



DEFENDING OUR LANDS, TERRITORIES AND NATURAL RESOURCES AMID THE COVID-19 PANDEMIC

ANNUAL REPORT ON CRIMINALIZATION OF, VIOLENCE AND IMPUNITY AGAINST INDIGENOUS PEOPLES



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Photos Cover Page

(Top) Young Lumad women protesting in UP Diliman with placards saying "Women, our place is in the struggle." (Photo: Save Our Schools (SOS) Network)

(Bottom) The Nahua People of the ejido of Carrizalillo blocked the entrance to the mines on September 3, 2020 due to Equinox Gold's breach of the agreement. (Photo: Centro de Derechos Humanos de la Montaña Tlachinollan)



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ABOUT THIS REPORT

From 2016 to 2018, the Special Rapporteurs on the situation of human rights defenders,¹ on human rights and the environment,² and on the rights of Indigenous Peoples³ raised the alarm on a developing “global crisis” of attacks against environmental human rights defenders, which was affecting Indigenous Peoples disproportionately. In the hope of having a global platform for Indigenous Peoples and movements to collectively address this global crisis, the *Global Initiative to Address and Prevent Criminalization, Violence and Impunity Against Indigenous Peoples* (Global Initiative hereon) was created. Indigenous Peoples Rights International (IPRI) was established to oversee the Global Initiative. IPRI is a non-profit global Indigenous Peoples organization that works to protect Indigenous Peoples’ rights, and to unite and amplify the call for justice to victims of criminalization and impunity. IPRI’s Global Board Members are indigenous activists and leaders from around the world.

A core component of the Global Initiative is monitoring and reporting incidents of criminalization, violence and impunity against Indigenous Peoples. Part of this component is the creation of a database to document these incidents and publication of an annual report reflecting the collected data. However, since the database is currently at the development stage, this annual report is focused more on the different dimensions of criminalization and impunity based on the country contexts and case stories of IPRI’s six focus countries: Democratic Republic of Congo (DRC), Brazil, Colombia, Mexico, India and the Philippines.

The country contexts and case stories were developed in collaboration with IPRI partners, namely *Programme Intégré Pour Le Développement du Peuple Pygmée au Kivu* (PIDP-Kivu) for DRC, *Articulação dos Povos Indígenas do Brasil* (APIB) for Brazil,* *Centro de Derechos Humanos de la Montaña “Tlachinollan”* for Mexico and *Panaghiusa Network* for the Philippines. For the text on India, an indigenous research consultant was commissioned and for Colombia, two consultants guided by IPRI’s Board Member, Leonor Zalabata, helped in finalizing the country context and case stories.

* Indigenous Peoples Rights International and Articulação dos Povos Indígenas do Brasil will be publishing APIB’s country report, *Uma anatomia das práticas de silenciamento indígena: Relatório sobre criminalização e assédio de lideranças indígenas no Brasil*. It is the basis of the country context and case stories presented in this annual report. It is published independently from this annual report. (See report here: <https://www.iprights.org/es/recursos/informes>)

The case stories are specific illustrations of the general situation briefly discussed in the country contexts. These provide snapshots of the Indigenous Peoples' situation and the consequences they have experienced in relation to defending their collective rights to their lands, territories and resources, self-determination and self-government within the context of the COVID-19 pandemic that began in early 2020.

Building on the country contexts and case stories, this annual report presents the patterns of threats and harassments that often lead to criminalization and/or killings. It explores the occurrence of criminalization beyond the common definition of abusing the law.

Criminalization is defined as the misuse of criminal laws that involves the manipulation of the punitive power of the State and non-state actors in order to control, punish and/or prevent the exercise of the right to defend human rights.⁴ It occurs for example, when defenders are wrongfully accused of committing crimes as a result of their activities, thus depriving them of freedom in crucial moments for the defense of their causes, as well as processing them without due process guarantees.⁵ In consideration of the country contexts and case stories examined in this report, criminalization can also occur when state and non-state actors use and misuse their position of power, even without using any laws/policies, to control, punish and/or prevent the exercise of Indigenous Peoples' right to defend their individual and collective rights.

The report also presents the link between entrenched discrimination and the impunity enjoyed by those targeting Indigenous Peoples and their work in defending their individual rights, and collective rights to their land rights, self-determination and self-government while coping with the onslaught of the health crisis.

In addition to the country contexts and case stories, the annual report also draws its findings from reports and news articles on the violation of Indigenous Peoples' rights in year 2020, including the abuse of laws and policies imposed to address the impacts of the pandemic.

GLOBAL OVERVIEW AND FINDINGS

Introduction:

A few months after the World Health Organization declared COVID-19 as a pandemic in March 2020, it was already clear that Indigenous Peoples will be dealing with the health crisis within the backdrop of attacks against them for defending their collective rights to lands, territories and resources, self-determination and self-government.

Weaponizing the law has been common at the time of the pandemic.⁶ It happens when laws are used to curtail human rights instead of protecting these and can fall under the common definition of criminalization. It includes passing of laws and policies under the pretext of protecting people, often on issues of security or conservation, but when in fact such laws are actually more effective in officially delegitimizing Indigenous Peoples' way of life and criminalizing their defense of their individual and collective rights. In his report on the impacts of COVID-19 on Indigenous Peoples, the United Nations Special Rapporteur on the rights of Indigenous Peoples noted that several health restrictions have disrupted and limited legal proceedings, street mobilizations, and the general monitoring of human rights violations, affecting the work of many indigenous peoples human rights defenders.⁷

Furthermore, there had been trends of states rolling back on social and environmental safeguards as the pandemic's adverse economic impact is gradually being felt and realized. The rollbacks are feared to lead to increased violations of Indigenous Peoples' rights.⁸ Extractive industries, often in collusion with states, have continued with their exploitation of natural resources within indigenous territories. They continually gain profits in the middle of the pandemic while disregarding, among others, Indigenous Peoples' rights to their lands, self-government, and free, prior and informed consent (FPIC). It is expected that ad hoc policies to address the economic downturn will be implemented even beyond the pandemic,⁹ adding to the already existing discriminatory laws and policies against Indigenous Peoples.

In 2020, state action in partnership with companies, exacerbated the killings and criminalization of Indigenous Peoples. Many have suffered from violence and attacks through vilification or smear campaigns, hate speech, physical and online threats, illegal arrests, displacements, and enforced disappearances, to name a few. Further, most of the victims, their families and communities have neither access to justice nor effective redress mechanisms at all levels.

Patterns of killing and criminalization:

By the middle of 2020, IPRI had already recorded 204 incidents of violence and attacks in 23 countries, including killings and criminalization against Indigenous Peoples.¹⁰ At the end of the year, a global report noted 330 killings of human rights defenders in 25 countries with 69% of them working on land, indigenous and environmental rights and with 26% specifically working on Indigenous Peoples' rights.¹¹ There are also 2020 country reports from national organizations that have independently documented attacks on Indigenous Peoples citing 10 killings in Brazil,¹² 113 in Colombia,¹³ seven in Honduras,¹⁴ and 14 in the Philippines.¹⁵

The data from these reports are often not comprehensive due to several factors such as lack of free press,¹⁶ fear of reporting as attacks are carried out with impunity,¹⁷ or it happened in areas too remote to be picked up by mainstream media,¹⁸ etc. Despite the lack of systematic and unified data gathering, these reports are a grim illustration of the experiences of Indigenous Peoples in their defense of their land rights, self-determination, and self-government especially at a time where the pandemic is viewed as an opportunity by vested capitalist interest to exploit indigenous territories.

In her report, "Final warning: death threats and killings of human rights defenders," the UN Special Rapporteur on the situation of human rights defenders focused on the signs or forewarnings that precede the killing of human rights defenders.¹⁹ She noted that the work of human rights defenders is "often demonized and stigmatized, smeared in the press and otherwise attacked, leaving them vulnerable to physical attacks or murder." She also noted that not all death threats, which are done online and offline, lead to killing but many killings were preceded by them. Although her report does not particularly refer to Indigenous Peoples, it mirrors the experiences of indigenous human rights defenders.

In the Philippines, all 14 incidents of killings recorded in 2020 were preceded by smear campaigns or vilification. Specifically, IPHRDs are linked with

the revolutionary organization and its armed group, the Communist Party of the Philippines – New People’s Army (CPP-NPA). This is a common method locally termed as red-tagging and is used against human rights defenders in the country. Similarly, in the Democratic Republic of Congo (DRC), Mexico, and Colombia, Indigenous Peoples are also linked to armed or terrorist groups leaving them vulnerable to arrest and intimidation from the army, police and other government security forces. Rumors or suspicion of having links with armed groups can also lead to massive displacement as communities fear the consequence of militarization. Local officials and other parties wanting to take over indigenous lands often take advantage of this situation. Even Indigenous Peoples’ allies and support groups, often lawyers and advocates, are also subjected to similar acts of vilification and smear campaigns.

