

Strengthening the Network of Indigenous Peoples' Human Rights Defenders for the Promotion and Protection of Human Rights of Indigenous Peoples in Asia

A Project of the Asia Indigenous Peoples Pact
Funded by the European Commission

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Guidelines for the Fund for Indigenous Peoples Human Rights Defenders at Risk

I. Background and context:

The human rights situation of indigenous peoples in Asia continues to be a serious concern because of the prevailing systematic and wide-scale violations of their individual and collective rights bordering on impunity. Too often, indigenous leaders, organizations and communities become victims of human rights violations in the course of their collective actions and advocacy for their rights as indigenous peoples. These actions are aimed at asserting their right to land, territories and resources, right to self-determination and cultural integrity. Consequently, their rights to life and to live as distinct peoples are often compromised. Further, indigenous peoples continue to suffer from the denial by states of their legal status and recognition as distinct peoples with collective rights.

In response to this situation, the Asia Indigenous Peoples Pact (AIPP) developed its programme on human rights policy advocacy and campaigns. Part of this was the establishment of the Indigenous Human Rights Defenders Network in (IPHRDN) 2010. AIPP, in partnership with indigenous organizations and advocates at the country level, is now working to strengthen this network for the promotion and protection of human rights of indigenous peoples in Asia. Concrete support for indigenous human rights defenders under threat and or victims of human rights violations is part of the EC funded project of AIPP in the form of the Fund for Indigenous Peoples Human Rights Defenders (IPHRDs) at Risk.

II. Objectives

The Fund for Indigenous Human Rights Defenders at Risk, hereafter referred to as the Fund, is set up to serve the following purposes:

1. To respond to immediate and urgent needs of IPHRDs and/or their families to alleviate their suffering and/or mitigate the consequences of the violations of their rights.
2. To provide sanctuary to IPHRDs who are facing serious threats to their personal security and wellbeing as a consequence of their human rights work.

This Fund shall compliment other actions to be undertaken to generate various forms of support in the over-all promotion and protection of human rights of indigenous peoples, which may include lobby and advocacy, capacity-building and networking.

III. The Fund

TOTAL FUND: 60,000 EURO /YEAR FOR THREE YEARS

BUDGET ALLOCATION:

LEGAL AID: EUR25, 000

MATERIAL AND FINANCIAL: EUR25, 000

SANCTUARY: EUR10, 000

RANGE OF SUPPORT: EURO 500.000 TO 2,000.000 PER CASE

- Exceptions shall be considered on a case-to-case basis

IV. Who are Eligible to Apply

- IPHRDs (men and women) who are experiencing serious threats to their security and wellbeing because of their human rights work and have urgent need for sanctuary and/or financial assistance to increase their protection and security
- Indigenous peoples evicted/displaced from their communities, or are under extreme threat to be so, due to their actions in defense of their rights to their lands, territories and resources, and are in immediate need of legal, medical and material and/or financial support
- Indigenous women HRDs who are especially targeted because of their gender or have become victims of violence by members of military/ state apparatus
- IP leaders or members of organizations/ communities that are in prison due to their human rights work and in need of legal and other forms of assistance

V. Who and how HRDs can access the Fund?

Who is qualified?

The defender applying for assistance shall be from a member-organizations of AIPP, or from indigenous communities, or works on human rights issues together with AIPP's members/partner organizations in Asia. He/she should be endorsed by the AIPP's member/partner organization under which the request is being made. The person requesting the assistance under this Fund must be:

- a. Working to promote and protect human rights of indigenous peoples;
- b. Believe in the principle of universality of human rights;
- c. Working in a non-violent manner.

What is the process for accessing the Fund?

1. A request letter from an AIPP member, indigenous organization and/or IP support group to AIPP should be submitted with the following information and attachments:
 - Specific form/s of support needed and requested from of support from AIPP. Request should specifically state what type of assistance is needed, whether it is for sanctuary support, for legal aid, or for medical, material, or financial assistance. It should also indicate why it is the assistance needed and how the assistance will help alleviate the risk that the victim is facing.
 - Amount being requested with a breakdown of the budget requested from the Fund.
 - Details of the case (fact sheet) and signed/acknowledge by the victim or family member
 - Name and contact details of two reference persons
 - Information on other organizations from which assistance/support has been requested as well as the responses of these organizations to said requests
 - Fund transfer details
2. Submit the letter to the national HR Defenders Committee (names of contact person for each

committee should be included), if there is such a committee. If not, submit to the AIPP through the contact details at the end of this document.

