

CAFOD

Catholic Agency for
Overseas Development



**PROTECTING
OUR COMMON
HOME:**

Land and environmental
human rights defenders
in Latin America



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1. EXECUTIVE SUMMARY

Our world is enduring an interrelated social and environmental crisis: the impacts of coronavirus, and the climate and biodiversity crisis. Protecting environmental and human rights defenders is essential if we are to address the interconnected cry of the earth and the cry of the poor.

This report is based on research from 2019 to 2021 on the current trends of human rights abuses faced by land and environmental human rights defenders (HRDs) across six countries in Latin America – Bolivia, Brazil, Colombia, Guatemala, Honduras and Peru.

It details the **challenges and dangers** faced by HRDs in each country, highlighting where these are linked to corporate behaviour and to the impacts of the coronavirus pandemic.

It also shares learning on the **different strategies and approaches** being used by HRDs to push for change.

Finally, it **recommends** ways that states, businesses and investors can support the work of HRDs.

THE UNCOMFORTABLE REALITY

Human rights defenders help to keep governments and businesses in check, ensure that models of development put people ahead of profit, and protect our planet. Yet, for their work, they face criminalisation, harassment and violence – even death.

Our report finds that states as well as businesses act with disregard for human rights and the environment. The COVID-19 pandemic has exacerbated the deep inequalities across the region and has led to increased threats to and attacks on land and environmental HRDs and their communities. Much of this is intrinsically linked to access to and control over land and territories. Against a backdrop of limited state presence, huge power asymmetries between companies, states and local communities, and widespread impunity, HRDs often have nowhere to turn to for protection.

This report highlights six key issues facing land and environmental HRDs across the six countries and case studies included in the research. These issues are not isolated, but form a pattern of abuse across the region: often affecting already under-represented groups – indigenous, Afro-descendant and *campesino* (small-scale farmer) communities, and women – the most.

1. Threats and attacks against HRDs are intrinsically linked to unequal control over and access to land and natural resources.

2. HRDs operate in a hostile environment in which civic space is restricted, with limited spaces for communities to contribute to decisions that affect them.
3. States are failing to protect HRDs from harm, against a backdrop of limited state presence, widespread corruption and impunity.
4. Stigmatisation and criminalisation are used by states as well as businesses to target HRDs; in contrast, perpetrators enjoy widespread impunity.
5. The COVID-19 pandemic has increased the risks faced by HRDs defending their rights and the environment. This includes the risks from corporate activity, as states prioritise extractive industries for economic recovery.
6. Corporate activity, underpinned by state economic models that strongly favour the expansion of large agribusinesses, mining and big infrastructure projects, is a key driver of attacks on these HRDs.

STRATEGIES FOR CHANGE

And yet, all is not bleak. Despite the dangers they face, HRDs and organisations are using innovative strategies to resist harmful corporate and state activity, and to generate change in the countries in which they work. The report highlights some of these strategies:

1. **Amplifying of local voice, agency and leadership** to act, organise, communicate and document human rights abuses and environmental harm (for example through participatory water monitoring in Espinar, Peru).
2. **Collective mobilisation and coalition building for advocacy**, including social protest, for instance in Guatemala through annual marches for land restitution, and providing evidence of the situation of HRDs (such as reports on rural violence and land conflicts in Brazil).
3. **Use of legal and administrative mechanisms and self-protection strategies**, such as civil society accompaniment, emergency funds and strategic litigation, as used in the case of Guapinol HRDs in Honduras. Other important strategies include legal recognition of self-determination (used by the Qhara Qhara people in Bolivia to protect their territory, natural resources and the environment) and public consultations (used in Tolima, Colombia, to defend and protect territories, livelihoods and water from mining).
4. **International advocacy**, with UK, EU and other governments, as well as with corporate

investors, building on local and national advocacy and coalitions with human rights and social justice networks.

5. **Using international human rights mechanisms and instruments**, such as the UN Special Procedures, the Inter-American Human Rights System, and reporting mechanisms of the Organisation for Economic Co-operation and Development (OECD).

RECOMMENDATIONS

Securing an enabling environment where HRDs can operate freely and safely is an important element of an open and well-functioning society and economy, and helps to promote equality, respect of human rights for all and the protection of the environment – care for our common home. This is the responsibility of us all – governments, businesses and investors, international organisations, and citizens.

CAFOD is calling for action to protect HRDs from the attacks they face, and to tackle the drivers of this abuse – powerful political and economic forces profiting from their land, water and forests, and models of development that lead to environmental destruction, climate change and human rights abuses. These recommendations are detailed in full in the report's concluding chapter:

UK GOVERNMENT:

- Introduce a new law to make companies prevent negative impacts on human rights and the environment and hold them accountable if they fail to do so.
- Effectively implement the 2019 Guidelines on Human Rights Defenders.
- Recognise the collective rights of communities and their defenders.

EU AND MEMBER STATES:

- Introduce strong legislation on environmental and human rights due diligence.
- Effectively implement the EU Guidelines on Human Rights Defenders.

