

Executive Summary

Inclusive and sustainable development requires an environment where all people are free to express their views, to exercise their rights, and to fully participate in the decisions impacting their lives and their communities. Every day, indigenous peoples, communities, social movements, journalists, and individuals are doing essential work protecting their lands and resources from destruction, fighting for equal access to housing and education, exposing corruption and abuse of power, and advocating for investments that reach the poor. Yet today these **human rights defenders are increasingly subjected to threats and attacks for their efforts**, including harassment, physical violence, criminalization, arbitrary detention, and killing. What's more, these **threats and attacks are increasingly taking place in the context of activities undertaken in the name of development.**

Through 25 case studies, *Uncalculated Risks* explores the nature of the threats and attacks against defenders in development, and examines the role of development finance institutions (DFIs) in mitigating or exacerbating these risks.

> THE FINDINGS

Threats and attacks against human rights defenders in the context of development activities are widespread – involving a broad range of countries, types of defenders, sectors, types of investments, and development financiers.

Though they take many different forms, threats and attacks often start with the labeling of communities, groups, and individuals as “anti-development.”

Increasingly governments and businesses are utilizing the law to harass and criminalize defenders in an effort to silence them. Stigmatization and criminalization may quickly escalate into more violent attacks.

The imposition of development activities without the consent or meaningful consultation of local communities and marginalized groups is one of the key root causes of threats for defenders in development. The process of engagement with local communities is as important, if not more so, than a project's physical impacts. In some project contexts, including those where civil society space or fundamental freedoms are curtailed, meaningful participation may not be possible.

Development finance institutions have a duty to respect human rights and to ensure that their investments are not putting people at risk. Yet too often, development interventions exacerbate risks for defenders due to lack of adequate attention to the rights and interests of local communities and marginalized populations, and to the contextual risks and power imbalances that may cause them to bear negative impacts or to be made vulnerable.

DFIs continue to finance projects which cause significant harm to local communities, despite social and environmental safeguards and human rights commitments. Risk and impact assessments often fail to account for social impacts or their distribution on vulnerable groups, and overlook risks stemming from the broader human rights context. Hardly any DFIs systematically examine the enabling environment for public participation and human rights defense.

Early warning signs of potential threats to defenders are often missed or ignored. DFIs rely heavily on client reporting or on assumptions of functioning domestic regulatory and legal systems, without adequate due diligence and on the ground monitoring. Communities and defenders also lack access to project information and transparency that would enable early communication of risks and concerns.

While grievance, accountability and whistleblower mechanisms can provide an avenue for addressing certain concerns, none is entirely adequate or sufficient for addressing defender related threats. Without adequate safeguards to prevent reprisals, these mechanisms can put defenders at greater risk.

DFIs can and have taken action to decrease risks for defenders under threat or to facilitate dialogue between affected communities and other actors. DFIs have a wide range of resources and influence that can be utilized to change the risk equation for defenders under threat, including engagement with governments and companies, public statements in support of the rights of defenders, investigations, suspension of financing, visitation of defenders in jail, and provision of remedy.

Unfortunately, DFIs often remain silent in the face of threats and attacks, or responses come too little, too late. DFIs miss opportunities to proactively create moments of leverage to support the rights of communities and defenders and are reluctant to effectively utilize the leverage they have. Defenders and communities are left without protection or remedy for harm.

Several DFIs are beginning to grapple with threats to defenders in development. Various independent accountability mechanisms have developed guidelines to prevent and address reprisals against those who

file complaints. Some DFIs have published position statements against retaliation; others are developing early warning systems and risk screenings to identify threats to defenders.

But much more is needed.

Effectively addressing the shrinking space for participation in development processes and the growing threats to defenders will require not only a change in policy and practice, but a fundamental shift to place human rights and local communities at the center of how development is conceived and implemented.

> FROM THE CASES

In **Kenya**, forest service guards implementing a conservation project **shot at and burned the homes of indigenous people** defending their right to live on their lands.

In **Guatemala**, indigenous communities opposing a hydroelectric project have been **subjected to smear campaigns, and face multiple spurious criminal convictions**.

In **Uzbekistan**, labor monitors investigating child and forced labor in state-run cotton fields have been **beaten, detained and institutionalized** for their work.

In **Colombia**, social movements challenging a dam that displaced thousands have been **harassed and illegally detained; several leaders and their family members have been killed**.

In **South Africa**, when labor unrest erupted over squalid conditions at a platinum mine, **police forces launched a military-style operation that left 34 dead**.

In **Jordan**, the head of an organization of villagers impacted by pollution from a power plant was **detained and threatened by local police for filing complaints**.

In **Peru**, the government has used **emergency decrees and military force to quash protests and labor strikes** around a copper mine, leading to several deaths.

In **Nepal**, indigenous communities peacefully protesting the construction of a transmission line through their villages were **beaten and detained by police and forced to sign** commitments not to oppose the project.

In **Mexico**, the failure to adequately consult indigenous peoples around a proposed wind farm **divided communities, leading to intimidation, judicial harassment, and physical attacks**.

➤ **TO ADDRESS THE GROWING THREATS TO DEFENDERS IN DEVELOPMENT, DFIS AND STATES MUST:**

1

Respect rights and avoid harm. Ensure that development activities respect human rights, including by undertaking robust human rights due diligence to avoid adverse impacts, screening projects for reprisal risk prior to approval, developing protocols, contractual requirements, and other necessary leverage to identify, prevent, and mitigate risks for defenders, and conditioning investment decisions and disbursements on the ability to prevent abuses, ensure an enabling environment for defenders, and adequately address human rights impacts.

2

Ensure an enabling environment for participation. Ensure that communities, defenders, and other at-risk groups are able to access information and fully and effectively express their views on, protest, oppose, and participate in development decisionmaking and activities without fear, and that development projects secure and maintain the free prior and informed consent of indigenous peoples or good faith broad community support of other communities, beginning at the earliest stages of design and preparation.

3

Listen to defenders and monitor for risks. Maintain a direct feedback loop with communities, establish active oversight and systematic, independent and participatory monitoring systems for human rights impacts and reprisal risks, and ensure that communities, including defenders and other marginalized groups and individuals, have access without fear to effective grievance and independent accountability and reprisal response mechanisms.

4

Stand up for defenders under threat. Combat the stigmatization of defenders by vigorously reaffirming their critical role in sustainable development, and work with defenders under threat to develop and execute an effective plan of prevention and response that utilizes all necessary leverage with companies, authorities, financiers and relevant actors to safeguard defenders and their right to remain in their territories and communities and continue their defense efforts, to investigate and sanction abuses and prevent recurrence, and to provide effective remedy and accountability for harm.

Our 5 Ps of Reprisal Risk, DFIs' Leverage Toolbox, Reprisal Prevention and Response Process, and Policy Recommendations can help show how.

