

OPEN LETTER TO THE PERUVIAN STATE CALLING FOR THE IMPLEMENTATION OF SPECIFIC MEASURES FOR THE PROTECTION OF INDIGENOUS HUMAN RIGHTS DEFENDERS

The signatory organizations that include Indigenous organizations and their allied institutions from several parts of the world, urge the Peruvian State to take concrete measures and ensure their implementation in practice, to safeguard the lives of Indigenous human rights defenders, in a growing context of violence, harassment and intimidation of Indigenous leaders in the Peruvian Amazon.

Background and context

1. We welcome the recent approval of Supreme Decree 004-2021-JUS that creates the Intersectorial Mechanism for the Protection of Human Rights Defenders, which presents principles, measures and procedures seeking to guarantee the prevention, protection and access to justice for human rights defenders facing risks as a result of their activities.

2. This effort and state commitment adds to the progress made in recent years, including the inclusion of the situation of human rights defenders as a special category that needs protection in the National Action Plan for Human Rights 2018-2021 (DS 002-2018-JUS); the approval of the Protocol to guarantee the protection of human rights defenders (Ministerial Resolution 0159-2019-JUS); and the Registry on risk situations of human rights defenders (Ministerial Resolution 255-2020-JUS).

3. However, we recognize that, in this same period of emerging public policies on human rights defenders, violence and assassinations against Indigenous leaders have increased in the Peruvian Amazon, where there is still a dramatic situation of abandonment, especially for Indigenous peoples and local communities who defend the environment and their human rights in an unsafe environment. This situation was reported in the [End of Mission Statement of the former United Nations Special Rapporteur on the situation of Human Rights Defenders](#), after his visit to Peru in February 2020, and also in the [recent call to the Peruvian State from the United Nations Rapporteurships in November 2020, expressing their deep concern](#) over the murders and threats against defenders of the environment, human rights and Indigenous rights.

4. In this sense, the advances in policies do not yet address the scale and severity of the problem, therefore, we want to emphasize to the Peruvian State the need that this recently approved Intersectorial Mechanism must be applicable in practice. Thus, efforts must be oriented towards its rapid, intercultural, adequate and effective implementation at all levels, with the full participation of Indigenous peoples in its design, application and evaluation, to avoid the limitations that the previous protocol has had (which has achieved very little actually). As evidenced in the thematic hearing of the [IACHR in its 179 period of sessions on March 23, 2021](#), the Peruvian State cannot and should not take approximately 10 months to evaluate whether to apply its protocol to guarantee the protection of human rights defenders and activate its Early Warning

Procedure, even more so, in the case of situations of risk and imminent threat to the lives of those requesting it.

5. We emphasize that it is not enough to implement security measures, such as the police protection or the well-known personal guarantees, which have already been questioned by Indigenous leaders in the thematic hearing of the [IACHR in its 177 period of sessions on October 6, 2020](#) - structural factors or underlying problems associated with violence against defenders need to be addressed.

Pending actions for the Peruvian State

1. Achieve an adequate implementation of the Intersectorial Mechanism for the protection of human rights defenders, including:

a. Prepare, through the **Ministry of Justice and Human Rights (MINJUSDH)** and within the established period, the Action Protocol for the implementation of the protection measures granted within the framework of the Intersectorial Mechanism, and which must include the financing strategies that will allow its implementation, and appropriate guidelines of the Plan of Activities to achieve the timely execution of the measures.

b. The **Vice Ministry of Human Rights and Access to Justice** must ensure compliance with the deadlines established by the Intersectorial Mechanism, for the issuance of the Vice-Ministerial Resolution that approves or denies the early warning.

c. Specify the role of **Ministry of Agrarian Development and Irrigation (MIDAGRI)** in preventing threats to human rights defenders. In the Intersectorial Mechanism, prevention measures continue to be insufficient as they only contemplate the promotion of the strengthening of the capacities of defenders of the rights of Indigenous peoples over their lands, territories or other collective rights; or carry out investigations or issue reports on the situation of environmental defenders to propose measures against risk factors in defense of their rights to eliminate or mitigate their causes. There is no mention whatsoever of the main prevention measure: Prioritize and achieve legal security in the Indigenous territories of Indigenous peoples that should be evidenced in the Registry on risk situations of human rights defenders implemented by the General Directorate of Rights Human Rights of the Ministry of Justice and Human Rights.