Although threats and harassments are done online, these can also result in actual physical attacks.²⁰ Vilification and smear campaigns via social media are common as they spread faster and have wider reach. The visibility of Indigenous Peoples’ struggle for their individual and collective rights in social media, which can be picked up by mainstream media, often makes them easier targets for more attacks and harassment. In Brazil, information dissemination about Indigenous Peoples contributes to their discrimination, which is gradually developing into outright hatred of local citizens towards them and their fight for their land rights. Also, in Canada, First Nations experienced increase in death threats and racist attacks via Snapchat and Facebook as the conflict over the construction of the Coastal Gaslink pipeline escalated.²¹

In many instances, indigenous human rights defenders are not merely vilified as individuals. Violence and attacks are extended to the collective, either to their organizations or indigenous groups/communities, if not to both. In some cases, their families are also targeted.

Furthermore, indigenous human rights defenders who are most vocal and aware of their human rights are extremely vulnerable to attacks. Most targeted are indigenous leaders because this is a means to attack and weaken the governance structures of communities and peoples. Indigenous Peoples who are not aware of their rights or unaware of proper legal procedures are taken advantage of and subjected to further criminalization, illegal arrest, and other forms of human rights abuse.

“People in power profit from other people’s ignorance. Indigenous peoples who are not aware of their rights are easily manipulated or silenced by those that want to take their lands.”

- Diel Mochire of *Programme Intégré Pour Le Développement du Peuple Pygmée au Kivu* in DRC, said while explaining the vulnerability of Indigenous Peoples to arrest, imprisonment and criminalization.

In Brazil, Alessandra Kurup Munduru of Praia do Índio Indigenous Reservation shared her experience of being specifically targeted for posing a challenge to her community’s detractors. She has heard them say, “[T]hat indigenous woman from Itaituba, we have to get her out. She is going to be a lawyer. If she becomes a lawyer, she is going to make things worse for us.”²²

As in the case of killings, criminalization is often preceded by threats and attacks aimed either at instilling fear or delegitimizing efforts to defend rights. Furthermore, aside from prior incidents of threats and harassments, there are several incidents wherein the killings and criminalization happen in one instance along with other human rights violations such as displacement, torture, enforced disappearance, etc.

A number of cases of criminalization and killings of Indigenous Peoples indicate a trend of having links to the defense of their lands and resources against mining, agri-business and energy companies. Likewise, states utilize the military and paramilitary to “clear” areas of any resistance by indigenous communities to facilitate unhampered operations of companies provided with contracts by the government. Further, indigenous leaders and activists asserting their land rights and exposing violations of their FPIC to development projects are targeted for criminalization. This situation requires more attention and action for the protection of Indigenous Peoples’ rights and their access to justice and remedy.

Attacks on Indigenous Women

Indigenous women human rights defenders are more likely to experience specific threats of rape and sexual harassment to silence them. These threats may include their family members and children, particularly their daughters.²³ They are more likely to experience sexist vilification, either online or offline, often aiming to embarrass them and tarnish their reputation in their organization and community.²⁴ Also, indigenous women in jail are more likely to have endured sexual harassment and abuse before, during and after detention.²⁵

In some cases, indigenous women who had lost their husbands who were either killed or imprisoned for defending their land rights, continue the struggle their husbands left behind. As they are still generally expected to take on the primary role of child-rearing and look after the welfare of their family, they are burdened with both responsibilities for their family and their community.²⁶ The indigenous woman who shares the economic responsibility with the husband finds it even more difficult to struggle to ensure the welfare of her family.

"Your daughters are very beautiful, think about them and stay out of trouble, I will disappear even your mother if you continue to snitch."

- a written message that was sent to threaten Jakeline Romero, a Wayúu leader of the Fuerza de Mujeres Wayúu.

Furthermore, even within the community, attacks and threats against indigenous women are more likely underreported due to prevailing discrimination against them based on their gender. In some cases, their issues and perspectives are absent, if not misunderstood, within mainstream women's movements.

The twofold issue of entrenched discrimination and cycle of impunity

Entrenched discrimination and the cycle of impunity reinforce each other and aggravate the violence and criminalization against Indigenous Peoples. In her 2018 report, the UN Special Rapporteur on the rights of Indigenous Peoples wrote that "prosecutions of indigenous community members are often preceded by defamation campaigns, at times with racist or discriminatory overtones, which seek to discredit and undermine the legitimate right of indigenous peoples to participate and voice their opinion in matters that affect them and their lands, territories and resources."²⁷

In many instances, discrimination is one of the root causes of the attacks, but it can also be the reason for the continuing impunity against Indigenous Peoples. It is not common for governments to press charges against perpetrators, let alone launch immediate independent investigations on violations against indigenous leaders.²⁸ Even if they are known and identified, conviction of perpetrators is also rare and much less likely if they have significant economic and political power and influence. Furthermore, in cases where legal decisions are made in favor of Indigenous Peoples,

the implementation of the ruling is glacial and incomplete at best,²⁹ if not completely ignored.

In her report, the UN Special Rapporteur on the situation of human rights defenders noted that “[s]ome States, in particular those with high numbers of such killings, have established dedicated protection mechanisms to prevent and respond to risks and attacks against human rights defenders. While these mechanisms have been successful in part, human rights defenders often complain that the mechanisms are under resourced, or that States lack the necessary political will to properly protect defenders.”³⁰ Brazil, Colombia, Guatemala, Honduras, Mexico and Peru were the six countries mentioned in her report with that kind of protective measures.

The continuing impunity enjoyed by perpetrators encourages them to continue attacking Indigenous Peoples. As the violence and criminalization against them persist, Indigenous Peoples become distrustful of the national legal system. It is exacerbated by the combination of different factors including the lack of legal recognition of their distinct identity and rights as Indigenous Peoples, experiences of historical discrimination, lack of knowledge of the legal system, and daunting sense of helplessness over charges filed against them. Pursuing justice through the legal system can be arduous and expensive for them, which is worsened with the existing inequalities that affect Indigenous Peoples disproportionately.³¹ In some incidents, they would rather endure illegal arrest and imprisonment than challenge the case or verdict, or leave their lands than bring their issues to the legal system.

In addition, the narrative of Indigenous Peoples as anti-development is not only an indication of outright discrimination against them but is often used as justification to suppress their legitimate demand to protect their way of life, their lands, and resources. Too often, states, investors and companies use their power to take control of Indigenous Peoples’ lands and resources in the name of economic growth that, in reality, fuels more inequality. It also underscores their responsibility in reinforcing an economic system that puts profits over individual and collective rights of indigenous communities. The underlying issue of discrimination against Indigenous Peoples and its link to the profit-driven economy is another concern that is worth further exploring. The case stories presented in this report provide a general overview of this underlying, often undetected discrimination against their way of life, beliefs, and worldview.



A Pathalgari or stone slab noting India's Constitution provisions of Fifth Schedule was installed by the Pathalgari Movement at the entrance of Setgada village in Odisha. (Photo: Gladson Dungdung)

COUNTRY CONTEXTS AND CASE STORIES



Indigenous Pygmy Peoples celebrate outside the Parliament after the National Assembly adopted the Bill on the Protection and Promotion of the Rights of Indigenous Pygmy Peoples. Kinshasa, DRC. April 7, 2020. (Photo: Alliance Nationale d'Appui et de Promotion des Aires et Territoires du Patrimoine Autochtones et Communautaire)

DEMOCRATIC REPUBLIC OF CONGO

Despite measures enforced in relation to the pandemic such as travel restrictions, lockdowns and confinement, among others, armed conflicts that have plagued the country since the end of the civil war in 2003 continue. Between March 23 to May 14, 2020 alone, “more than 480,000 people were forced to leave their homes due to clashes between armed groups and the country’s military, accounting for 75% of the total number of people displaced worldwide.”³²

The armed groups are responsible for kidnap-for-ransom, sexual violence and torture of a number of Indigenous Peoples, particularly women and girls. In 2020, at least 200 people were abducted for ransom in North Kivu province.³³ These incidents are rarely, if ever, brought to justice.

Although the country has a relatively low number of official COVID-19 cases, the pandemic aggravated the already dire situation of Indigenous Pygmy

Peoples. The closure of cities and the large shopping centers prevented and limited their mobility and affected those whose livelihoods depend on either selling their non-timber forest products or having daily wage jobs in urban centers. This also affected their already limited access to food and potable water. Furthermore, many became vulnerable to arrests and forced to pay heavy fines for not complying with the requirement of wearing face masks, mostly because they can't afford them.

