractive industries. State mechanisms do not take into account contextual particularities nor specific needs. Nor do they incorporate a gender approach that allows for violence suffered by women defenders to be identified, prevented, and responded to in an effective way. In some cases, measures provided by States tend to revictimize or increase the vulnerability of women defenders and their organizations, for example, when bodyguards carry out intelligence work that leads to attacks against communities in resistance.

In addition to the deficiency of specific programs, a constant is that States unjustifiably refuse to effectively apply precautionary measures granted by regional human rights protection mechanisms.

## THE COMPLAINTS LODGED BY WOMEN DEFENDERS ARE DISMISSED AND NOT CONTINUED

Berta registered 30 complaints in the Public Ministry before dying<sup>25</sup>. In response, Erika Guevara-Rosas, Americas Director of Amnesty International, correctly stated at the time: “The cowardly killing of Berta is a tragedy that was waiting to happen<sup>26</sup>.” Despite incidents being reported, diligent investigations were not initiated, however the defender faced judicial procedures for various charges, and her feminicide remains in impunity. Lottie Cunningham and Juana Bilbao of CEJUDHCAN in Nicaragua lodged at least 14 complaints with the National Police of Waspm in November 2015. Those complaints were

not pursued. In addition to this failure to act, official discourse did not recognize the existence of formal complaints for the assassinations, kidnappings, and disappearances of indigenous people immersed in the tragic dynamic of settlers usurping their territory. In this context, CEJUDHCAN lodged 49 new complaints in December 2016 which were not received by a police agent, alleging that because of superior orders, he could not “receive complaints related to land conflicts<sup>27</sup>.”

## TWO SIDES OF JUSTICE: THE ABSENCE OF DILIGENT INVESTIGATION VS. CRIMINALIZATION

Just as we have evidenced in the documented cases, there is a pattern of reticence for States to investigate: i) attacks committed against women defenders, and ii) complaints lodged by women defenders, which has often led to or increased attacks. This shows the two sides of justice in the region; on one side, the defenders’ work is neutralized through criminalization, and on the other, impunity is guaranteed for perpetrators. There is a clear absence of serious investigations in the region and the slowness to administer justice is unprecedented. This is a phenomenon that contrasts with “the speed with which arrest warrants and other protective measures to the detriment of human rights defenders are issued<sup>28</sup>.” This is shown in many of the documented cases: in the case of the Curuguaty Massacre in Paraguay, small-scale farmers have been prosecuted, accused of assassinating police officers who evicted them. However, the farmer deaths in this massacre have not been investigated.

In the case of Macarena Valdés, a Mapuche defender assassinated in August 2016, this pattern takes on even more concerning dimensions: both she and another 12 people from the community were charged for their participation in a blockade, weeks before her death. After being assassinated,

25. According to Tomás Gómez de COPINH. In: BBC World. What has changed (and what has not) one year after the assassination of environmentalist Berta Cáceres in Honduras. March 3, 2017.

26. Amnesty International. Brutal murder of indigenous leader, a tragedy waiting to happen. March 3, 2016. At: <https://www.amnesty.org/en/latest/news/2016/03/honduras-brutal-murder-of-indigenous-leader-a-tragedy-waiting-to-happen/>

27. Impunity is constant. Crimes like the assassination of Berminia Dixon Peralta, a Mayangna indigenous woman, her 11-year old boy, and her husband on November 27, 2016 at the hand of settlers in the Alamikamba community; the forced disappearance of Ana Lampson Castillo’s husband and father of their seven children, carried out on December 17, 2015 in the Community of La Esperanza Rio Wawa; the assassination of Marina Ramos Sepe’s husband and father of their eight children in Waspm Rio Coca in September 2015; the assassination of Magdalena Steven Omier’s husband in the Santa Clara community, Wangki Twi Tasba Raya territory in September 2015. All of these events leave women and their children in a vulnerable social and economic situation, worsened by an environment of fear and uneasiness fueled by the competent authorities’ inaction.

28. IACHR, 2015. Par. 174.

Macarena continues to be subpoenaed to hearings. The ongoing criminalization of her family and community works as a strategy to block their demands for justice in this feminicide and impedes mobilizations to generate an international complaint and unfavorable public opinion. This is in addition to the emotional impacts, and physical and economic wear that criminalization entails, which is aggravated by grief.

