

THREATS AND ATTACKS ON INDIGENOUS PEOPLES' RIGHTS ACTIVISTS

—MARIE BECHER,
PEACE BRIGADES INTERNATIONAL

INTRODUCTION

“We must undertake the struggle in all parts of the world, wherever we may be, because we have no other spare or replacement planet. We have only this one, and we have to take action.” Berta Cáceres, indigenous activist from Honduras

Berta Cáceres, a well-known indigenous and environmental rights defender, and co-founder of the Council of Indigenous Peoples of Honduras, was shot dead by gunmen who entered her home on 3 March 2016. Her family and colleagues have no doubt that the assassination was linked to her activism against hydroelectric projects, dams and illegal logging. The campaign led by Berta Cáceres and others against one of Central America’s biggest hydropower projects, the Agua Zarca cascade, held up construction and prompted the withdrawal of China’s Sinohydro and the World Bank’s International Finance Corporation.

According to Global Witness, between 2010 and 2014, 101 land and environmental defenders were killed in Honduras, making it the country with the highest number of killings per capita of the past five years.¹ Berta Cáceres had received repeated threats for her human rights work and environmental activism, including threats of sexual violence and threats against her family. As a result of this, the Inter-American Commission on Human Rights had called on the Honduran government to apply precautionary measures for her protection. However, Berta Cáceres had repeatedly stated that these were not being implemented efficiently.

INDIGENOUS HUMAN RIGHTS DEFENDERS AND VIOLENT CONFLICTS OVER RESOURCES

In most cases, indigenous human rights defenders are attacked because people who hold power have an interest in the land and resources that their communities own, occupy or use. Aggressors know that indigenous communities and their leaders often have a strong capacity to organise collectively, advocate, resist and defend their right to autonomy and cultural identity. By threatening, attacking and criminalising

¹ ‘How many more? 2014’s deadly environment: the killing and intimidation of environmental and land activists, with a spotlight on Honduras’, Global Witness, 2015, p. 4.

indigenous activists, who are often leaders with political and spiritual authority, aggressors try to dismantle the social fabric that enables this resistance.

In 2015, Frontline Defenders registered 156 killings of human rights defenders (HRDs) worldwide. Forty five per cent of these cases were related to the defence of environmental, land and indigenous peoples' rights.² Indigenous groups also accounted for 40 per cent of the killings of land and environmental defenders that Global Witness documented in 2014.³ Figures such as these expose the extreme and multiple risks that an increasing competition for access to land and other scarce resources implies for indigenous communities.

Communities stand up against what are in many cases networks of local, national and transnational corporations, private security companies and members of old or new elites who are pursuing economic benefits. While the diffusion of power away from governments towards corporations is a somewhat new phenomenon, the threats emerging from this sphere towards indigenous activists often intersect with historical marginalisation and exclusion from all major parts of society, including from political decision-making processes and the justice system. The justice system is very difficult to access for indigenous activists, and aggressors are too often able to act with total impunity. At the same time, the misuse of the justice system and of legal action to criminalise HRDs' activities is another repressive tactic that indigenous activists increasingly have to respond to.

*Criminalisation
goes often
hand in
hand with
stigmatisation
in public
discourses and
media.*

CRIMINALISATION OF ACTIVISTS

In recent years, national and international civil society organisations (CSOs) have observed a dramatic increase in the intent to persecute, punish and criminalise social protest activities and activities to promote and defend human rights, particularly in the context of conflictive business operations. Because of their historical marginalisation from justice systems, indigenous activists who are criminalised sometimes, in the words of Protection International, face special difficulties when trying to confront "...systems that are permeable to powerful interests (that feel challenged by HRDs), where officials are easily corrupted (for example, where salaries are low or there are scant administrative controls over their actions)," and there are irregularities in the processes against them, such as "...obstacles to gaining access to case files, difficulties for the legal representatives of HRDs to gain access to courtrooms and hearings that are repeatedly suspended."⁴

The effects of criminalisation, for example the financial burden emerging from bails, fines and other costs involved in legal proceedings, as well as the psychological effects on the individual and collective, can become even more destructive when they hit HRDs who are already economically and culturally marginalised. Additionally, criminalisation goes often hand in hand with stigmatisation in public discourses and media, as has been pointed out by the UN Special Rapporteur on the Situation of Human Rights Defenders: "They are depicted and perceived as troublemakers by the population."⁵ Indigenous and other

² 'Annual Report 2016', Frontline Defenders, 2016, p. 7.