Between March and May 2020, around 57 Indigenous Pygmy Peoples in Kinshasa, North Kivu, and South Kivu were arrested for failing to wear face masks.³⁴

In addition, national park rangers, also known as 'eco-guards,' pose similar threats to the safety and security of Indigenous Peoples living around these parks. From November 30 to December 31, 2020, 'eco-guards' from two of the seven national parks in DRC were involved in the killing of five Batwa men, injuring several others, rape of an Indigenous Pygmy woman, and torture of three others.³⁵ These are just few incidents from the numerous other human rights violations involving the 'eco-guards'³⁶ who are emboldened by the persistence of conservation management that is rooted on colonialism.³⁷

Discrimination is another challenge that renders Indigenous Pygmy Peoples vulnerable to being displaced from their ancestral lands. Local government officials take advantage of their ignorance of their rights and of the law. Diel Mochire, director of Programme Intégré Pour Le Développement du Peuple Pygmée au Kivu (PIDP-Kivu) said while explaining the vulnerability of Indigenous Peoples to arrest, imprisonment and criminalization, "People in power profit from other people's ignorance." Government authorities use their power to influence the police and judicial processes to frustrate Indigenous Peoples' efforts to protect their land rights. They also take advantage of the Indigenous Pygmy Peoples' fear of the armed groups when criminalizing or scaring them out of their ancestral lands. Those known to be outspoken and aware of their rights are particularly vulnerable to attacks.

On April 7, 2021, the National Assembly adopted the Bill on the Protection and Promotion of the Rights of Indigenous Pygmy Peoples, which indigenous activists considered the most important and difficult hurdle in the legal process. The adoption provides hope for change in their situation and is considered a huge step towards a law that will recognize and better protect and promote their rights as Indigenous Peoples of DRC.

INDIGENOUS BAMBUTI LAND RIGHTS DEFENDERS ARE CONTINUOUSLY THREATENED TO LEAVE THEIR CUSTOMARY LANDS

The Indigenous Bambuti community in Miano locality,* Ufamandu in Bahunde Chiefdom are under constant threat from the Chief of Miano, Mutenda Mufula. At the start of 2020, he had two members of the Bambuti family imprisoned.

Bambwisho Lwaenda, 38, and Mastaki Sakasangwa, 66, were arrested on January 13 and February 13, respectively. Bambwisho was arrested for “contempt towards authorities” after he refused to leave his customary land upon the order of Chief Mutenda. Mastaki, on the other hand, was charged for “inciting tribal hatred” after he was caught mobilizing his community. He is active in raising the community’s awareness of their rights. He also documents and denounces cases of human rights violation.

Bambwisho is protecting his customary lands in Lubirizi while Mastaki is protecting his in Bumba/Kanyaru. Their fertile customary lands are their main sources of livelihood, food and shelter. Unaccustomed to measuring their lands using any metric system, they just know that the extent of their lands is vast enough for their animals to graze with enough rivers, valleys and hills. Their lands are also important spaces where they observe and preserve their customary practices.

Chief Mutenda wants to convert the customary lands for agribusiness with farm workers employed by him. He uses his position and influence to mobilize the police to actively go after about 105 Indigenous Pygmy families living in Miano and evict them from their customary lands. He is known to look down on Indigenous Pygmy Peoples – a common attitude in DRC where discrimination against them is rampant.

Bambwisho was imprisoned for ten days while Mastaki for two. Both were released after paying their fines; Bambwisho with two goats, two hens and 80,000 Congolese Francs (about 40 USD) while Mastaki with three goats and one crate of Primus beer which cost him around 2,0000 Congolese Francs (about 18 USD).

The conflict between Chief Mutenda and the Bambuti family did not stop with the release of Bambwisho and Mastaki from prison. They are constantly threatened with death, arrests and legal charges. With Chief Mutenda’s influence on local courts, the Bambuti family is frustrated with the legal system and vulnerable to the Chief’s abuse of power.

* Locality refers to the most basic customary administrative unit in the Democratic Republic of Congo.



Balume Mwenda Mushingwanwa (in blue shirt) is participating a human rights training by Programme Intégré pour le Développement du Peuple Pygmé's (PIDP) in 2012. (Photo: Diel Mochire)

INDIGENOUS BATWA LEADER IN KYANINGA TARGETED FOR FIGHTING FOR HIS COMMUNITY'S LAND RIGHTS

On February 13, 2020, Balume Mwenda Mushingwanwa, an Indigenous Batwa human rights defender of the Kyaninga locality, was imprisoned at the *Police Nationale Congolaise* (PNC) station of Nyabyondo, which is 10 kilometres from his home. Chief of Kishonja, Masumbuko Byakunda Sylvain, reported to the PNC that Balume was collaborating with the armed group *Alliance des Patriotes pour un Congo Libre et Souverain* (APCLS). The police, without any verification, believed Masumbuko and acted upon his report.

Since 2011, there has been a land conflict between Masumbuko and Babitindwa Nguli, the Mwamitwa or the customary Chief of the Bambuti family of Kyaninga locality, where Balume belongs. Masumbuko has been eyeing control of the Bambutis' ancestral lands - Kanyamisindo Hills - to exploit for his own profit.

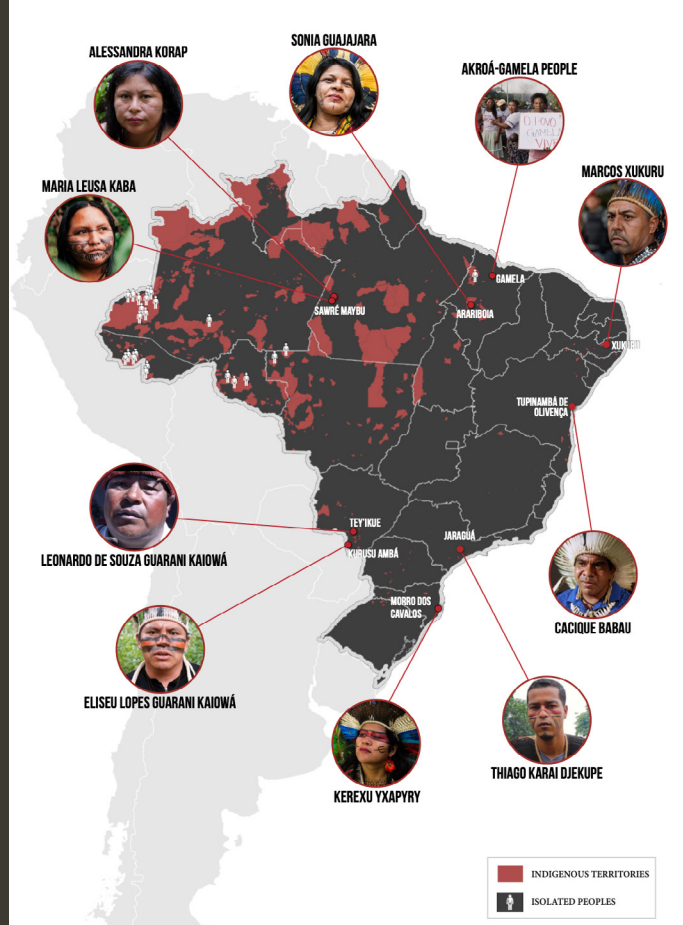
Balume, a father of eight, leads his community's struggle to protect Kanyamisindo Hills. An active community organiser, he helps in raising

the awareness of his community on their collective rights to their lands and territories, and self-determination. Because he knows his rights and actively shares that knowledge to the rest of his community, he became a target of the Chief of Kishonja who abuses his position.

Criminalizing Indigenous Pygmy Peoples by linking them to armed groups is a common practice of those in conflict with them. Balume, released after four days in prison, remains vulnerable to threats and attacks because of his activism. He participated in a training of a local indigenous organisation, Programme Intégré pour le Développement du Peuple Pygmé's (PIDP) on monitoring, documenting and reporting cases of human rights violations in 2012. He has since been keen in applying the knowledge and skills acquired from the training to help protect his community from being taken advantage of by people like the Chief of Kishonja or the police.

Through the mediation of the Baraza La Wazee or the Council of Elders, the conflict over the Kanyamisindo Hills was resolved through an agreement between the Chief of Kishonja and the Mwamitwa of Bambuti family. Both parties signed an agreement to respect each other and not encroach in each other's territorial boundaries. The Bambuti were also provided with seeds to nurture in their lands.

Notwithstanding the signed agreement, the security forces, particularly the PNC of Nyabyondo Chiefdom, the Congolese army, the Forces Armées de la République Démocratique du Congo (FARDC) and the national intelligence agency, Agence Nationale de Renseignement (ANR), remain as threats to Balume's activities as an indigenous human rights defender.



Criminalized indigenous leaders in Brazil featured in "Uma anatomia das práticas de silenciamento indígena: Relatório sobre criminalização e assédio de lideranças indígenas no Brasil" publication of IPRI and APIB. (Photo: Articulação dos Povos Indígenas do Brasil)

BRAZIL

The threat from a hostile Federal Government worsened with the COVID-19 pandemic where lack of access to proper health care, especially in remote areas in the Amazon, coupled with the absence of immunological memory for infectious agents of Indigenous Peoples make them particularly vulnerable to the virus.³⁸ From April 2020 to January 2021, around 941 Indigenous Peoples in the Amazon were reported to have died from the virus, half of them within Brazil.³⁹ Brazil's President, Jair Bolsonaro, has been consistent in being callous towards the plight of Indigenous Peoples during the pandemic and even took advantage of it to open their lands for illegal exploitation.