How women defenders are tried demonstrates the sexism of judicial operators and their anti-rights position. In this aspect, the case of Sonia Sánchez (El Salvador) stands out as they attempted to label her as an enemy of “family values.” During the 2016 trial, Grupo Roble’s lawyer accused Sonia’s defense lawyer of defending “killer women who are reported for abortion” and, for that reason, her arguments should not be believed. This is a neutralization strategy clearly based on gender, as it is founded upon a rejection of rights historically defended by the region’s women’s and feminist movement.

### INCOMPETENCE OF OFFICIALS TO ADDRESS SEXUAL VIOLENCE CONTRASTS THE CALMNESS WITH WHICH DIFFERENT STATE AGENTS EXERCISE IT AGAINST WOMEN DEFENDERS

The reticent culture of public officials to prosecute cases of sexual violence is especially unsettling, that is to say, to guarantee access to justice for victimized women and defenders. For example, when **Isabel Cristina Zuleta** was captured in 2013 by agents of the Mobile Anti-Disturbance Squadron (ESMAD, acronym in Spanish), her private parts were photographed. When she shared this with the Attorney General’s Office (Fiscalía) which is leading the case, the attorney told her that that was not the important thing, but rather the attacks that she and other members of the Ríos Vivos Movement were

promoting against the company building the Hidroituango dam.

In the case of the Saraguro people **of Ecuador**, more than one thousand police and army forces – backed by an Executive Decree which established a state of exception due to the Cotopaxi volcano’s threat of eruption– repressed indigenous people’s peaceful demonstrations<sup>29</sup> with an excessive and disproportionate use of force, even though the right to resistance is constitutionally recognized (Art. 98). This was the context for the detention and subsequent criminal prosecution of **Luisa Lozano** and **Karina Monteros**. Police actions were marked by profoundly racist sentiments and specific gender-based violence. According to the women’s testimony, policemen hurled insults like “lazy Indians, go serve your husbands, dirty women, don’t bother us here, if you keep bothering us and shouting, we are going to rape all of you.” They threatened to tie them up by their hair and they hit them in the abdomen and breasts<sup>30</sup>.

### LACK OF INVESTIGATIONS, OR INVESTIGATIONS THAT ARE USUALLY CONDUCTED BASED ON GENDER STEREOTYPES

Based on the analyzed cases, we can affirm that judicial operators’ partiality not only indicates collusion with companies, but also reproduces and increases stereotypes that discriminate and denigrate women, reducing them to the private realm and failing to recognize their work as women human rights defenders. In the feminicide cases we have documented, the case hypotheses maintain that these are crimes of a private nature, common crime, or “crimes of passion,” exempting themselves from recognizing violence against women defenders as bound to the structural injustice and inequality that women face. This reveals that a naturalization of violence against women, as well

29. A more complete report on this matter can be found in the Alternative Report to the Committee against Torture, conducted by ECUARUNARI and CONAIE, in October 2016. Available in Spanish at: [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ECU/INT\\_CAT\\_CSS\\_ECU\\_25635\\_S.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ECU/INT_CAT_CSS_ECU_25635_S.pdf)

30. Karina’s testimony, recounted in “To resist is my right,” and can be watched in Spanish here: <https://www.youtube.com/watch?v=6gkHuwHgW0o>

as the failure to recognize women defenders' work, constitutes an influential factor to perpetuate impunity in their cases.

In the case of Berta Cáceres from Honduras, the International Advisory Group of Experts (GAPE) report found that hypotheses were formulated attributing the feminicide to "a former partner, creating the connotation of a crime of passion. They also maintained that the attack arose from conflicts of interest from within COPINH<sup>31</sup>." The report also indicates a constant violation of the right to information and the right to participation in the investigation.