LATIN AMERICAN STATES:

- Put an end to the criminalisation and stigmatisation of defenders, ensuring a safe and enabling environment and recognising the positive contribution HRDs make to society.

- Protect the independence of the judiciary and national public human rights institutions.
- Implement robust, preventive and integrated protection mechanisms.
- Guarantee meaningful consultation, participation and free, prior and informed consent – ensuring this extends to all communities, not just indigenous peoples.
- Strengthen binding democratic participation mechanisms that recognise the rights of *campesino* and rural communities
- Sign, ratify and implement the Escazú Agreement.
- Combat impunity via prompt and effective investigation, prosecution and sanction for those responsible for ordering, financing and carrying out harassment, attacks and killings of HRDs.

ALL GOVERNMENTS:

- Support the UN Binding Treaty on Business and Human Rights.
- Support and drive the incorporation of indigenous peoples, land and environmental defenders into climate change mitigation and adaptation strategies as part of the implementation of the UNFCCC and Paris Agreement commitments to reduce greenhouse gases and limiting global temperature rise to 1.5°C.

BUSINESSES AND INVESTORS:

- Respect the principle of free, prior and informed consent of indigenous and other communities affected by their supply chains, operations and investments.
- Demonstrate commitment to HRDs through adherence to the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises.
- Withhold approval for investment where impact assessments reveal serious human rights and environmental risks and threats to civic freedoms and defenders.
- Refrain from stigmatising and criminalising defenders, and instead stand publicly with land and environmental HRDs when they are attacked.

MAP OF COUNTRIES AND CASE STUDIES FEATURED



KEY FACTS

In 2020, **209 million people (33.7% of the population)** in Latin America lived in poverty, an increase of 22 million on the previous year. Of these, 78 million (12.5% of the population) were living in extreme poverty, 8 million more than in 2019.

Source: ECLAC, *Social Panorama of Latin America 2020*.

264 HRDs were killed in Latin America in 2020, with over 40% working on land, indigenous peoples and environmental rights.

Source: *Front Line Defenders, Global Analysis 2020*.

Latin America saw the **highest number of attacks against HRDs working on business-related** human rights issues globally, recording **194 of the 604 cases** registered in 2020, with most attacks associated with the agribusiness and mining sectors.

Source: *Business & Human Rights Resource Centre, In the Line of Fire, 2021*.

Colombia remains the country with the **highest number of HRDs killed in the world. 177 out of 331** killings registered by Front Line Defenders in 2020 occurred in Colombia (amounting to the killing of a HRD in Colombia every 2.5 days). 1,000 social leaders and HRDs have been killed since the signing of the Peace Accord in November 2016 up to August 2020, according to Indepaz.

In the Peruvian Amazon, at least **seven indigenous leaders and environmental defenders** were assassinated in the year to March 2021.¹

In Bolivia, **6.4 million hectares of forest** were destroyed by wildfires and by fires lit following the enactment of a Supreme Decree authorising the clearing of land for agricultural activities and private and communal lands in 2019.

In Brazil, **11,088 square km of protected areas and indigenous lands** in the Amazon rainforest were lost in 2020 – equivalent to the size of Jamaica and the highest amount lost in the last 12 years.

The Cerrejón mining project in Colombia uses **24 million litres of water a day**. Around **40% of the region's water sources** have been lost as a result of the mining activity.

Source: *Revista Noche y Niebla No. 61, Cinep/PPP*.

More than 10 Colombian legal resolutions to protect communities' right to life, livelihoods, water, safe environment and to uphold a previous consultation have still not fully implemented by Colombian state and company responsible for the Cerrejón mining operations.

Revista Noche y Niebla No. 61, Cinep/PPP.

In Brazil, at least **1,985 people have been killed** in rural conflicts around land and water in the last 35 years. **92% of these killings remain unsolved**. 2020 registered the highest number of land conflicts since 1985, 25 per cent more than in 2019 and 57 per cent more than in 2018. Territorial invasions increased by 103 per cent in 2020, compared with 2019, with 71 per cent of those affected being indigenous peoples.

In Guatemala, **313 HRDs were detained, arrested or faced legal charges** for their work in 2020.

Source: *Udegegua, 2020*.

In Honduras, **eight water defenders have spent more than 21 months unjustly jailed** for defending the rivers in the Carlos Escaleras national park against a mining project of Inversiones Los Pinares.

In Peru, social leaders from Espinar province, in Cusco region, who were declared innocent in December 2020 after facing **criminal charges for over eight years**, have seen the sentence appealed.

In Espinar, Peru, the actions by the police during protests against mining project Antapaccay owned by Glencore in 2020 left **three people with gunshot wounds**, six people injured with pellets and others injured. 20 people were also injured by the police in the conflict of Livitaca, Chumbivilcas.

¹ www.caaap.org.pe/2021/Documentos/Comunicado-de-los-Obispos-de-la-Amazonia-Peruana-18-de-marzo-de-2021.pdf