

“The Protection of Indigenous Human Rights Defenders”

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Defenders HRC Panel Discussion

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First of all I would like to thank the Human Rights Council for hosting a panel on this important topic, the protection of indigenous peoples’ rights defenders, and to thank the President of the Council, the High Commissioner and the other panelists for their important contributions.

It is an honour to be invited to be a part of this panel.

As we are hearing from the other speakers, Indigenous Peoples’ Rights Defenders face significant violence defending and advancing their individual and importantly their collective rights.

On 11 September 2020, we received the disappointing but not entirely unexpected news that a judge in Mexico had ruled to acquit the three individuals who had been charged with the disappearance of indigenous peoples’ rights and land rights defender Sergio Rivera Hernández, who has been missing since 23 August 2018. One of the reasons why attacks on and killings of indigenous human rights defenders are so prevalent is because the perpetrators enjoy almost total impunity. That three individuals had even been charged in this case was unusual, but it seems that in spite of the evidence there will be no accountability or justice for Sergio, a human rights defender of indigenous Nahua origin, and member of the Movimiento Agrario Indígena Zapatista (MAIZ).

In the last two and half years, Front Line Defenders has worked on 130 cases involving human rights defenders who were at risk as a result of their work to protect the rights of indigenous peoples.

We have seen them face a huge range of attacks: From threats, to smear campaigns deeply rooted in racism, to physical attacks and killings. The most common tactic reported to us is criminalisation.

The remote location of many Indigenous Peoples, and the lack of access to State authorities, resources and infrastructure can leave these communities particularly vulnerable to attacks.

In fact, in the past three years we have documented the killing of 240 indigenous peoples’ rights defenders, over a quarter of the global total of human rights defenders

killed. A shockingly high statistic, given that Indigenous Peoples make up only an estimated 5% of the global population.

Many indigenous communities live in territories that are rich in natural resources. In defending their rights and their territories – by resisting large scale land grabs, deforestation, mega projects and the extraction of natural resources – indigenous defenders play a key role in combatting climate change. However increasing pressure on the world's natural resources and unchecked corruption means they are often at odds with powerful actors including companies.

Because of this, the recognition of indigenous rights by States is essential for protecting indigenous defenders. In particular, respect for their collective rights to self-determination and to their lands, territories and resources.

Although it is States who have the duty to protect the rights of indigenous peoples, companies also have a *responsibility* to respect their rights under the UN Guiding Principles on Business & Human Rights. This includes the right to give or withhold their free, prior and informed consent to projects impacting their community.

Companies should also take action in support of defenders when threats or attacks linked to their supply chains are highlighted to them, which too many have been too slow to do.

Given the collective nature of the work of indigenous defenders, of the rights they defend, their protection must also be collective in nature.

Many indigenous communities develop their own community-led protection mechanisms when they face threats, and Front Line Defenders has been privileged in recent years to work alongside a number of indigenous communities in helping them to develop these protection plans, which are essential in the face of better resourced and violent aggressors.

These plans tend to involve a combination of measures such as regularising community discussions on security, targeted advocacy, risk assessment and practical measures which draw on the natural landscape.

We believe giving visibility and recognition to the work of indigenous defenders can help foster a sense of solidarity with their struggle, add to their legitimacy in the face of smear campaigns, and increase the political will that is needed to ensure their better protection.

In 2018, the Front Line Defenders Award for Human Rights Defenders At Risk recognised La Resistencia Pacífica de la Microregión de Ixquisis - a group of indigenous communities in Guatemala opposing the development of several hydro electric dams in their territories. In defending their land, the communities have faced

threats, violence, sexual harassment, intimidation, surveillance, and smear campaigns in the local and national media as well as on social media. They have also faced underhand tactics attempting to divide the community and thus undermine their opposition to the development.

Finally, we cannot ignore the global crisis which has led me to be speaking to you today from my home in Edinburgh and not from Geneva.

Throughout the COVID-19 pandemic indigenous defenders have faced, and continue to face, increased risks. Confining defenders to their homes under national lockdowns has put them at a higher risk of attacks and several indigenous defenders have been killed including Zezico Rodrigues Guajajara from Brazil who was assassinated in March. Many companies have also continued operating on indigenous lands putting communities at risk of infection of COVID-19, in areas where healthcare is not always accessible or sufficient. We have also seen a crackdown on civic space, greatly impacting the ability of defenders to speak out and mobilise to defend their rights.

Now it is as important as ever to support the protection of indigenous human rights defenders and Front Line Defenders is committed to doing so.

Thank you