

10th Session of the Expert Mechanism on the Rights of Indigenous Peoples

10 – 14 July 2017

13 July 2017 (Day 4)

Agenda Item no. 9: Future work of the Expert Mechanism, including focus on next annual study

Statement of Asia Indigenous Peoples Pact and Asia Caucus

As recognised in the Expert Mechanism's draft report on the Ten years of the implementation of the UNDRIP, the rise in the number of indigenous human rights defenders who die every year while attempting to defend their rights under the Declaration has indeed been alarming.

Indigenous peoples in Asia and across the globe are continuously experiencing repression and violation of their fundamental and collective rights, particularly their land rights and rights to free, prior and informed consent (FPIC). Governments and transnational companies continue to silence indigenous peoples' voices and disregard their rights in the name of profit.

As per a report, in 2015, there have been 185 killings of land and environmental defenders recorded against mining, agribusiness, hydropower and logging activities. Of this number, 40% are indigenous persons with majority of the cases happening in Southeast Asia. The Philippines has the second highest killings in the world. Further, there remains unsolved cases of indigenous human rights defenders for years and decades, such as Yohanes 'Yanes' Balubun head of Aliansi Masyarakat Adat Nusantara's office in Maluku Islands who was found dead in 2016. He was assisting a land grabbing case in Nuaulu Community in Maluku at that time. There is no serious investigation from the government until now. Also, the following cases remain wanting of justice: Bill Kayong of Malaysia killed in 2016, Porlajee 'Billy' Rakchongcharoen of Thailand who was disappeared since 2014 and Kalpana Chakma of Bangladesh who was abducted in 1996, to name a few.

Violations of indigenous rights continue to take place with impunity in many countries. And, with the shrinking civil society space, reprisals and threats against indigenous human rights defenders have increased with the relentless persecution apparent this year. To name a few cases: in February, an indigenous Lumad leader, Renato Anglao, was shot dead in front of his wife and child. That was already the third recorded killing of indigenous Lumad leaders in the Philippines in 2017 in relation to palm oil plantations and mining operations. In March, Chayaiphum Pasae, an indigenous Lahu youth activist of Thailand was shot dead by Thai military for alleged drug possession. In April, indigenous Jumma student activist of Chittagong Hill Tracts, Romel Chakma died after reportedly being tortured by Bangladesh Army.

Killings and disappearances are only the tip of the iceberg of threats against indigenous human rights defenders, including community leaders and activists. There are large number of indigenous defenders across Asia who are criminalized, jailed, tortured, harassed, threatened and face other reprisals for legitimately defending their rights and those of the communities. Lack of understanding and recognition of indigenous rights also result in those defenders not being acknowledged. Their remote geographical location away from the

watchful eyes of organizations in the cities and differences in language, culture and worldviews add to the challenges. For indigenous women and youth, who are often at the frontlines of defending rights at the community level, it is even more difficult and risky.

With this, as mentioned by the Chairperson of the Expert Mechanism on day 3 of the 10th Session and in support of the Special Rapporteur on the Rights of Indigenous Peoples plan of working on criminalizing of indigenous activist, we recommend the Expert Mechanism to complement her initiative and consider the next study to be on indigenous human rights defenders, with focus on indigenous women and youth activists. We specifically urge the Expert Mechanism to look into the definition of indigenous human rights defenders so that not only well-known indigenous leaders but also community activists and leaders are acknowledged as defenders of human rights, particularly of the Declaration.

We would also like to reiterate our appreciation in the immediate acknowledgement of a member of the Expert Mechanism yesterday regarding having regional analysis in their study and we expect that in the future work.

Presented by: Raju Bikram Chamling