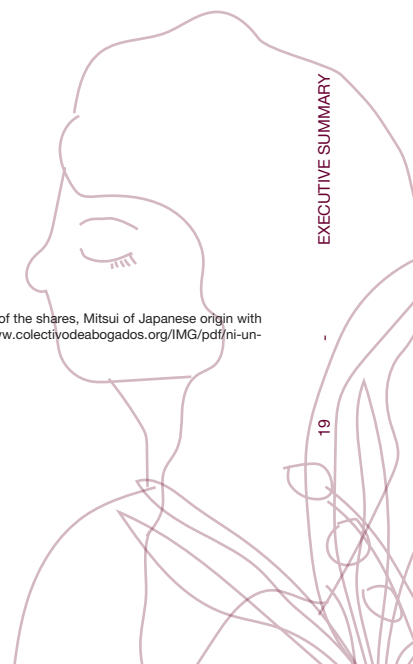
In the case of Nicinha, who inspired and supported the fishing community and was assassinated due to her resistance to the Jirau dam, her feminicide was presented as an issue of common crime, even when it was evident that, at a minimum, it directly benefitted the business conglomerate responsible for the hydroelectric dam<sup>32</sup>.

Regarding the feminicide of Macarena Valdés, the Chilean authorities prematurely concluded that it was a suicide, despite evidence alerting that assassination could not be ruled out, and they proceeded to archive the case. According to community members, rumors even circulated that the suicide was related to her partner's supposed infidelity. The case was completely separated from the defender's work, and did not take into account the threats received nor the criminalization of Macarena and other people in the community. Given that the State would not provide the necessary resources, the community had to obtain a second independent autopsy on its own. The January 2018 report confirmed that there were not bodily injuries to prove death by asphyxiation, and that she was already dead when her body was arranged to simulate a suicide.

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31. International Advisory Group of Experts - GAPE (2017), "Dam Violence: The Plan that Killed Berta Cáceres."

32. The consortium Energia Sustentável do Brasil (ESBR), responsible for the dam is made up by the companies: GDF Suez-Tractebel of French capital with 40% of the shares, Mitsui of Japanese origin with 20%, and the Eletrobrás group with 40%, Eletrosul and Chesf with 20% each, according to the Movement of People Affected by Dams. In Spanish at: <https://www.colectivodeabogados.org/IMG/pdf/ni-un-minuto-de-silencio.pdf>





# Recommendations

We have offered a general panorama about how impunity operates with specific aggravating factors for women human rights defenders, illustrated by cases of activists from nine countries in Latin America.