In 2020, there were 1,083 incidents of violence involving land occupation and possession with 178 cases of invasion of indigenous territories and 18 murder victims, of which ten were Indigenous.⁴⁰

Sônia Guajajara, coordinator of the Articulation of Indigenous Peoples of Brazil / *Articulação dos Povos Indígenas do Brasil* (APIB) said, "This is a

moment of general alert, because we're completely cornered by the virus on one side and the genocidal measures of this fascist government on the other."⁴¹

The 1988 Constitution was crucial in easing militarization in indigenous territories and recognizing Indigenous Peoples' collective rights. The Bolsonaro government, however, is quickly eroding the staggered progress of realization of these rights. He has kept the promise he made when he took office in January 2019 when he said, "There will be no demarcation of Indigenous Lands under my government."⁴²

In February 2020, Bolsonaro introduced a Bill opening indigenous lands to mining. Although the Bill did not prosper within that year, he pushed Congress to prioritize the passing of the bill in January 2021.⁴³ He refers to the Bill as the 'dream,' while indigenous leaders call it a "genocide Bill."

In April 2020, the National Foundation for the Indians / *Fundação Nacional do Índio* (FUNAI), a government body that establishes and carries out policies relating to Indigenous Peoples, issued a directive opening 38,000 square miles of indigenous lands to outsiders.⁴⁴ It means that "invaders of indigenous land can (now) ask for this certificate from FUNAI and, brandishing this document, can then request from INCRA (federal government's land agency) the legalization of the areas they have invaded, using the Institute's (newly revised) system by which they, the landowners (themselves), determine the boundaries of their land."⁴⁵

Indigenous leaders in Brazil have been rallying against Bolsonaro's plans of "genocide, ethnocide and ecocide."⁴⁶ Discrimination and social exclusion of Indigenous Peoples have always existed in Brazil. These have recently turned to outright hatred, even from the media and from private citizens, and further inflamed by the federal government.

"This is a moment of general alert, because we're completely cornered by the virus on one side and the genocidal measures of this fascist government on the other."

-Sônia Guajajara, coordinator of the Articulation of Indigenous Peoples of Brazil / *Articulação dos Povos Indígenas do Brasil*

IPRI's and APIB's report, *Uma anatomia das práticas de silenciamento indígena: Relatório sobre criminalização e assédio de lideranças indígenas*

no Brasil, presented the experiences of 12 indigenous leaders from 11 indigenous territories in Brazil. Many of these indigenous leaders have lost family and community members from the decades-long fight to defend their lands, territories and natural resources. Those who were killed, often executed with impunity, had received threats prior to their demise. The same threats are currently being endured by these indigenous leaders as they continue defending their lands, territories, and traditional healing practices. They and their families often become vulnerable to attacks and harassments after attending public demonstrations or if they openly express their opposition to encroachers and aggressive development projects in their territories. Aside from physical threats, social media have become a common platform for harassment. Two of the 12 leaders received threats through WhatsApp and one of them vilified through Twitter. Their presence in media and social media makes them targets of more attacks and harassments.



The Guarani Mbya prepares for the confrontation during their protests against the real estate developer, Tenda Negócios Imobiliários. (Photo: Aleandro Silva/Cimi Regional Sul)

AGGRESSIVE DEVELOPMENT CLOSING IN ON THE GUARANI MBYA PEOPLE FORCING THEM TO LEAVE THEIR TERRITORY

On January 10, 2020, Indigenous Guarani Mbya peoples began their 40-day demonstration, locally known as Ocupação Yary Ty, against the real estate developer Tenda Negócios Imobiliários. Tenda plans to build an 8,624 sqm condominium near the demarcated Jaraguá Indigenous Territory, which is located within the Jaraguá Tourist Park in São Paulo, Brazil. It is the smallest indigenous land in the country with an area of 1.7 hectares and was officially granted approval as Indigenous Land in 1987, ahead of the 1988 Constitution.

In 2019, accompanied by officers from the São Paulo City Government, Tenda approached the indigenous community to inform them about the cutting of trees next to their territory, claiming they had been authorized by the government body, FUNAI. The community was aware that an environmental impact study needed to be conducted, and that a simple verbal agreement with Tenda was not the way to proceed.⁴⁷

The City Government and Tenda ignored federal policies and proceeded

with the tree cutting. On January 30, 2020, Tenda felled more than 500 trees, including several cedars that are considered the most sacred trees in Guarani Mbya culture.⁴⁸ Cutting these required the Guarani Mbya peoples to perform a ritual, ask for forgiveness from the trees, and observe a funeral ceremony in honor of the fallen trees.

Thiago Karai Djekupe, a 26-year-old Jaraguá leader, led the mobilization of his community after the trees were cut. He led the hours-long negotiation with a swarm of police – about 155 officers, a drone, and 15 support patrols – deployed to carry out a repossession order on behalf of Tenda.

Before complying with the agreement reached in the negotiation, which is to move the Ocupação Yary Ty to the entrance of the land, Karai Djekupe declared:

“São Paulo City Hall is waiting for us to confront the police. They are expecting us to spill our blood, or that we spill the blood of juruás (non-Indigenous). But we are not violent people. The conflict that Tenda was hoping to happen is in the interest of São Paulo Mayor Bruno Covas. We are guardians of the forest and we will continue to fight for it. We will resist in its name. We will not clash with the police. The Mayor has to be held accountable for this conflict that his office and Tenda themselves incited.”

Although the repossession warrant has been complied with, Tenda was prevented from moving ahead with the construction after the Federal Court blocked it following the intervention of the Federal Public Prosecutor’s Office. However, a document submitted to the Federal Court in São Paulo states that the decision of whether or not to continue with the development falls under state jurisdiction and not up to the Federal Court to analyze the case since there is no invasion of indigenous land.⁴⁹ The Federal Prosecutor claimed that the Guarani Mbya are urban Indigenous Peoples living close to the railroads and gas stations, thus, there were no indigenous rights to consider, only environmental issues.

After the standoff with the police, Thiago Karai Djekupe had to be more careful in moving about. His exposure to the media made him vulnerable to harassment. He was already falsely illustrated in Tenda’s brochure with a stereotypical bow and arrow in a consultation as if to depict that Tenda has properly consulted the Guarani Mbya in Jaraguá Indigenous Territory.

The organization, Guarani Yvyrupa Commission, filed a motion to dismiss the case put forward by the Federal Prosecutor. The fate of the Ocupação Yary Ty remains uncertain, but Tenda seems confident they will have their way in the end as it continues to advertise its apartments at the base of Pico do Jaraguá, the highest mountain in the city of São Paulo.⁵⁰

ISOLATED INDIGENOUS PEOPLES ARE ENDANGERED AS FUNAI OPENS THEIR TERRITORY TO LAND GRABBERS AND FUNDAMENTALIST MISSIONARIES

In November 2020, the Human Rights Observatory for Indigenous Peoples in Isolation and Recent Contact / *Observatório dos Direitos Humanos dos Povos Indígenas Isolados e de Recente Contato* (OPI) revealed that the government body, FUNAI, had plans of reducing the Ituna/Itatá indigenous territory to about 50 per cent, which is around 142,000 hectares.⁵¹ This will further encourage illegal miners, loggers and other land grabbers to encroach in indigenous territory. The lives of the isolated Indigenous Peoples will be at greater risk, especially at the time of a pandemic.

Indigenous Peoples in isolation and recent contact do not have immunological memory for infectious agents common among the Brazilian population, making them more vulnerable to illness and dying from common communicable diseases.⁵² The coming of outsiders not only poses a direct threat to their lands and territories but also to their physical survival.

FUNAI's plans to open these territories for exploitation by outsiders started with Senator Zequinha Marinho (PSC-PA), an evangelical pastor and defender of miners in the state of Pará. As a member of the Bolsonaro government's support base in Congress, he has been lobbying for the nullification of the ordinance restricting the exploitation of the Ituna/Itatá indigenous territory.

According to OPI, the current three major forms of persecution of isolated Indigenous Peoples in Brazil are through: i) grabbing of their lands; ii) grabbing of their souls, and iii) harassment linked to the exploitation of their territories and natural resources.

In March 2020, American evangelical pastor, Josiah McIntyre, threatened to burn the headquarters of the Union of Indigenous Peoples of the *Vale do Javari* (UNIVAJA) to obtain permission to enter the Vale do Javari indigenous territory, home to the majority of the isolated Indigenous Peoples. McIntyre is just one of several evangelists wanting to proselytize isolated Indigenous Peoples.⁵³

In April 2020, through the Federal Public Prosecutor's Office, UNIVAJA filed a public civil action before the Federal Court in Tabatinga, in the state of Amazonas, which presents the highest number of COVID-19 cases. They requested that missionaries be prohibited from entering indigenous lands and territories and for FUNAI to expel those already inside the area. The Federal Court provided the protection, but it still is not a foolproof guarantee of the safety and security of the isolated Indigenous Peoples.