³ Global Witness, op. cit.

⁴ 'Criminalisation of Human Rights Defenders', 2016, p.36.

⁵ 'Report of Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders, 13th period of sessions of the Human Rights Council, Promotion and Protection of human, civil, political, economic, social and cultural rights, including the right to development', General Assembly of the United Nations, A/HRC/13/22, 30 December 2009, paragraphs 32-33.

activists have been presented as ‘anti-development’, ‘anti-dialogue’, ‘terrorists’ and ‘drug dealers’. These discourses can lead to divisions and weaken civil society as a whole.

INDIGENOUS WOMEN HUMAN RIGHTS DEFENDERS

Indigenous women around the world are challenging sexism, racism and economic marginalisation, and organising collectively, sometimes with and sometimes without their male colleagues. Yet their contribution to the human rights movement is often invisible, as Women Human Rights Defenders International Coalition notes: “Around the world, there are efforts by those with political, religious, military, familial or community authority not only to stop our work, but to keep our narratives, our claims and stories of our activist struggles from being told. There are overt efforts to silence us.”⁶

Indigenous women who defend the rights of their communities face all the risks that their male colleagues experience. In addition, they are targeted with gender-based violence and have to cope with gender-specific consequences of attacks, particularly when their activism challenges gender norms and roles. Indigenous women rights defenders have reported that threats and attacks also take place in the private sphere, including in the home, often perpetrated by non-state actors, and in some cases by family or community members. As Corporación Sisma Mujer reports, they face extreme difficulties in reporting violations, “...because of the distances that would be required to travel to the nearest town, cultural barriers to medical examinations, language barriers (...) and because of fear of retribution. Indigenous organisations report that when women do report violations against them, they are frequently turned away or not taken seriously, and so these crimes are not investigated.”⁷

One indigenous activist from Guatemala explains, “It is very hard for indigenous women to break away from our villages, and this means that our voices remain hidden. This is one of the challenges to be addressed by women’s organisations in the future. The invisibility of women is not considered a problem, but it must be. When a space for indigenous women is proposed, they say the intention is to break away. But this space is necessary to draw attention to the struggle. As a friend said: The struggle of indigenous women is a struggle among struggles.”⁸ Indigenous women human rights defenders, together with others, have started to advocate for strategies of integrated or holistic security that go beyond the physical protection of one individual, integrating socio-political, psychosocial and gender dimensions of security.⁹

6 ‘Gendering Documentation. A manual for and about Women Human Rights Defenders’, Women Human Rights Defenders International Coalition, 2015, p.5.

7 ‘Colombia: Human Rights Defenders under threat’, Corporación Sisma Mujer, 2011, p.18.

8 ‘Guatemala’s Indigenous Women in Resistance: On the Frontline of the Community’s Struggle to Defend Mother Earth and her Natural Assets’, PBI Guatemala 2010, p.64.

9 See for example, ‘Toolkit for Latin American Women Human Rights Defenders Working on Land and Environmental Issues’, Peace Brigades International, <http://bit.ly/1NnZh7X>.

PROTECTION STRATEGIES

Given the alarming situation of threats and attacks against indigenous HRDs, civil society at the local, national, regional and international level is revising strategies for protection and support. Some of the recent relevant discussions are summarised here.

COMMUNITY PROTECTION MECHANISMS

Any protection strategy should recognise and build on local support systems already in place and engage with indigenous activists on issues of security, in terms defined by indigenous peoples themselves. A rich body of knowledge and practice within indigenous communities is available to inform capacity development around protection. One example is the Nasa indigenous population in the department of Cauca, Colombia. Since 2001 the community has built up an 'Indigenous Guard' system as a nonviolent strategy for self-protection, in a context of violence exercised by paramilitary and guerrilla groups. The organised and unarmed guard consists of appointed men and women and is based on traditional teachings on nonviolence. They patrol their territories and request that armed actors leave. They have developed early warning systems to alert to the intrusion of armed groups, and take on a de-escalating role during demonstrations, trying to make sure that protestors do not react violently to violent repression. Interestingly, the Nasa community have started to train other indigenous communities to build up similar protection mechanisms.¹⁰

Any protection strategy should recognise and build on local support systems already in place.