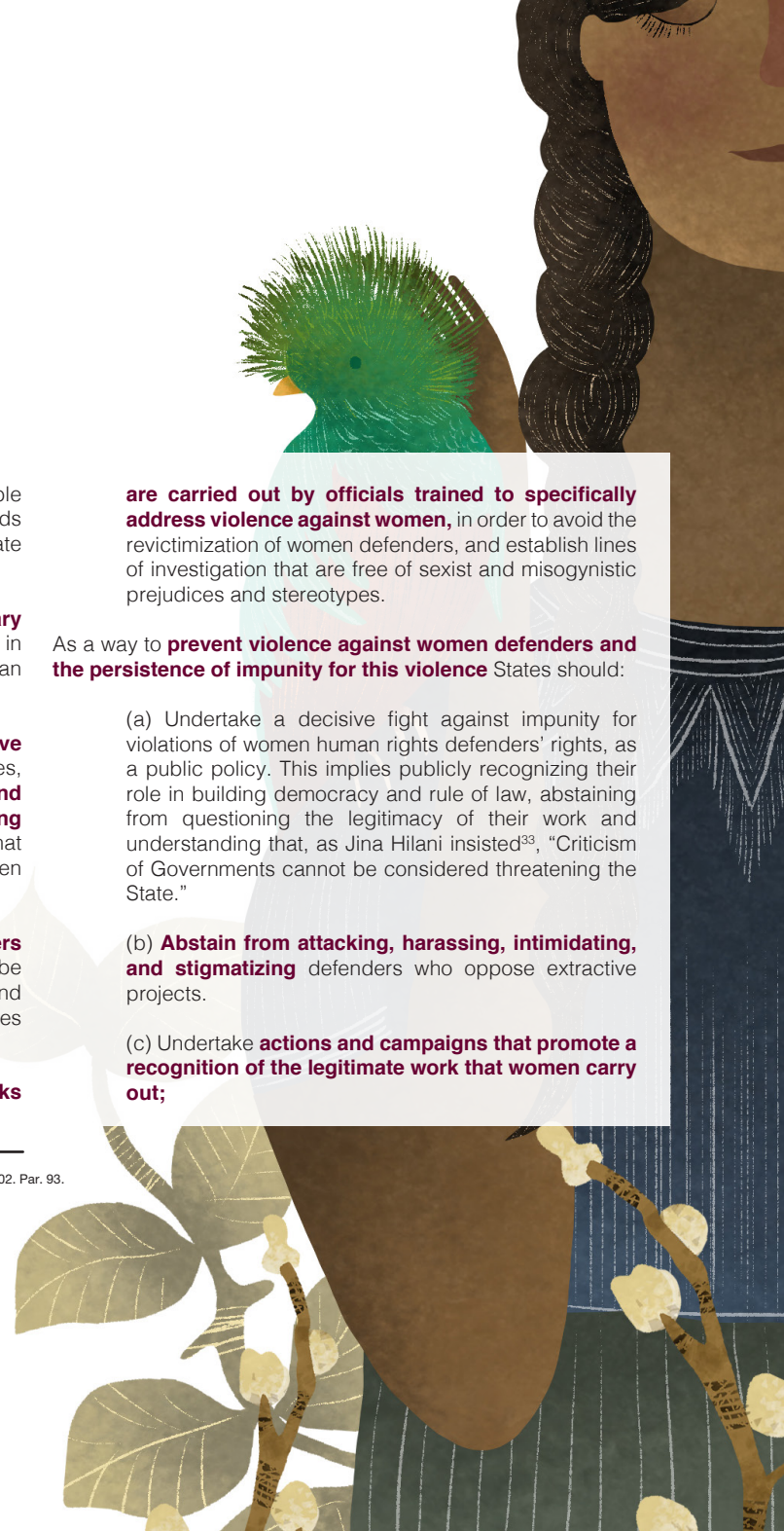
- ♦ **Our first recommendation** is that these elements be included in the analysis and application of international standards for the **fight against impunity for attacks against women environmental defenders**, especially in reference to effective investigation, prevention, and protection policies, and the fight against this phenomenon as a part of public policy.
- ♦ In particular, we request that Resolution 68/181 of 2013 is taken into account. It is related to the "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," adopted by the United Nations General Assembly, and which compiles fundamental elements to build strategies in the fight against impunity for attacks.

- ♦ As a consequence of the aforementioned, we recommend that documentation of attacks against this group of women defenders be more in depth, using an intersectional gender approach that takes into account risks and specific impacts. We recommend the creation of **observatories**, and that they produce **thematic reports** on this matter, in order to establish very precise obligations a) for States in terms of investigations on attacks, protection policy, strategies to prevent attacks, and the construction of sustainable public policies; b) for companies regarding their duty in due diligence and in reference to elements such as collusion with violence due to a direct relationship to the attacks or benefitting from them.

## 1. Recommendations for states

Regarding the **investigation** of attacks against women defenders, States should:

- (a) **Carry out exhaustive, diligent, and independent investigations** on violations against women defenders that take into account their work as human rights defenders and the socio-environmental conflict that



frames their work. Only in this way will it be possible to identify and punish these crimes' masterminds and actual perpetrators, as well as public and private agents who benefit from them.

(b) **Investigations must be carried out by ordinary justice, not military justice**, and must act in coordination with other state units, which implies an adoption of differentiated protocols.

(c) **Provide** women defenders with access to **effective legal resources**, guaranteeing them, their families, and their organizations **the right to information and participation** in the investigation process, and **offering material and symbolic reparation measures** that are culturally appropriate and agreed upon by women defenders.

(d) **Process complaints made by women defenders in a quick and timely manner**. The complaints must be processed so as to avoid increasing risk, attacks, and deaths of activists or other members of their families and communities.

(e) **Guarantee that investigations of these attacks**

**are carried out by officials trained to specifically address violence against women**, in order to avoid the revictimization of women defenders, and establish lines of investigation that are free of sexist and misogynistic prejudices and stereotypes.