Members of the Arhuaco People hold discussion meetings on self-determination and self-government in Jimain. (Photo: Equipo de apoyo autoridades ZRT)

COLOMBIA

Indigenous Peoples in Colombia represent 4.4 per cent of the total population.⁵⁴ In the Amazonas department, they make up 57.7 per cent of the population and they have experienced the highest COVID-19 infection and mortality rates in the country.⁵⁵ Due to the existing conditions of Indigenous Peoples in Colombia, they are particularly vulnerable to the pandemic, including to some of the measures the government has imposed to address the health crisis. As with the case of Omar and Ernesto Guasiruma of the Indigenous *Emberá* Peoples, they were murdered at their home while following the quarantine order.⁵⁶

In 2020, there were a total of 310 killings of human rights defenders and social leaders; 113 of them were indigenous.⁵⁷ Furthermore, there were 94 documented incidents of mass displacement due to violence with 76 per cent of these occurring in Antioquio, Chocó and Nariño. The latter two departments are home to a number of indigenous communities, affecting 25,366 people.⁵⁸

Although viewed by the Colombian state as a failed development model, the Indigenous Peoples' collective way of life has proven to be more effective in supporting their existence and persistence of their culture.⁵⁹ It poses a challenge to the state's current development model, which is extractive and unsustainable and is characterized by privatization. Because of this, Indigenous Peoples are subject to attacks and harassment from the state, corporations, armed groups and other powerful actors who aim to seize their lands, territories and natural resources for profit. This directly impacts on their ability to exercise their self-determination, autonomy and self-government.

Also, despite the Ministry of Defense's issuance of a policy of zero tolerance to sexual violence, there had been three cases documented within the year involving members of the police and the military. Two of them involve indigenous girls.⁶⁰ Rape of indigenous girls in Colombia is more common than is reported,⁶¹ that from 2016 to July 2020, around 118 soldiers were investigated for alleged cases of sexual abuse against minors.⁶²

Ongoing institutional reforms may exacerbate the impunity against Indigenous Peoples and their vulnerability to attacks and violence.⁶³ Among these reforms are the weakening of the Ombudsman's Office, the institutional capture of the Office of the Attorney General of the Nation, attempts to weaken the State's duty to consult,⁶⁴ and ignoring national jurisprudence and the international obligations of Colombia.

For many Indigenous Peoples all over the country, the Peace Agreement signed in 2016⁶⁵ has not brought peace to their lives and territories. Violations of their rights persist in a climate of near total impunity. The continuation of historical forms of violence are now coupled with increased stigmatization, hate speech, attacks against organizational structures, incitement of inter- and intra-ethnic conflicts, and criminalization. Although these recent strategies are non-lethal, they are proving to be effective in reducing the autonomy, self-government and the collective capacity of Indigenous Peoples to defend their lands and territories.



Indigenous Wayúu communities in the department of La Guajira took to the roads to ask for food and water in the midst of the health crisis. (Photo: Servindi)

EL CERREJÓN COAL MINE OPERATES WITH GOVERNMENT'S SUPPORT IN SPITE OF THE DEADLY IMPACTS ON WAYÚU TERRITORIES AND RAPE THREATS AGAINST INDIGENOUS WOMEN WAYÚU LEADERS

Jakeline Romero is a *Wayúu* leader of the *Fuerza de Mujeres Wayúu (Sütsüin Jiyeyu Wayúu)* at the *Wayúu Indigenous Reserve of Zahino in La Guajira*. She has endured countless death threats and harassments over the years of protesting against Cerrejón coal mine operations and demanding redress for damages. As with other women activists from indigenous and local Afro-descendant communities, Romero has received threats of rape and death against her family members.⁶⁶ Perhaps the most alarming is a written message sent to her home in 2016 stating, "Your daughters are very beautiful, think about them and stay out of trouble, I will disappear even your mother if you continue to snitch."⁶⁷ It was the first time she received a threat directed at her loved ones.

The Cerrejón coal mine, operating in La Guajira since 1976, is a U.K. – Swiss – Australian conglomerate of BHP, Glencore and Anglo-American.⁶⁸ Its decades of operation and expansion have completely devastated, if not

wiped off, a number of communities like Roche, Chancleta, Tamaquitos, Manantial, Tabaco, Palmarito, El Descanso, Caracoli, Zarahita, and Patilla. The mine spans 69,000 hectares of land in the middle of the Indigenous Wayúu territory and has heavily polluted the water source until it completely dried up. The El Cerrado dam project that was meant to address the lack of water in the nine municipalities of La Guajira ended up serving Cerrejón mine and farms owned by private companies.⁶⁹

The Wayúu and other Indigenous Peoples thought they could safely reclaim their territories after the signing of the Peace Agreement in 2016, but development aggressors like the Cerrejón coal mine remain a threat to their claim of rights to their lands and territories.

In September 2020, UN experts issued a statement calling for Cerrejón mine to cease operations. They noted how the State of Colombia and owners of the El Cerrejón ignored the Court order issued in December 2019.⁷⁰ David Boyd, UN Special Rapporteur on human rights and the environment said, “Colombia [should] implement the directives of its own Constitutional Court and to do more to protect the very vulnerable Wayúu community on the Provincial indigenous reserve against pollution from the huge El Cerrejón mine and from COVID-19.”

Without government support, the Wayúu people are left with no choice but to live with the coal dust and the drought. They face severe malnutrition due to lack of water and access to basic health care.⁷¹ Death among children and elders due to poor air quality coupled with contaminated water and vegetation is common.

The Colombian government and Cerrejón owners have to be held accountable for the violations of the Wayúu peoples’ rights to their lands and resources, life and dignity in La Guajira.



A member of the Emberá Chamí People checks out the burned trapiches, a very small, artisanal place to process the sugar into unrefined natural sugar or panela, in the resguardo of Cañamomo-Lomaprieta. (Photo: Yeison Aguirre)

VIOLENCE AND ATTACKS CONTINUE AGAINST THE EMBERÁ CHAMÍ PEOPLE IN CAÑAMOMO – LOMAPRIETA INDIGENOUS RESGUARDO

The historic Resguardo of Cañamomo Lomaprieta, located within the jurisdiction of the municipalities of Riosucio and Supía, department of Caldas, is the home of 23,000 Emberá Chamí inhabitants. The Resguardo is 4,836 hectares, which is insufficient for the current population. According to estimations in the country that consider the ratio of minimum land area per person, the Emberá Chamí in Cañamomo Lomaprieta has a land deficit of 80 percent.

The Emberá Chamí people in Cañamomo Lomaprieta have suffered from historical and continuing dispossession of their territory and resources, and they are subject to violence and attacks due to their defense of their land rights. From 2000 to 2015, Cañamomo Lomaprieta and the surrounding Emberá Chamí Resguardos particularly consider the massacres of *La Rueda* in 2001 and *La Herradura* in 2003, and the murder of María Fabiola Largo Cano⁷² and Fernando Salazar Calvo⁷³ in 2002 and 2015, respectively, as having indelible impacts on their individual and collective rights. The victims of these series of gross human rights violations were traditional

authorities and political leaders who posed a serious challenge to the local political elites who also have links to para-militarism.

Both the Inter-American Commission on Human Rights (IACHR) and the Colombian Constitutional Court have recognized the high-risk situation of the Resguardo. The IACHR granted precautionary measures in 2003, while the Colombian Constitutional Court included the Emberá Chamí among the Indigenous Peoples at risk of ‘physical and cultural extinction.’⁷⁴ In 2016, decision T 530/2016 of the Constitutional Court ordered the National Land Agency to advance the process of titling and securing indigenous lands in the Resguardo.⁷⁵ There has been no progress in the implementation of the decision, while both illegal mining and privatization of collective lands continue. Moreover, these court decisions, which are consistent with Colombian Constitutional provisions, legislation and international standards on Indigenous Peoples’ rights have resulted in the escalation of violence against the Emberá Chamí, as different actors interested in their lands and natural resources are redoubling their efforts to control the Resguardo.

Furthermore, in 2019, Senator Carlos Felipe Mejía introduced House Bill 354/2019, which intended to establish an ad hoc commission to advance the restructuring of the Cañamomo – Lomaprieta Indigenous Reservation, ignoring the Constitutional Court’s decision. This action was accompanied by media campaigns stigmatizing and accusing indigenous authorities of colluding with illegal armed groups, resulting in a new wave of attacks.

On March 20, 2020, the Office of the Ombudsman activated the Early Warning System⁷⁶ over the situation in the Cañamomo – Lomaprieta Indigenous Reservation. The EWS activation triggered several violent acts against community property within the month of March. From March 6 to 17, farms and community sugar mills, which were the main source of livelihood for around 90 Emberá Chamí families were set on fire on four different occasions. The attacks may have led to forced displacement and compromise the safety and security of their leaders and their way of life.

