

# OUTCOME DOCUMENT



## Defending the defenders

Copenhagen, 5-6 September 2018







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Recent reports by UN experts and human rights organizations document an **alarming increase in violent attacks against and criminalization of indigenous peoples** defending their rights to their traditional lands and natural resources, particularly in the context of large-scale development projects. Intensifying global competition over natural resources increasingly makes indigenous communities taking action to protect their traditional lands and territories targets of persecution by State and non-State actors who want to silence them and dissuade others to support them.

Especially in Latin America, Africa and Asia, Indigenous leaders and community members voicing opposition to development or investment projects are often subjected to criminalization, harassment, threats, violent attacks and killings. A report on human rights defenders killed worldwide in 2017, which documents murders of 312 human rights defenders in 27 countries, shows that **67 % of the persons killed were engaged in the defence of land, environmental and indigenous peoples' rights** and nearly always in the context of mega projects, extractive industry and big business. The risks faced by indigenous human rights defenders are exacerbated by the widespread impunity for the perpetrators of the crimes and attacks against them.

**“To a large degree, perpetrators of crimes against indigenous peoples continue to act with impunity. We all have an obligation to do our best to stop this. We need to act”, Julie Koch, Executive Director at IWGIA.**



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To address these issues, an international conference entitled **“Defending the Defenders: New alliances for protecting indigenous peoples’ rights”** took place on 5-6 September 2018 in Copenhagen, organized by the International Work Group for Indigenous Affairs (IWGIA) with the support of the Ministry of Foreign Affairs of Denmark. The objectives of the conference were to gather a broad range of relevant actors to get a better understanding of the key drivers behind this alarming trend, and identify possible actions at the international, regional and national levels that could help change the situation and protect indigenous human rights defenders. Another important aim of the conference was to build new alliances for protecting indigenous peoples’ rights and defending the defenders.



**“The list of indigenous people who have died defending their land is very long. Many are not with us anymore, but their footprints continue to be seen”, Adam Ole Mwarabu, Indigenous Human Rights Defender, Tanzania.**

The conference was attended by indigenous human rights defenders, representatives and experts from different regions; UN mechanisms dealing with issues related to the topic of the conference; regional and national human rights institutions; as well as representatives of governments, indigenous institutions, non-governmental organizations, foundations, academic institutions, and the private sector.



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“Indigenous peoples are still among the poorest and most marginalized in the world. Therefore – in line with the Agenda 2030 credo ‘leaving no one behind’ – protecting the rights of indigenous peoples is a priority for Denmark”, **Eva Kjer Hansen**, Danish Minister for Equal Opportunities.

The conference program included a **high-level opening segment** with welcoming remarks by the Danish Minister for Equal Opportunities, the Chairperson of IWGIA’s Board, the UN Deputy High Commissioner for Human Rights and the Head of the Greenlandic Representation in Denmark. Following the opening segment, indigenous human rights defenders shared their experiences of being personally targeted and criminalized while defending the rights of their peoples and communities.

“Human rights are not in retreat. Political leadership is in retreat from human rights. We have a generation of political leadership on the global scale that betrays rights”, **Kate Gilmore**, UN Deputy High Commissioner for Human Rights



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There were two-panel debates on the first day, one on the **State's duty to protect indigenous human rights** defenders, and the other one on the respective **responsibilities of the private sector**.

The discussions in these panel debates focused on the steps that state agencies, politicians and decision-makers can take to protect indigenous human rights defenders, and on potential measures by companies and investors to ensure that no human rights violations are committed when they do business in indigenous peoples' territories. Each of the panel debates was followed by a lively discussion with many questions and observations from the audience.

The second day of the conference began with more testimonies from indigenous human rights defenders, after which the participants broke out into three thematic working groups tasked with identifying recommendations for actions that could help protect indigenous human rights defenders at risk.



"Our forefathers have sacrificed their lives, their blood, sweat and tears, have nurtured our lands, and we take it as our obligation to defend it, also with our lives. That is what human rights defenders mean to us", **Joan Carling**, Indigenous Human Rights Defender, Philippines.