As a way to **prevent violence against women defenders and the persistence of impunity for this violence** States should:

(a) Undertake a decisive fight against impunity for violations of women human rights defenders' rights, as a public policy. This implies publicly recognizing their role in building democracy and rule of law, abstaining from questioning the legitimacy of their work and understanding that, as Jina Hilani insisted<sup>33</sup>, "Criticism of Governments cannot be considered threatening the State."

(b) **Abstain from attacking, harassing, intimidating, and stigmatizing** defenders who oppose extractive projects.

(c) Undertake **actions and campaigns that promote a recognition of the legitimate work that women carry out;**

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33. Special Rapporteur on the situation of human rights defenders. Report A/57/182 of July 2, 2002. Par. 93.

(d) Create **effective and permanent programs and measures, protected by the law and with enough resources to be sustainable**. These programs must have a prevention approach, including early alert systems, have an intersectional and comprehensive gender approach, and be consulted with women defenders, in order to ensure that their needs, concerns, and traditional protection methods are incorporated. States must guarantee that these mechanisms do not become a source of new attacks.

(e) **Train public officials** on all levels, especially judicial operators, with an intersectional gender perspective, so that they understand the dimensions of violence against women and women defenders, and femicide, and to process complaints lodged by women defenders in a timely and appropriate manner without judging them using sexist and/or racist precepts.

(f) **Guarantee the effective participation** of women defenders in decision-making that affects their territories, and follow-up on the fulfillment of international standards regarding women's effective participation in environmental matters, whether that is through consultation and free, prior, and informed


consent or other citizen participation mechanisms, with special attention to applying the principles of equality and gender non-discrimination in these processes.

(g) **Immediately suspend** extractive, agro-industrial, infrastructure, and hydro-energy projects that began without the consent and approval of the affected communities and that have involved human rights violations, and initiate the corresponding investigations.

## *2. Recommendations for regional and international human rights protection bodies*

(a) **Reinforce the granting of precautionary measures** to women defenders and insistently call for States to fulfill these in a timely manner, with special attention to countries that unjustifiably withdraw these measures from women defenders, even when risk persists and/or increases.

(b) **Increase accessible spaces and mechanisms** so that women can lay out their concerns, file complaints, and formulate the corresponding petitions.



(c) **Include in thematic, annual, and country reports chapters focused on addressing impunity**, taking into account gender specificities and differentiated aspects for women defenders.

(d) **Expand an intersectional, gender and comprehensive security approach for documentation**, in order to include the specific nature of violence against women defenders and the impacts of impunity, in addition to identifying the multiple types of discrimination and specific attacks suffered by indigenous, Afro-descendent, Raizal, small-scale farmer, young, elderly, trans+, lesbian, and disabled/ differently-abled women.

(e) **Continue press statements and joint statements** with the special procedures from the United Nations Human Rights Council, particularly from Rapporteurs on defenders; indigenous peoples; economic, social, and cultural rights; and women.

(f) **Make a call to attention for States** so that they abstain from reprisals against women defenders when they carry out their work to defend rights, exercise leadership, express inconformity, or file complaints on a national or international level.

