
PROTECTING FOREST DEFENDERS



FOREST PEOPLES FACE HUGE CHALLENGES IN DEFENDING THEIR LANDS AND WAYS OF LIFE. TOO OFTEN, WHEN THEY STAND UP FOR THEIR RIGHTS THEY FACE INTIMIDATION OR WORSE.

According to Front Line Defenders, 281 human rights defenders were killed in 2016, of which 49% were working to defend land, indigenous or environmental rights.¹ In the same year, Global Witness documented killings of 200 land and environmental defenders² – an average of four murders per week. **Almost 40% of human rights defenders murdered in 2016 were indigenous.**³ Given that indigenous peoples are estimated to represent approximately 5% of the global population,⁴ it is clear that indigenous human rights defenders are significantly overrepresented in the statistics on killings.

Indigenous defenders rarely work in isolation. For every defender who is killed, there are many more who are left to live in fear. Many are deterred from continuing to fight for their land after such horrifying events.

But murders represent just the tip of the iceberg. Front Line Defenders estimates that, in 2016, more than 1,000 human rights defenders were harassed, detained or subjected to smear campaigns.⁵ These attacks have a vast impact on the lives of defenders and their communities and many victims are scared into silence.



I am not the first person to be injured; but many are not willing to speak out. Some of the community members are not ready to advocate for justice. Most people, after being injured, go back to the forest and don't want to talk about it. So I feel I must talk on behalf of them. That is why what happened has given me the courage to seek justice.

Elias Kimaiyo, Sengwer, Kenya



Nearly 40% of environmental defender deaths in 2016 were of indigenous peoples. Only 5% of the world's population are indigenous.

¹ Frontline Defenders, Annual Report on Human Rights Defenders at Risk in 2016, Frontline Defenders, Dublin, 2016, p 6.

² Global Witness "Defenders of the Earth" 2017, p.6

³ Global Witness "Defenders of the Earth" 2017, p.7

WHO IS AN ENVIRONMENTAL DEFENDER?



Land and environmental defenders are people who take peaceful action, either voluntarily or professionally, to protect environmental or land rights. They are often ordinary people who may well not define themselves as defenders.



Global Witness, “Defenders of the Earth”

Human rights defenders are often subjected to years of harassment, death threats and violent attacks before they are killed. Yet, defenders can do very little to prevent the attacks from escalating. **National protection schemes are sparsely available or inadequate.** Often, they are designed for individual defenders and fail to protect whole communities. Indigenous defenders, who are frequently located in remote areas, struggle to access state protection and protection measures often rely on relocation. This is unsuitable for indigenous defenders, who have a deep cultural and spiritual connection to their land.

Alternatively, defenders can contact the UN to trigger international mechanisms such as urgent action appeals. These can be used to put pressure on governments to intervene in disputes, but their influence is limited. International NGOs can help to provide protection, but with an ever increasing number of disputes, their support can only go so far.

Levels of impunity for the murders of human rights defenders are distressingly high. Global Witness documented **only 10 out of 908 murders worldwide committed between 2002 and 2013 where the perpetrator was convicted.**⁶ These levels of impunity mean perpetrators are emboldened and murder rates continue to rise. Perpetrators are not even deterred by international condemnation, as shown by the brutal murder of Berta Cáceres in March 2016.

Environmental defenders also face underhand attempts to discredit their work. Some defenders are imprisoned on fabricated or exaggerated charges; others are subjected to smear campaigns in the media, where they are portrayed as anti-development or corrupt. Even if defenders are not physically silenced, their position can be undermined so successfully that their fight is effectively halted.

As pressure from agribusiness to acquire land escalates, the trend for illegal grabs of indigenous community land is increasing, and the numbers of indigenous defenders is likely to increase too. **It is vital that we implement effective remedy and protection measures, which address the discrimination which indigenous peoples face, to empower them in their fight to protect their forests.**

⁴ See e.g. State of the World's Indigenous Peoples: Press Release, “Indigenous peoples make up one-third of the world's poorest and suffer alarming conditions in all countries”, 14 January 2010, p 1, available at <http://www.un.org/esa/socdev/unpfi/documents/SOWIP/press%20package/sowip-press-package-en.pdf>, accessed 31 May 2017.

⁵ <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016>

⁶ Global Witness “Deadly Environment” 2014, p.17

WHAT CAN YOU DO?

ACCESS TO EFFECTIVE REMEDY

Both state and non-state actors have a responsibility under the United Nation's Guiding Principles on Business and Human Rights to provide remedy for human rights abuses. Non-judicial systems, such as company grievance mechanisms, are just as important as state driven legal processes. Effective non-judicial grievance mechanisms should be:

Trustworthy. Grievance mechanisms should handle complaints fairly and be transparent and timely.

Accessible. Barriers to accessing resources, such as language, literacy, gender, cost or location should be considered and addressed.

Adequately resourced. Sufficient funding and staff time should be provided.

Developed in consultation with stakeholders. All groups, including indigenous communities, who will be impacted by the company should be properly consulted.

Protective. Where human rights defenders fear for their lives, suitable protection measures should be provided. Anonymity, when requested, should be respected.

PROTECTION MEASURES

Immediate protection measures are essential to quickly and significantly reduce murders of indigenous human rights defenders. Successful protection schemes should be:

Created by state and non-state actors. To ensure defenders are not left exposed in corrupt states, businesses should also provide protection.

Adaptable. Protection schemes should be tailored to the individual and acknowledge the diversity of risks and challenges faced by defenders.

Funded and accessible. Adequate funds and resources should be provided.

TACKLE THE ROOT CAUSE

The most effective way to eliminate risks to human rights defenders long term is to tackle the root causes of the human rights abuses against which they are fighting.

FIND OUT MORE

- "Defenders of the Earth" Global Witness
- "Defenders at Risk" Front Line Defenders
- "Environmental Human rights defenders: a global crisis" John Knox
- "They Protect the Forests. Who Protects Them?" International Human Rights Clinic
- www.environmental-rights.org
- www.theguardian.com/environment/series/the-defenders
- For updated information on the human rights defenders interviewed here visit www.forestpeoples.org/resources



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