d. Generate, through the **Ministry of Women and Vulnerable Populations (MIMP)**, reparation mechanisms for the families of leaders murdered or injured for defending their human rights. It is necessary to implement a system of economic compensation for the widows, widowers and dependent children of human rights defenders.

e. Through the **Ministry of the Interior (MININTER)** a manual of procedures must be developed so that the National Police of Peru (PNP) can comply with providing an effective and efficient protection service to human rights defenders, always taking into account consent and cultural differences. This manual should serve the purpose of operationalizing the implementation of the new mechanism in practice.

2. The **MIDAGRI** must address the structural causes that contribute to threats and violence against Indigenous human rights defenders, such as the lack of titling of Indigenous property. This involves:

a. Closing the gap in the land titling of Indigenous communities in the Amazon and reactivating and speeding up titling projects.

b. Generate provisional protection mechanisms for communal territories under claim that are part of stalled titling processes or with minimal legal recognition, and thus avoid the overlapping of rights granted to third parties over Indigenous territories.

c. Consider the geo-referencing of communal boundaries from old land titles as a priority for the Peruvian State.

d. Generate a national policy for the protection of Indigenous territories, duly financed, articulated and operational for its implementation, taking into account to ensure specific territorial protections once property titles have been obtained, so that communities do not continue to face the same threats and harassment once their lands have been titled.

e. Develop and approve guidelines, mechanisms and the corresponding budget for the resolution of controversies that arise from the titling processes and address as a priority the pending titling cases that are associated with high levels of socio-environmental conflicts.

3. The **Peruvian State** must develop institutional, administrative and judicial mechanisms to effect the restitution of Indigenous territories handed over to third parties in an irregular manner.

4. The **Presidency of the Council of Ministers (PCM)** must develop an urgent plan at a multi-sectoral level to address the problem of illicit coca production in Indigenous territories, as well as declare the Ucayali and Huánuco regions in emergency due to drug trafficking.

5. The **Congress of the Republic, the Judiciary and the Public Ministry** must prioritize the reform of existing judicial systems, including the environmental prosecutor's offices of the regions to ensure that they have the resources and personnel necessary for field investigations with an intercultural approach and recognize Indigenous communities as aggrieved subjects in cases where crimes have been committed that affect their ancestral territories, with the consequent right to actively participate in criminal proceedings and request reparations from the aggressors. This will allow the participation of Indigenous peoples in criminal proceedings and thus expedite the proceedings.

6. The **Congress of the Republic** must accelerate the pending evaluations of Draft Law No. 6772/2020-CR, Law that promotes, recognizes and protects human rights defenders, presented on 12/10/2020, and the Draft Law No. 6625/2020-CR, Law for the Protection of Human Rights Defenders, presented on 11/06/2020, emphasizing that the Law for Human Rights Defenders must include a chapter differentiated for Indigenous peoples. Both projects are in the Justice and Human Rights Commission of the Congress of the Republic, therefore we urge that they be debated in favor of an approving opinion to reach the plenary session of Congress.

7. **National and regional authorities** should publicly support and value community initiatives for territorial defense and protection. These Indigenous surveillance initiatives include the monitoring and surveillance of communities and their application of Indigenous justice.

The signatory organizations hereby urge the Peruvian State to comply with its legal obligations and commitments for the protection of Indigenous human rights defenders, and guarantee them a safe and adequate environment so that they can enjoy their rights and carry out their activities and livelihood strategies. Furthermore, if the Peruvian State does not address the structural causes of violence and threats to human rights defenders of Indigenous peoples in the Amazon, its international commitments for the protection of forests and the climate will not be achieved.

