**GUIDE FOR THE LEGAL AND SANCTUARY FUND**

**I. Background and context**

Indigenous peoples have long been struggling to defend their rights against criminalization and impunity at the local, national and regional levels. However, there are no concerted efforts to address this issue in a sustained and systematic manner. The Indigenous Peoples rights International (IPRI) launched a Global Initiative to address criminalization of and impunity against Indigenous Peoples (Global Initiative). It is a global effort to be led by Indigenous Peoples leaders and organizations to strengthen coordination, solidarity and actions on this critical issue at all levels to improve the situation of indigenous peoples.

The aim of this Global Initiative is to prevent, respond, reduce and prevent acts of criminalization, violence and impunity against indigenous peoples and to provide better protection and access to justice for actual and potential victims not only as individuals but as collectives or communities.

This Global Initiative shall also raise and allocate funds to provide emergency support for indigenous leaders, and rights defenders needing protection or security measures; and for victims and or their families seeking justice thru legal and other forms of remedies or support.

**II. Objectives**

The Legal and Sanctuary  Fund of IPRI was set up with the following objectives:

1. To provide resources for legal support, and related assistance to Indigenous Peoples or organizations who are falsely accused or criminalized, or are facing legal sanctions because of their actions to exercise or defend their individual or collective rights;
2. To   provide  resources for sanctuary   to   Indigenous Peoples   who   are   facing   serious   threats   to   their   personal   security  and  wellbeing  as  a  consequence  of  their  human  rights  work.
3. To respond   to   immediate   and   urgent   needs   of Indigenous Peoples or their organizations and/or   their   families and or their communities to address serious threats to their rights and or  to  mitigate  the  consequences  of  the  violations  of  their  rights;
4. To support and strengthen Indigenous Peoples’ traditional justice and governance systems that protect and support those who suffer from criminalization.

This  Fund  shall  complement  other  actions  done by other persons or organization to provide support and assistance for the promotion   and   protection   of   human   rights   of   indigenous  peoples against criminalization and impunity, and for access to justice. These may  include advocacy activities to generate public pressure, submission of communications to relevant UN human rights bodies, collaboration with human rights institutions and advocates for joint actions, collaboration with other funds, donors, dialogues with relevant leaders, facilitation of access redress mechanisms as appropriate, among others.

**III. The FUND**

The initial amount of the Fund is 50,000 USD for 2020. IPRI is committed to raise more funds to advance further the objectives of this Fund. Likewise, IPRI shall work with similar funds and with donors for complementation and supplementary support and assistance.

The range of support will be from 1,000 USD to 4,000.00 per request for each case, including assistance to communities or group of victims. The amount to be considered and granted if eligible will depend on the urgency of the situation and the difference it can make, type or nature of the case, availability of funds and other considerations.

**Exception.** In exceptional circumstances, higher amounts will be considered on a case to case basis, and subject to the availability of funds and the potential collaboration with other funds/donors.

**IV. Who  are  Eligible  to  Apply**

The Fund is open to Indigenous Human Rights Defenders, members of Indigenous organizations, institutions and communities,  experiencing   serious   threats to their individual and or collective rights. These threats are those particularly related to acts of criminalization, which include illegal detention and filing of trumped-up criminal charges, possible assassination, imputation of criminal acts against persons, among others, which are meant to stop them from asserting their human rights. This Fund provides  financial  assistance  for  their  protection and security such as the provision of resources for legal assistance to those who face false charges, to those who are under detention while hearings are taking place and those already convicted and detained on false or trumped up charges.

The Fund will also assist Indigenous   peoples who are evicted/displaced   from   their   territories or   are   threatened  to  be evicted. The eviction or displacement, or threat of it, is supported by a law or policy that contravenes Indigenous Peoples rights to their lands, territories and resources, or is implemented by State agents. The Indigenous Peoples concerned are ,in  immediate  need  of  legal, or  financial  support   for their security and wellbeing.