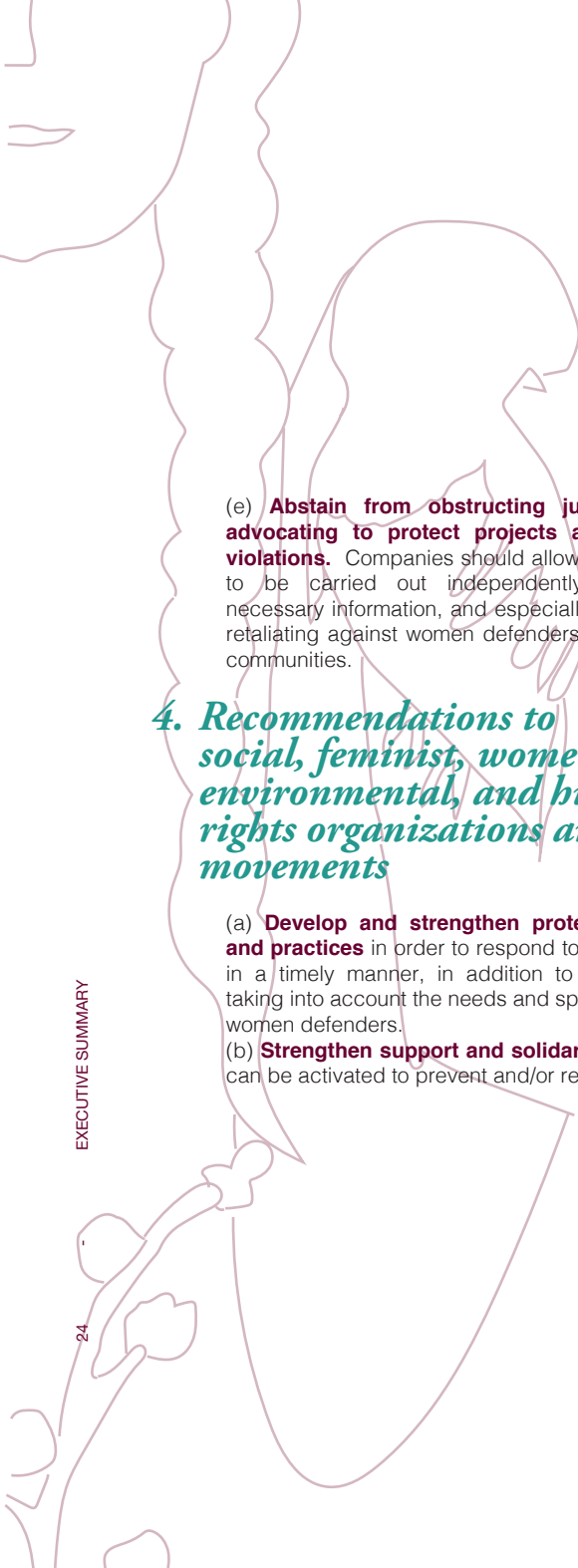
### *3. Recommendations for national and transnational companies*

(a) **Respect the rights of communities and peoples to reject extractive, agro-industry, and infrastructure projects:** a) before beginning exploration, exploitation, or the acquisition of a concession or property rights, companies must ensure that States have carried out transparent and appropriate processes of grassroots and/or community consultation; b) at all costs, they must avoid forcing and/or supplant the consent of communities that will be affected by their actions and; c) if they have not fulfilled the prior, companies must withdraw from territories where communities legitimately oppose their activities, without retaliation.

(b) **Recognize the legitimacy and importance of women's work to defend** human rights, territories, and women's rights.

(c) **Suspend attacks on women defenders and their organizations** including physical, psychological, and sexual violence, harassment, stigmatization, and defamation and smear campaigns.

(d) **Suspend influence upon legislation and State public policies** related to extractive industries.

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- (e) **Abstain from obstructing justice and from advocating to protect projects and/or cover up violations.** Companies should allow for investigations to be carried out independently, providing the necessary information, and especially not attacking or retaliating against women defenders, their families, or communities.

#### *4. Recommendations to social, feminist, women's, environmental, and human rights organizations and movements*

- (a) **Develop and strengthen protection strategies and practices** in order to respond to risks and attacks in a timely manner, in addition to preventing risks, taking into account the needs and specific demands of women defenders.
- (b) **Strengthen support and solidarity networks** that can be activated to prevent and/or respond to attacks.

- (c) **Increase the documentation of violations of women defenders' rights**, using methodologies adapted to the context and making visible violence that has been normalized.

- (d) **Build concrete strategies to identify, prevent, and process violence against women within organizations and social movements**, creating safe spaces and mechanisms so that women defenders can denounce violence without being revictimized for their complaints. Autonomous spaces to redress and heal from the violence must be considered.

#### *5. Recommendations to donor and philanthropy bodies*

- (a) **Continue and increase timely and flexible financing** to strengthen protection strategies and practices for women defenders, their organizations, and communities, whether that is responding to criminalization processes and attacks or working on preventing these, from a feminist, comprehensive, and intersectional approach.

(b) **Provide timely and flexible resources for complaints and advocacy actions** on the situation of women defenders of nature and the environment in Latin America, and to strengthen support networks.