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The first of these working groups discussed the **criminalisation**, stigmatisation and penalisation of indigenous human rights defenders by means such as arbitrary arrests, illegal surveillance, judicial harassment, travel bans, threats, and dispossessions.

The second group considered the **globally intensifying pressure on indigenous peoples' lands**, territories and resources and the lack of respect for indigenous peoples' collective rights in this context, a main underlying cause of the alarming increase in attacks on indigenous human rights defenders.

The third group discussed the issue of **access to justice and remedy for indigenous human rights defenders**, especially those from marginalised and poor communities. At the end of the conference, a plenary session was held during which the recommendations identified by the working groups were presented and further refined.



**"The private sector is one of the drivers of criminalization of indigenous human rights defenders. We need to make the private sector more accountable and make companies adhere to their obligations and responsibilities", Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples.**

# RECOMMENDATIONS

The conference resulted in a number of recommendations on how to enhance the protection of indigenous human rights defenders at risk. It **endorsed the findings and recommendations of the UN Special Rapporteur on the rights of indigenous peoples** in her report on the criminalization of indigenous human rights defenders (Doc A/HRC/39/17), and appealed to all relevant actors to follow-up on and implement the report's recommendations. Additionally, it was recommended that all relevant actors support and engage in the following nine key actions:

- 1** Actively engage in and contribute to an inclusive and multisectoral global campaign on the issue of criminalization of indigenous human rights defenders, that is linked to the regional, national and local levels.
- 2** Support the establishment and strengthening of community-based mechanisms for the protection of indigenous human rights defenders at risk.
- 3** Strengthen documentation and dissemination of information on cases of criminalization of indigenous human rights defenders and violations committed against them, including violations committed in remote areas. Attention should also be drawn to the role played by business enterprises and investors in this context.
- 4** Support activities aimed at empowering indigenous peoples to protect their rights as enshrined in the UNDRIP, including their rights to their lands, territories and resources. An international action group that can respond quickly in cases of violations against indigenous human rights defenders should be established. Support should also be given to indigenous peoples' initiatives to develop their own models for exercising their right to self-determination, self-governance and autonomy.
- 5** Urge existing funding mechanisms and relevant institutions and organisations to strengthen their engagement with indigenous peoples and make funding available to them so that they can defend their land rights and protect indigenous human rights defenders.
- 6** Foster understanding and build capacity about free, prior and informed consent standards, methodologies and guidelines among all relevant actors, including indigenous peoples' organisations themselves.
- 7** Apply a combination of methods and strategies to advocate for access to justice, involving both actions from below (community mobilization and national advocacy ) and actions from above (global solidarity and support). Relevant methods include media strategies (putting governments, investors and corporations on the spotlight), litigation and legal support, use of indigenous peoples' own legal systems/institutions, sustained advocacy, etc.
- 8** Support initiatives aimed at building indigenous peoples' capacity and competence in documenting human rights abuses so that they can produce solid, reliable documentation themselves. Considering the risks that can be associated with the production of human rights documentation, personal security training should be an integral part of such capacity-building initiatives.
- 9** Ensure that campaigns and alliances to support indigenous peoples' access to justice are based on long-term commitment and consistency, also in terms of funding.

# DEFENDING THE DEFENDERS

New alliances for protecting indigenous peoples' rights

Human rights defenders are dying, attacked and criminalized all over the world. This is happening at an increasingly alarming rate. In 2017, over 400 people were killed while protecting their community's land or natural resources. Approximately half of these were indigenous peoples.

The conference aimed to understand why in particular and increasingly indigenous peoples from developing countries are being killed or persecuted. The conference examined the key drivers behind this global phenomenon and discussed context-specific cases, and what can be done to change the current situation.

IWGIA is a global human rights organisation dedicated to promoting, protecting and defending indigenous peoples' rights. IWGIA exist to ensure a world where indigenous peoples can sustain and develop their societies based on their own practices, priorities and visions.

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