The Fund will also assist  Indigenous  women  HRDs  who  are  especially  targeted  because  of

 their  gender  or  have  become  victims  of  gender-based violence  by  members  of  military or State forces including security forces in national parks or protected areas, para-militaries, private company guards such as mining companies, etc.

**V. Provision  of  Sanctuary**

The applicant requesting for Sanctuary assistance should have exhausted all the available remedies and protection measures before requesting for sanctuary. Provisions of sanctuary shall include facilities for homestay, access to equipments and other facilities needed to continue his/her work and to enhance their capacities while in sanctuary. If no other measures were explored prior to the request to IPRI, the applicant shall explain why no such exhaustion of local assistance was done.

Financial support shall be provided for the 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. Depending on the urgency and requirements for security, needs and other considerations, IPRI will explore and collaborate with other donors and entities providing this type of assistance.

Due to limited funds, the main criteria for assistance is the urgency of situation and the need of which the extension of the assistance will make a difference in the security of the person/persons and or their community.

**VI. How   to  access  the  Fund and Requirements:**

**The applicant to the Fund should be an active member or leader or an indigenous organization, institution or community; or from an advocate organization working on Indigenous Peoples’ rights and concerns.**

The applicant shall fill-up the IPRI Application Form on Request for Assistance which is available in English, Spanish and French.

In case the applicant is not the beneficiary, he/she shall ensure that the target beneficiary is fully aware of this application for assistance, and have given their permission/consent to the person or organization submitting the application. If possible, the written permission/consent is attached to the application.

The applicant shall ensure complete and accurate information required in the application form in order for the request to be considered and processed.

The applicant is also required to submit fact sheet for the case being requested for assistance. The Fact Sheet Form is included in this Guide. The fact sheet and the application form shall be duly signed by the victim, a representative and/or leader of the organization/ community.

Incomplete or inaccurate data provided may result to delay or rejection of the application

**VII. Steps and Duration of Processing of Application for assistance:**

As the Fund is intended to assist Indigenous Peoples, communities or organizations with urgent needs in relation to their rights, safety, and security, IPRI endeavors to simplify the process of approval and release of funds, while ensuring due diligence and accountability to donors. In order to hasten the process, applicants are required to seek the endorsement of an active indigenous organization or institution or, advocate group at the national level or regional level that can attest to the accuracy of information provided and the legitimacy of applicant. This endorsement letter shall accompany the application form and other required documents.

* Upon receipt of the application form and related documents, it shall be evaluated for eligibility.
* If the request is deemed eligible, IPRI shall undertake a verification process in relation to the information provided and the legitimacy of the applicant. Depending on the country/location, this process may take 2- 7 days. Those not deemed eligible after the verification process will be notified no later than 10 days after acknowledgement receipt of the application.
* As soon as the verification process is completed, the request for assistance is endorsed for decision by the Fund Committee of IPRI. Given the limited funds, the designated committee may need to prioritize eligible applicants to be granted with consideration to the following: urgency of the need, type of assistance needed and the difference it will make, geographic location, availability of funds. This process will take 2-3 days.
* Upon the approval of the request for assistance, the applicant shall be notified immediately and the best possible option to receive the approved amount of assistance will be explored and agreed upon.
* Applicants not who will not be approved for whatever reason will be properly notified within 15 days.
* For applications that will not be supported by IPRI after the process of verification and endorsement by the Fund Committee of IPRI due to lack of funds, these may be endorsed to other similar funds or donors on a case to case basis. The applicants shall be notified of this intent to explore other sources and IPRI will maintain communication with applicant on this matter.