After the first two attacks, a Security Council meeting was held with the National Army, National Police, carabineros, the Mayor’s office, the *Cuerpo Técnico de Investigaciones (CTI) de la Fiscalía*, and indigenous authorities on March 8. State authorities promised investigation of the incidents, and prevention and protection from any future attacks. On the same day, armed men approached an indigenous leader and warned him to leave the

territory.* That evening, the third attack happened. Death threats sent via WhatsApp, claiming to be either from the Revolutionary Armed Forces of Colombia / *Fuerzas Armadas Revolucionarias de Colombia* (FARC) or the National Liberation Army / *Ejército de Liberación Nacional* (ELN) were also received by community members.

On August 28, 2020, pamphlets were disseminated indicating that several members of the Indigenous Governing Council and the Indigenous Guard were collaborating with FARC guerillas, making them targets of the National Military.

Fear and insecurity remain high in the Resguardo.

* His name is kept confidential for security reasons. The details of his case are elaborated on a report submitted to IPRI.



In Carrizalillo, Guerrero, Mexico, lands were leased to a Equinox Gold for 13 years. The town is located just 600 meters from the Bermejil mine's first toxic waste deposit. (Photo: Centro de Derechos Humanos de la Montaña Tlachinollan)

MEXICO

Mexican President Andrés Manuel López Obrador has compromised proper and efficient health care in responding to the pandemic that has affected the country's Indigenous Peoples disproportionately.⁷⁷ From February 28 to August 3, 2020, 4,178 Indigenous Peoples have contracted COVID-19 with a fatality rate of 16.5% higher compared to the non-indigenous population.⁷⁸

Ignoring the impending disaster, a Presidential Decree was issued on April 23, 2020 slashing 75% of public spending affecting, among others, the National Institute of Indigenous Peoples (INPI), a government agency crucial in ensuring healthcare and support services to Indigenous Peoples.⁷⁹ This move was denounced by UN Special Procedures, including the UN Special Rapporteur on the rights of Indigenous Peoples.⁸⁰ The Decree also listed 38 national priority development programs, including the Tren Maya and the Inter-Oceanic or Transístmico Corridor, many of which pose threats to indigenous territories and ecosystems.

Mainly catering to international tourists, the Tren Maya is a high-speed

inter-city railway running through the Yucatán Peninsula. Dubbed as the “New Panama Canal,” the Transístmico Corridor is a 300-kilometer trade railway line that crosses the state of Oaxaca, connecting the Gulf of Mexico to the Pacific Ocean.⁸¹

Despite strong resistance from local indigenous communities directly affected by these projects, the President is pushing them forward, with the justification of addressing the historical underdevelopment of Mexico’s southern states. Obrador also argues that these megaprojects are crucial to Mexico’s recovery from its economic downturn caused by the pandemic.

Although mobility restrictions are significant health protocols to address the pandemic, many local leaders are now unable to conduct actual demonstrations as they remain at home to avoid contracting COVID-19. Bettina Cruz, a Binnizá (Zapotec) academic and activist in Juchitán, Oaxaca, said “(the megaprojects) are moving forward and we cannot do anything, not even file an injunction against decisions that are made. Why? Because the courts are not open, leaving us completely paralyzed.”⁸²

On May 11, Obrador released another Presidential Decree allowing the Armed Forces to carry out policing duties until March 2024. Increased militarization in megaprojects areas heightens the threat of human rights violations against Indigenous Peoples who are openly against these projects. Pedro Uc Be, a Mayan writer and outspoken opponent of the Tren Maya said, “(Militarization) comes off as a message sent to us from the presidency to inhibit any form of criticism or act of protest.”⁸³

Unlike the local activists, organized crime groups known to operate in collusion with state security forces and government officials were undeterred by the pandemic’s impacts and restrictions.⁸⁴ In 2020, these groups were linked to a number of threats and gross human rights violations against Indigenous Peoples in relation to extractive businesses’ operations. Like the State security forces, these criminal groups are rarely, if ever, held accountable for these violations.

“Only 1.3 percent of crimes committed in Mexico are solved.”⁸⁵ There is also a particular “inability or unwillingness” on the side of the Mexican government to protect Indigenous Peoples from the threats and attacks of organized crime groups.⁸⁶ The indifference of the government, including the justice system to resolve the land conflicts and associated human rights violations, including the humanitarian crisis have negatively affected the work of local and indigenous community representatives who have been

managing communal land property in Mexico since the 1917 Revolution.

Impunity is equally apparent in cases involving indigenous women. In February 2020, protests erupted in Mexico City over cases of femicide and the impunity surrounding it.⁸⁷ However, indigenous women are often absent from conversations about femicide despite having the higher probability of falling victim to it.⁸⁸ Impunity of violence against indigenous women is illustrated by the cases of Inés Fernandez Ortega and Valentina Rosendo Cantù, Indigenous Me'phaa women who were sexually tortured by Mexican soldiers in 2002 in the state of Guerrero.

In 2010, the Inter-American Court of Human Rights issued two judgments against Mexico that ordered a full investigation of the cases by civilian authorities and reforms in the military justice system and several public policies to address gender violence.⁸⁹ After more than a decade, however, the Mexican government has shown no interest in fully implementing the IACHR's judgements.*

* IPRI and Centro de Derechos Humanos de la Montaña de Guerrero – “Tlachinollan” issued a petition to stand in solidarity with Ines Fernandez Ortega and Valentina Rosendo Cantù in demanding justice and accountability released in October 2020. Read petition here: <https://bit.ly/3sbebUQ>



Equinox Gold setup several obstacles despite the community asking for dialogue. (Photo: Centro de Derechos Humanos de la Montaña Tlachinollan)

THE NAHUA PEOPLE OF THE EJIDO OF CARRIZALILLO DEFEND THEIR RIGHTS TO LAND, HEALTH AND LIFE AGAINST THE CANADIAN MINING COMPANY, EQUINOX GOLD⁹⁰

The Canadian mining company, Equinox Gold, launched a campaign to harass the members of the *ejido* or communal agricultural lands of Carrizalillo, after the former failed to steer the dialogue in their favor. Thirty police patrols were deployed in the community. The Attorney General of the State of Guerrero also came to supposedly meet with both parties, but this gesture was seen more as an act of intimidation. Without the community's knowledge, Equinox Gold representatives alleged to the Minister of the Interior, Olga Sanchez Cordero, that the community had links with organized crime and urged Mexican authorities to protect the company.

The Nahua people of the ejido of Carrizalillo have a history of resolute defense of their collective lands against extractive mining in the state of Guerrero. On September 3, 2020, they once again showed strong resistance when they collectively decided to shut down Equinox Gold operations, known locally as *Los Filos* mine that managed to expand its open-pit

mining operation from 2,000 to 10,000 hectares.

The 500 families in the ejido accused Equinox Gold of breaching two agreements on social issues and land rental. Leagold Mining Corporation previously passed on these agreements after the 2019–2025 land lease was transferred to Equinox Gold. The two agreements which were signed by the Carrizalillo ejido inhabitants and Leagold Mining Corporation in 2019 were for temporary land occupation and on social rights. Specifically, the first includes land rental. The second guarantees medical and health support to the ejido members, educational scholarships for the children, provision of sufficient drinking water in their homes which was the community's utmost concern, as well as ensuring employment for the local population. Equinox Gold, however, honored neither of the two agreements.

“All of the respect we were shown during the negotiation of the agreements faded away, and differences began to arise over breaches of the agreements and there was lack of transparency. Ultimately, after raising the corresponding complaints, the company began to treat us with discrimination and racism,” said the ejido in a statement.

The situation deteriorated after the government declared mining as an essential industry at the height of the COVID-19 pandemic in May 2020. Equinox Gold summoned its contract workers to report for work on May 16 without implementing any health and safety protocols. After 42 workers tested positive with COVID-19, the company did not have them quarantined as protocols required. Instead, they were sent home, endangering their families and the entire community.

At the start of 2021, the ejido remained to stand against Equinox Gold despite the constant threat of organized crime groups operating in the state of Guerrero. Carrizalillo is within the so-called drug corridor where criminal groups are incessantly terrorizing the community and causing a number of murders and disappearances. The company has its own private security group, but it is common knowledge in the area that a criminal group has an existing agreement with Equinox Gold to also provide them security. People supportive of the ejido of Carrizalillo were threatened and intimidated by State authorities and organized crime groups, forcing them to leave for their safety and opting to continue their support remotely.



This is a traditional cloth made by Indigenous Ikoots women. (Photo: San Mateo del Mar, Oaxaca)

THE IKOOTS PEOPLE IN SAN MATEO DEL MAR, OAXACA ARE CAUGHT WITHIN COMPLEX ISSUES OF POLITICAL CONFLICT, DEVELOPMENT AGGRESSION AND ORGANIZED CRIME GROUPS

On June 21, 2020 15 members of the Ikoots Peoples— 13 men and two women— were tortured and murdered; some of them burned alive and 30 others forcibly displaced.