BUILDING A STRONG BUSINESS AND HUMAN RIGHTS FRAMEWORK

A legal and policy framework is emerging for both governments and businesses to protect human rights in the context of business operations. It includes, for example, the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, adopted in 1998, the United Nations (UN) Protect, Respect, Remedy Framework of 2008 and the UN Guiding Principle on Business and Human Rights from 2011. Civil society on all levels must continue to push for this framework to ensure effective accountability.

At a minimum, ILO Convention 169 on Indigenous and Tribal Peoples, which recognises the right of communities potentially affected by investment and extractive projects to genuinely free, prior and informed consent, must be respected. Additionally, as an outcome of civil society advocacy, various states are currently drafting national action plans on business and human rights. This offers an opportunity for states to synergise policy on HRDs with policy on business and human rights. National action plans provide a platform to establish a more coherent approach across government, and to articulate fully to companies the need to respect and protect the work of indigenous rights defenders and other HRDs.

¹⁰ 'Caught in the Conflict – Colombia's indigenous peoples', ABColombia, 2010, p.22.

Indigenous rights defenders and other HRDs play a key role in advising and representing affected communities and individuals in processes of dialogue and consultation with states and companies. However, in practice, defenders claim that there is often a lack of political will to accommodate their views meaningfully. To address this issue, states need to promote the more effective and meaningful participation of activists in processes of consultation and policy design, ensuring that adequate security guarantees are in place.

NATIONAL PROTECTION MECHANISMS

A number of states where threats and attacks against human rights defenders are notorious have established laws and public mechanisms for their protection, including Brazil, Colombia, Côte d'Ivoire, Guatemala, Honduras and Mexico. While these are a good starting point in recognising the problem, indigenous activists, together with women HRDs, rural defenders, lesbian, gay, bisexual, transgender and intersex (LGBTI) activists and other marginalised groups, have repeatedly denounced the lack of attention given to addressing their specific needs and the disproportionate focus on reactive, rather than preventative, protection measures. For example, a Guatemalan indigenous defender has explained to the Women Human Rights Defenders International Coalition "...that the state assigned her several bodyguards, but for her this was a form of intimidation. Additionally, for the bodyguards it was difficult to accept that their job was to protect an indigenous woman. In negotiating this measure with the state, she emphasised the need to take into account gender and cultural sensitivity when assigning security guards."¹¹

This shows that there is a need for national mechanisms in which professionals can be trained in gender and culturally-sensitive analysis, in order to guarantee that risk assessments take into account the specific needs of indigenous women and men HRDs. It is also important that any mechanism accounts for the impact of attacks on the wider group of people that an activist represents or works with, and seeks to prevent further acts of violence against them.

CONSTRUCTING COUNTER-NARRATIVES

Given the criminalisation and stigmatisation that indigenous rights defenders and other HRDs are facing, civil society on all levels is increasingly aware of the necessity of constructing counter-narratives that promote the important contribution that activists make to democracy, the rule of law, diversity and sustainable development. It is all too obvious that aggressors try to isolate HRDs from other parts of society, and that their safety is very much in danger when this strategy succeeds. Indigenous activists often have a tradition and practice of organising collectively, and can play a key role in the construction of memory, and the creation of counter-narratives and alliances between different sectors of civil society to share values of participation and social justice.

11 'Our right to safety', Women Human Rights Defenders International Coalition, 2014, p.14.

RECOMMENDATIONS

Civil society at the local, national, regional and international level should:

Promote and recognise the key role that indigenous women HRDs play in their communities and in society as a whole.

1. Cooperate to strengthen indigenous HRDs' capacities to document their achievements, and the violations committed against them, as well as the context in which these occur, the impunity in which they normally remain and strategies that have been helpful and effective in changing these situations.
2. Build alliances to promote and recognise the key role that indigenous women HRDs play in their communities and in society as a whole, and work towards their protection, defining with them strategies of integrated security that take into account the socio-political context, and the gender and psychosocial dimensions of threats and attacks.
3. Call upon governments to ensure that policies and mechanisms that directly and indirectly relate to the protection of indigenous HRDs, such as the Protect, Respect, Remedy Framework or national protection mechanisms, account for gender, culture and the economic marginalisation of affected individuals and groups, and respond adequately to the often collective nature both of activism and risk for indigenous communities.