**VIII. Responsibilities of the Applicants receiving Financial Support:**

1. To formally acknowledge the funds received from IPRI (dated and signed by at least two persons)
2. To submit a narrative report based on a template to be provided by IPRI
3. To submit relevant photos (minimum of three) with explicit reference to those that cannot be shared in public
4. To submit a finance report based on the template of IPRI
5. To continue to inform IPRI of any further developments in relation to the case/assistance provided

**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 Indigenous Person/s who are victimized or are under threat

**X.  Fund  Management  Mechanism**

To facilitate the management of the Fund, the national steering committee, where existing and possible, will establish a national Legal Defense and Sanctuary Fund Committee. This is particularly important in countries which have a wide geographic coverage and where as massive number of human rights violations occur.

1. National Fund Committees shall be created where possible, by the National Steering Committees established by IPRI at the country level. National Fund Committees shall be created in the focus countries of IPRI – Colombia, Mexico, Brazil, Democratic Republic of Congo, India and the Philippines.

a. Function and roles

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

i. Receive and review request letters of support based on the eligibility requirements stipulated in this Guide;

ii. Verify the accuracy / veracity of the case/ information and urgency of the need

iii. Approve cases for support for cases needing the amount of USD 1,000.00 or lower. Higher amounts requested need to be consulted with the Global Fund Committee prior for 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 or earlier after receiving the request letter. The report/ fact sheet of each approved case shall be submitted to the Global Fund Committee within two weeks if not as soon as possible.

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|  | **Action of National Fund Committee** | **Timeline** |
| **Request letter received** | **Verify accuracy/veracity of information and urgency of need** | No later than 10 days of receipt of request |
|  If need is less than USD 1,000.00  approve |  support and disburse; or request disbursement from Global Fund Committee if funds are not available at the national level |
|  If more than USD 1,000 |  forward request letter to the Global Fund Committee with pertinent recommendation and assessment |
|  | **Submit report/fact sheet of approved case**  **to the Regional Fund Committee** | No later than two weeks  of approval |

iv. Inform the victim/family/applicant of the response to the request

v. Identify the recipient organization to receive funds on behalf of the requesting victim;

vi. Facilitate the delivery of the support/assistance

vii. Monitor implementation of support/assistance

viii. Keep record of all request letters received and action taken

ix. Facilitate the acknowledgement of the fund support by the beneficiary and the writing of a brief report on how the fund was used;

x. Coordinate and ensure regular communication with the Regional Fund Committee relating to requests letters, cases for action and other related concerns.

xi. Submit timely report on the cases and use of funds to the Regional fund committee

2. **Global Fund Committee**.

**Responsibility -** To attend to requests from countries that do not have National Fund Committees, and to requests beyond USD1,000.00 from countries that have National Fund Committees.

**Composition –** The Global Fund Committee shall be composed of one member of the Global Board, one Global Director, the Global Operations Manager and the Global Advocacy Coordinator. The tasks of the Global Fund Committee shall be as follows:

1. To refer request letters to National Fund Committee at the national level, where applicable, if letters are submitted directly to IPRI Global Secretariat;
2. Review and act on request letters from the counties with no committee
3. Process the release of funds
4. Compile and consolidate 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 Global Directors
7. Evaluate and act on cases requesting more than USD1,000 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 National Fund Committees, IPRI shall transfer an earmarked fund to the national partner-­‐organization.

OPTION 2:

For countries with no established National Fund committee, IPRI 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, affiliates, and partner organizations:

* + Take active role in reviewing, verifying and endorsing cases of violations and identifying Indigenous Peoples, communities and organizations requiring support
  + Assist in the documentation and verification of cases
  + Exert maximum efforts to promote the rights of Indigenous Peoples by supporting campaigns, urgent alerts, petitions, etc., concerning human rights issues and concerns of other IP organizations or support groups
  + Monitor and report HRVs to IPRI on behalf of beneficiary if beneficiary cannot do so
  + Monitor and report to IPRI any outcome of support provided to Indigenous Peoples, communities or organizations under this Fund
  + Monitor issues and changes in circumstances which will impact on the process, status, relevance and necessity of continued support for Indigenous Peoples rights.