Previously on May 1, 2020, the road to Salina Cruz— the closest city from the municipality of San Mateo del Mar, State of Oaxaca — had been blocked by people claiming to represent the authorities in Huazatlán del Río. They restricted mobility in the area, including access to health services and travel to work. On May 3, violence occurred in Huazatlán del Río when the Deputy Municipal Agent was murdered, two persons were kidnapped and tortured, several persons injured, and two houses and several vehicles set on fire by hired hit men linked to the San Mateo Mayor. The violence was viewed as an act of retaliation against the Deputy Municipal Agent who had imprisoned several persons linked to the Mayor. In response, municipal agents demanded intervention from the State and Federal Public Security Institutions. Still they did not prevent the massacre that happened the

following month.

The series of violence stemmed from a communitarian fracture that deteriorated during the 2017 municipal election. The Indigenous Ikoots system of assembly-based election, which formed the “United Front of Agencies,” has not been recognized by State authorities as a customary form of government. The assembly-based election was contrary to the ballot-system, which elected the current Mayor with support from a construction company, political parties and Oaxaca State electoral authorities.

For decades, wind power and mining companies in the region have been trying to enter San Mateo del Mar and other nearby municipalities and Ikoots communities have been defending their territory against their entry. The 2017 electoral tension occurred in the context of heightened and complex conflict within the indigenous territory due to the presence of these companies.

At the core of this political conflict is the Federal Government's persistent promotion of the Transistmico Corridor megaproject. The government has been offering money to villages and municipalities to implement the project, which is provoking divisiveness within the Ikoots communities.

The political conflict and the persistent promotion of the megaproject have contributed to the disintegration of community cohesion in San Mateo del Mar. Those who try to peacefully re-establish the traditional organization are threatened and silenced.

In addition to this complex political environment, the presence of organized crime in the Oaxaca Isthmus region aggravates the violence and further disrupts unity of the community in San Mateo del Mar. The Ikoots peoples accuse the political parties of colluding with organized crime in order to control their territory and blame them for the series of violent events in the first half of 2020.



Adivasi Bhil Peoples from Gujarat are released on bail following their arrest. They were protesting against the acquisition of their lands by the hydropower and construction company, Sardar Sarovar Narmada Nigam Ltd. (SSNNL). (Photo: Rajendra Tadavi)

INDIA

Without any prior coordination with the Chief Ministers of State, Prime Minister Narendra Modi declared the nationwide lockdown on March 23, 2020. The immediate shutdown of business industries resulted in about 400 million laborers becoming jobless in one day.⁹¹ A huge number of them are Adivasis, a term for Indigenous Peoples in India.* Many of them struggled for survival as lockdown had blocked all their livelihood sources.⁹²

Despite being recognized in the Constitution, the Indian Government has failed to take adequate measures to protect the Adivasis' rights. Economic liberalization, globalization and privatization have created terrible impacts on the social fabric, economy, politics, culture and idea of community development. The self-dependent community has been compelled to become government dependent. The Adivasis have been alienated from

* The word 'Adivasi' comprises of two Hindi words – 'Adi' and 'Vasi', which literally means original inhabitant, aboriginal or first settler. The Adivasis are classified as the Scheduled Tribes (ST) in the Constitution of India and are guaranteed specific rights under the Fifth & Sixth Schedules, Part XVI and Article 46 of the Constitution. There are 744 different ethnic groups considered as Adivasi in India. Out of these, 705 are notified as the Scheduled Tribes in 30 States and Union Territories. Several other Adivasi ethnic groups are yet to be notified.

their lands, territory and resources. They are pushed out of the forests to cater to corporate interest resulting in landlessness and impoverishment.

On April 26, 2020, Modi made another proclamation, asking the state governments to relax the lockdown based on ground reality.⁹³ This resulted to state governments forcefully evicting the Adivasis from their homes, denying them of their livelihood by displacing them from their agricultural land, and brutally killing, torturing and criminalizing them by falsely implicating a number of them as Naxals, a group of Maoist rebels.⁹⁴

Then, on June 18, 2020, Modi announced the opening of 41 coal mining blocks for virtual auction to private companies.⁹⁵ He is hoping that the private investments will create thousands of jobs and turn around India's current economic slump due to the pandemic. More than half of the locations of the 41 coal blocks are home to Indigenous Peoples and located in biodiversity-rich forest areas.⁹⁶

“Mining will be our death. It is going to devastate everything nature has given us. One-time compensation for the land is not enough – we need much more than money to survive. We need nature to be with us.”

-Villager from Ghatbarra village in Chattisgarh

His decision threatens to breach some of the existing protective and enabling national laws, namely, Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006, Provisions of the Panchayats (Extension to the Scheduled Areas) Act of 1996, Environment Protection Act of 1986 and Environmental Impact Assessment Notification of 2006 and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act of 2013, among others.

The Adivasis dread the threat of coal mining to their lives and their collective rights to land and territories, cultural integrity and self-determination. Their fear is expressed by a villager from Ghatbarra village in Chattisgarh who said, “Mining will be our death. It is going to devastate everything nature has given us. One-time compensation for the land is not enough – we need much more than money to survive. We need nature to be with us.”⁹⁷



Kondh Adivasi women cook their food in the open following the destruction of their houses by the Bhawanipatna Southern Forest Rangers. (Photo: Sidhart Nayak)

DEMOLITION OF KONDHS' HOMES AS ROAD CONSTRUCTION AND MINING ARE PRIORITIZED IN THE MIDST OF THE PANDEMIC⁹⁸

On April 24, 2020, 32 Kondh Adivasi families of 90 individuals with 35 women and 20 children were rendered homeless when the Bhawanipatna Southern Forest Rangers demolished their village under Sagada Panchayat* in Kalahandi district in the state of Odisha.

The Forest Rangers claim the families only moved there after the lockdown was declared, but the villagers had been living in the area for around six months before the demolition. Activists and advocates heavily criticized the timing of the eviction and said it was a violation of the lockdown measure, not to mention a cowardly and heartless act amid a health crisis. They also said it was a violation of the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act.

The villagers said they left their homes that day to attend a funeral in a nearby village. Upon returning in the evening, they were shocked to see their houses destroyed and their farm animals gone, leaving them vulnerable to the COVID-19 and suffering from hunger.

* Panchayat is an administrative unit of around 2 to 5 villages.

The Kondh Adivasi families were originally from Nehela village within the Karlapat Wildlife Sanctuary area of Jugsaipatna Panchayat in Kalahandi district. They had been living there for generations and practiced shifting cultivation for their livelihood. In 2017, heavy rains caused a massive landslide, rendering the villagers almost homeless. Their agricultural land was also washed away and could not be reclaimed. They feared for their lives every monsoon season because torrential rains threatened to wash away their homes as they were living on the edge of a cliff inside the Sanctuary.

In the last two years, they have been writing to the District Collector and District Forest Officer demanding that they be given legal land titles to their homestead and farmlands, but their requests had gone unheeded. After consultation with local villagers, they then decided to rebuild their homes in Sagada village, which is 20 kilometers from their original village.

It is known that an ongoing road construction is linked to the proposed mining site of Khandualmali to the national highway. The road would go through Sagada village where the villagers had constructed their houses. The road construction is further linked to a plan to open the Sanctuary area for bauxite mining.

Karlapat Wildlife Sanctuary has 10 revenue villages and nine unsurveyed villages with a total population of 1,551 as per a 2014 official survey. Guaranteed under Forest Rights Act 2006, converting unsurveyed villages to revenue villages will record the village in government data and enable villagers to benefit from welfare schemes. Besides these 19 villages, there are 44 villages around the Sanctuary with a population of about 8,000. Nehela was one such unsurveyed village and the villagers were entitled to settlement of their forest land and community forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006. Under the Act, they are also entitled to several resettlement rights, therefore, they cannot be evicted without their legal formal consent and prior notice, and can choose their site of relocation. They are also entitled to cash compensation and provisions of public utilities in the relocated village.

The Kondh Adivasi families have since rebuilt their huts with woods, plastics and leaves in the same place. They have started cultivating the land and collecting forest produces, and they go to the nearby town for daily wage. State aggression still looms, and they will continue to fight for their collective rights to their lands.



Ladu Nag, wife of imprisoned Neta Nag, faces uncertain future with her grandchild. (Photo: Siraj Dutta)

CRIMINALIZATION OF THE PATHALGARI MOVEMENT LEADS TO ARREST AND DETENTION

The Pathalgari Movement of the Munda Adivasi community is criminalized for fighting for their collective rights to self-determination and protection of their lands, territories and resources.