3. In certain cases (e.g., arrest) where quick reaction is required, funds can be released without going through the approval processes. In this eventuality, a report should be made immediately to the approving bodies and AIPP following the release of funds.

Responsibilities of HRDs accessing the Fund:

- Acknowledge the support/assistance provided
- Submit a brief report on how the support/assistance was utilized and its result/outcome

VI. What/who cannot be supported by this Fund

- Requests for natural disaster relief, travel to conferences or general support, and similar cases
- Individuals or groups engaged in internal conflict with other indigenous peoples
- Victims of HRVs who are not HRDs

VII. Categories of Support

The support that can be requested from the Fund are as follows:

1. Direct Support

- a. Financial and material support and other forms like counselling and medical assistance to victims of arrest, detention, torture and extrajudicial killings and the like
- b. Legal aid (including fees for lawyers or costs for trial observers or trial monitoring teams during the trial of the defendant)

The HRD applying for this type of assistance should be facing charges because of his/ her human rights work.

The case may also have the potential for standards on human rights to be developed or where existing standards are under threat;

In the case where legal fees are provided to enable the defender to employ the services of a lawyer to assist him/her in his/her case, then the defender shall submit to the support organization or the HR Defenders Fund Committee the name and contact details of his/her lawyer. The HR Defenders Fund Committee shall then liaise with the lawyer on developments and updates on the case.

2. Provision of Sanctuary

The HRD applying for this grant should have exhausted all the available remedies and protection measures before requesting for sanctuary. Provisions of sanctuary shall include facilities for home-stay, access to equipment and other facilities needed to continue the HRDs' work and to enhance their capacities while in sanctuary. Financial support shall be provided for the HRD's daily expenses, communication needs and work-related costs. Support for direct family members (spouse and dependent children) shall be granted based on need and shall be assessed on a case-

to-case basis.

AIPP members and its partner organizations shall explore suitable arrangements with other indigenous peoples' organizations, human rights organizations, humanitarian and religious organizations for temporary sanctuary for IPHRDs seeking refuge. They shall give paramount consideration to the security of those in sanctuary, and provision of counselling shall be provided if needed. In cases of the need for longer periods for sanctuary, AIPP members and its partners shall endeavour to explore suitable arrangements, including finding provisions for work or source of income to enable those in sanctuary to gain financial independence.

For cases needing sanctuary, the following information must be submitted to AIPP:

- a. Information about the HRD: contact details, membership, activities in advancing human rights, outline of the group/organization the HRD belongs to, relation to AIPP's member/partner organizations and work with other groups or networks.
- b. Details of the threat and risks the HRD is facing.
- c. Expected results from the protection that AIPP will provide.

IX. Main Criteria and Considerations

- Urgency of the situation and the gravity of the need
- Limited response capacity within the organization, indigenous community/locality to support the human rights defenders who are victimized or are under threat

X. Levels of assistance/support

Kind of support	Level of assistance	Remarks
Material	EUR200 – 500 per individual case EUR1,000 for a group of people or for community level	
Medical	EUR500 - 1,000	Higher amounts will be considered on a case-to-case basis depending on the need and actual cost, and other sources
Legal	EUR300 - 800	Higher amounts will be considered on a case-to-case basis depending on the need and actual cost, and other sources
4. Sanctuary	actual travel and related expenses; daily subsistence	Support for direct family members (spouse and dependent children) shall be based on need and shall be assessed on a case-to-case basis

X. Fund Management Mechanism

To facilitate the management of the Fund, country-level HRD Fund Committees will be set up whenever possible. This is particularly important in countries which have a wide geographic coverage and where a massive number of human rights violations occur.