END

Signatory organizations:

Actions Sans frontieres Madagascar

Agencia de Investigación Ambiental - EIA (Environmental Investigation Agency)

Amazon Watch

Asociación Indígena de Desarrollo y Conservación del Bajo Puinahua (AIDECOBAP)

Asociación Interétnica de Desarrollo de la Selva Peruana (AIDSESP)

Asociación Pro Derechos Humanos de España

Asociación ProPurús

Asociación Servicios Educativos Rurales

Bangladesh Indigenous Women's Network

Both ENDS

Centro Amazónico de Antropología y Aplicación Práctica (CAAAP)

Comisión Chilena de Derechos Humanos (CCHDH CHILE)

Centro de Culturas Indígenas del Perú (CHIRAPAQ)

Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM)

Centro de Políticas Públicas y Derechos Humanos (Perú EQUIDAD)

Centro Ecosocial Latinoamericano (CEL)

Center for International Environmental Law (CIEL)

Commission Justice et Paix

Community Empowerment and Social Justice Network (CEMSOJ)

Community Resource Centre
Consejo Étnico de los Pueblos Kichwa de la Amazonia (CEPKA)
Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA)
Coordinadora de Cooperativas y ONGs de Guatemala (CONGCOOP)
Coordinadora Nacional de Derechos Humanos – Perú (CNDDHH)
Coordinadora Regional de los Pueblos Indígenas de San Lorenzo (CORPI SL)
CooperAcción
Corporación Comuna Nueva - Santiago de Chile
Derecho, Ambiente y Recursos Naturales (DAR)
Derechos Humanos Sin Fronteras
EarthRights International
Ecologistas en Acción
Facultad Derecho Universidad de Costa Rica
Federación de Comunidades Nativas de la provincia de Requena (FECONAPRE)
Federación de Comunidades Nativas de Puerto Inca y Afluentes (FECONAPIA)
Federación de Comunidades Nativas de Ucayali y Afluentes (FECONAU)
Federación de Comunidades Nativas del Medio Napo, Curaray y Arabela (FECONAMNCUA)
Federación de Pueblos Indígenas Kechua Chazuta Amazonas (FEPIKECHA)
Federación de Pueblos Indígenas Kechwas del Bajo Huallaga de la Región San Martín (FEPIKBHSAM)
Federación Nativa de Comunidades Kakataibo (FENACOKA)
FIDH, en el marco del Observatorio para la Protección de Defensores de Derechos Humanos
FNRS-Université Catholique de Louvain
Forest Peoples Programme (FPP)
Front Line Defenders (FLD)
Fundación El Árbol – Chile
Fundación Henry Dunant América Latina
Glasgow Calls Out Polluters
Glasgow COP Collective
Grassroots to Global
Human Rights Law Network (HRLN)
India Indigenous Peoples
Indigenous Environmental Network (IEN)
Instituto de Defensa Legal (IDL)
Instituto del Bien Común (IBC)
Instituto Internacional de Responsabilidad Social y Derechos Humanos (IIRESODH)
Instituto para la Geografía de la Paz (Cd.Juárez, Chihuahua, MX)
International Service for Human Rights
Kené – Instituto de Estudios Forestales y Ambientales
Land is Life
Lok Shakti Abhiyan
Londres 38 espacio de memorias
Mesa Directiva del Centro Federado de Ciencias Forestales (UNALM-Perú)
National Indigenous Women Forum (NIWF) - Nepal
Organic Growers of Fairlie

Organización de Desarrollo de las Comunidades Fronterizas del Cenepa (ODECOFROC)
Organización Mundial Contra la Tortura (OMCT), en el marco del Observatorio para la Protección de Defensores de Derechos Humanos
Organización Regional Aidesep Ucayali (ORAU)
Organización Regional de los Pueblos Indígenas del Oriente (ORPIO)
Oxfam
Plantemos Nativo (Chile)
Proceso de Comunidades Negras (PCN)
Project HEARD
Quakers
Red de Integración Amazónica (REDIA) – Ucayali
Red Descolonialidad del Poder y Autogobierno
Red Internacional de Derechos Humanos (RIDH Suiza)
Red Internacional de Derechos Humanos Europa (RIDHE)
Resguardo Indígena de Origen Colonial Cañamomo Lomapieta
Servicios en Comunicación Intercultural Servindi (Perú)
Size of Wales
The Landworkers' Alliance
The NLG International Committee
Tribunal Internacional de Conciencia de los Pueblos en Movimiento (Cd.MX)
Universidad Estatal a Distancia
Wageningen University
Water Justice and Gender
William Nicholas Gomes, Human rights activist and freelance journalist