1. Country-level HRD Fund Committees

a. Function and roles

The HRD Fund Committee will have the following functions and roles:

1. Receive and review request letters of support based on the eligibility requirements stipulated in (VII – refer to specific item in this document)
2. Verify the accuracy / veracity of the case/ information and urgency of the need
3. Approve cases for support for cases needing the amount of EURO 1,000, 000 or lower. Higher amounts requested need to be consulted with the Regional Fund Committee prior to approval and disbursement. Any amount approved shall be justified as to the nature of the case, the need and the urgency. Action should be taken within 10 days after receiving the request letter. The report/ fact sheet of each approved case shall be submitted to the Regional Fund Committee within two weeks if not as soon as possible.

	Action of National-level HRD Fund Committee	Timeline
Request letter received	Verify accuracy/veracity of information and urgency of need	Within 10 days of receipt of request
➤ If need is less than EUR1,000, approve	✓ support and disburse	
➤ If more than EUR1,000	✓ forward request letter to the Regional Fund Committee with pertinent recommendation and assessment	
	Submit report/fact sheet of approved case to the Regional Fund Committee	Within two weeks of approval

4. Inform the victim/family of the response to the request
5. Identify the recipient organization to receive funds on behalf of the requesting HRD
6. Facilitate the delivery of the support/assistance
7. Monitor implementation of support/assistance
8. Keep record of all request letters received and action taken
9. Facilitate the acknowledgement of the fund support by the beneficiary and the writing of a brief report on how the fund was used.
10. Coordinate and ensure regular communication with the Regional Fund Committee relating to requests letters, cases for action and other related concerns.
11. Submit timely report on the cases and use of funds to the Regional fund committee

Country-level HRD Fund Committees are proposed to be formed for Bangladesh, Central India, Northeast India and the Philippines given the alarming rates of human rights violations happening in these countries. For Bangladesh and Northeast India, the partner-organizations under the EU project shall take the responsibility of forming the country level committees. For Central India and Philippines, AIPP shall identify from among its member organizations in these countries the organization who will take on the responsibility of forming the country level HRD Fund Committees.

b. Composition

Members of the committee can come from a member/partner-organization, HR organisations and personalities who are accessible to take immediate review of requests and take action.

The committee should have 3-5 members with gender balance. Actions shall be based on a simple majority decision (more than 50%) of the members of the committee.

2. Regional-level Fund Committee

To attend to requests from countries which cannot form committees, the EU Project Management Team at the Secretariat will function as the committee. The tasks of the regional-level committee or Regional Fund Committee shall be as follows:

1. To refer request letters to HR Defenders Fund Committee at the national level if letters are submitted directly to AIPP
2. Review and act on request letters from the counties with no committee
3. Process the release of funds
4. Compile and consolidated all approved cases and request letters received
5. Provide guidance and monitor the management of funds by the national committees
6. Submit case reports as well as update reports to the EC
7. Evaluate and act on cases requesting more than 1,000 EURO from the national fund committee

XI. FUND TRANSFER ARRANGEMENTS

In order to facilitate the transfer of funds and thus enable the timely response to approved cases, several options are recommended:

OPTION 1:

For countries with established country level HRD Fund Committees, AIPP shall transfer an earmarked fund to the member/partner-organization identified by AIPP

OPTION 2:

For countries with no established HRD Fund committee, AIPP shall transfer the approved fund requests to its member/partner-organization in the country where the requests are coming from. The member/partner-organization shall then facilitate the quick and timely delivery of the fund to the beneficiary/ies.

The roles of IP organizations/ peoples and the IP Human Rights Defenders Network (must work closely with the HRD Fund Committee)

- Take active role in reviewing, verifying and endorsing cases of violations and identifying human rights defenders and organizations requiring support
- Assist in the documentation and verification of cases
- Exert maximum efforts to promote the rights of indigenous human rights by supporting campaigns, urgent alerts, petitions, etc., concerning human rights issues and concerns of other IP organizations in the region
- Monitor and report HRVs to AIPP on behalf of beneficiary if beneficiary cannot do so
- Monitor and report to AIPP any outcome of support provided to HRDs
- Monitor issues and changes in circumstances which will impact on the process, status, relevance and necessity of continued support for indigenous human rights defenders

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