Forty-six year old Ladu Nag from the Munda Adivasi community is bound to live alone after her husband Neta Nag, a resident of Kevda village in Khunti district of Jharkhand, was imprisoned in April 2018. The Murhu police filed a case⁹⁹ against him along with 11 persons including a woman— two from Oraon and nine from Munda Adivasi community— on March 13, 2018. They were accused of mobilizing a big armed crowd without any notice or permission, capturing the police station, and disarming police officers. They allegedly agitated the people at a public meeting, which was organized to erect a stone plaque at the village entrance. This supposedly hindered public works and disturbed the law and order. They were charged with sedition under the Indian Penal Code.

These allegations are related to the Pathalgari Movement, an autonomous

resistance of the Adivasi Munda of Khunti district in Jharkhand that aims to reclaim collective rights over their lands, territories and resources.¹⁰⁰ “Pathalgari” is a term that refers to an Adivasi custom of erecting stone plaques in honour of their ancestors, to announce important decisions regarding their families and villages, or to simply mark the boundary of their villages. The Pathalgari Movement started on February 9, 2017 in Bhandra village of Khunti district in Jharkhand. It was launched to protest the passing of an ordinance amending the Land Acquisition Act (Jharkhand Amendment) in 2016 and Proper Bills in 2017. These amendments would weaken the two safeguarding land laws made for Adivasis, i.e. Chhotanagpur Land Tenancy Act of 1908 and the Santhal Pargana Tenancy Act of 1949.

Neta Nag had never participated in any activity of the Movement, but he now faces sedition charges and violation of several other sections under the Indian Penal Code.¹⁰¹ If he loses the legal battle, he will face lifetime imprisonment.

Hoping to get her husband released on bail, Ladu mortgaged their patches of farming land and fruit bearing trees. After handing over Rs.100,000 (1,400USD) to the lawyer, Neta still languishes in the Dumka district prison.¹⁰² The couple have three sons with two of them also in prison due to an allegation that they are members of a Naxal organization.¹⁰³

Since her husband's arrest, Ladu has been struggling to survive. She and her husband used to work as farm laborers. She has not visited him as she has no money to afford the 400-kilometer travel from their village to Dumka district prison. With the imposition of lockdown to address the Covid-19 pandemic, her life became more miserable as she was unable to work following the nine-month lockdown in the region. Even after it was lifted, the pandemic's economic impacts made it more difficult for her to get any kind of work.

Neta and Ladu Nag's ordeal is not an isolated case. There have been 10,000 Adivasis from Munda, Oraon and Santhal Adivasis* criminalized by the State in relation to the Pathalgari Movement.¹⁰⁴ These attacks are aimed at the Adivasi's right to self-determination. The ruling Bhartiye Janta Party (BJP) has suppressed, terrorized and criminalized the legitimate demands of the Pathalgari Movement. It is one of the recent worst examples of criminalization of the Munda Adivasi community by the Indian government.

* Only a few members are Oraon and Santhal. Most of the people criminalized are Munda.

The Jharkhand police lodged 30 cases against 11,776 villagers with only 316 of them currently named and the rest are unnamed in three districts of Jharkhand state.¹⁰⁵ Of the 30 cases, 20 are sedition charges filed under sections 121A and 124A of the Indian Penal Code.¹⁰⁶ They are accused of waging war against the Indian State for establishing their traditional Gram Sabhas (Village Councils) as the Supreme Authority in the villages. The police submitted charge sheets to the Court against 8,190 accused persons¹⁰⁷ related to all 30 cases with 115 of them imprisoned and most still languishing in different Jharkhand prisons. Consequently, 207 villagers have absconded in fear of being arrested by the police.

No one has been bailed out even from among those imprisoned since 2017. With the pandemic, there have been no Court hearings in 2020 as part of the measure to address the health crisis resulting in pain and suffering for families whose working members remain in prison.



Indigenous representatives and their lawyers file petition at the Supreme Court to junk the Anti-Terrorism Act of 2020. (Photo: Tony La Viña)

THE PHILIPPINES

The Philippines has the most dismal government response to the pandemic in the Southeast Asian region.¹⁰⁸ President Rodrigo Duterte's militaristic approach has only tightened what little democratic space there is rather than curb the spread of COVID-19.¹⁰⁹

In June 2020, the UN Office of the High Commissioner on Human Rights (OHCHR) issued a resolution highlighting the worsening human rights violations in the country “marked by an overarching focus on public order and national security, including on countering terrorism and illegal drugs.”¹¹⁰ The strict COVID-19 lockdown, from April to July, resulted in a 50 percent increase in killings related to “drug wars.”¹¹¹ Correspondingly, the existing laws addressing issues of terrorism and newly implemented measures for COVID-19 led to further human rights violations, lack of accountability and disregard for the rule of law.

Republic Act 11479 or the Anti-Terror Act of 2020 was quickly passed and made effective in July despite strong opposition from Indigenous Peoples Human Rights Defenders (IPHRDs) and human rights advocates, including the Commission on Human Rights of the Philippines.¹¹² The vagueness and overbreadth of the law appear to systematically bury dissent under the pretext of terrorism that will undermine the constitutionally protected rights.¹¹³

A total of 37 petitions were forwarded to the Supreme Court calling for the Act to be declared unconstitutional and therefore, without effect. The oral arguments are currently ongoing.¹¹⁴

Red tagging has been a classic and common military and police practice to silence activists and IPHRDs. It has been practiced even prior to Duterte's administration, but his open call to use violence on anyone tagged as supporter or member of the Communist Party of the Philippines-New People's Army (CPP-NPA), heightened people's vulnerability of getting killed, arrested, and/or legally charged.

Red tagging starts with defamation and vilification of activists, delegitimizing their work as human rights defenders. Many progressive Indigenous Peoples' organizations are also tagged as CPP-NPA members or sympathizers. Even indigenous learning facilities, particularly the Lumad schools that cater to hundreds of young indigenous Lumad are accused of training its students to be terrorists. These unfounded accusations spread fast through social media, particularly Facebook, although posting actual banners and distributing leaflets that contain vicious attacks on individuals in public spaces are also done. On many occasions, mostly with no proper background checking nor basis, red tagging escalates to issuance of a warrant of arrest. More often than not, arrests lead to killing, with the 'nanlaban' narrative – claims of the Philippine National Police (PNP) and other state security agents of "criminals resisting arrest"— used widely to justify killings of innocent people who have been issued warrants of arrest.¹¹⁵ On some occasions, mere red tagging is enough for an extra-judicial killing to be committed.

In 2020, there were 92 incidents of red tagging of IPRHDs and members of indigenous communities, 28 indigenous organizations - 60 in total, including support organizations— and seven Lumad schools. The 92 incidents do not include more than 200 undocumented and unnamed individuals who were also reported to have been red tagged.¹¹⁶ A total of 178 Lumad school facilities were shut down. Red tagging has led to 33 arrests

and 14 killings.

Another state strategy that is used to harass and justify arrests of innocent individuals is “fake surrender,” which refers to alleged CPP-NPA members supposedly surrendering to the police or the military often conducted in remote areas. More than 200 members of indigenous groups in the country were reported to have fallen victim to this “fake surrender program” in 2020 but these still need further verification.¹¹⁷ This program, along with red tagging, has been slammed for having links to corruption as the government offers a ‘prize’ ranging from 65,000 to 140,000 PHP or around 1,300 to 2,800 USD for every ex-rebel.¹¹⁸

These attacks against Indigenous Peoples and intensified militarization of indigenous communities are clearly linked to existing development aggression projects in indigenous territories and to Duterte’s Build, Build, Build (BBB) program, which is focused on infrastructure projects meant to boost the country’s economic growth.¹¹⁹ Among the key projects is the New Clark City covering 9,450-hectares that is set to displace around 18,000 Indigenous Aeta and Magantsi peoples.¹²⁰ Indigenous leaders demanding a stop to the encroachment on their ancestral lands have been receiving threats from armed men. *

* Based from the unpublished documentation of Philippine Task Force for Indigenous Peoples Rights (TFIP), a member of IPRI’s country partner, Panaghiusa, in February 2020, the Bases Conversion and Development Authority (BCDA) through C.M. Pancho Construction Inc. burned and uprooted fruit-bearing trees, excavated the Ale River and flattened Mt. Kanuman as part of the development of NCC.



Jepoy Garung, one of the tortured Aetas facing trumped up charges, is presented in a press conference organized by NTF-ELCAC. (Photo: UMAHON-CL)

TWO INDIGENOUS AETAS ARE FIRST VICTIMS OF THE ANTI-TERROR LAW OF 2020

On August 21, 2020, the 703rd Brigade and 7th Infantry Division of the Armed Forces of the Philippines (AFP) engaged a CPP-NPA unit in an operation in the town of San Marcelino, Zambales province in Central Luzon. The encounter resulted in damaged crops and confiscated livestock of the Indigenous Aeta. A total of 192 families comprising 695 individuals were displaced and five were killed; four of them were minors. Their appeal for support from the Department of Agriculture was denied as their crops were not damaged by natural disasters.

The military bombings and shooting with the CPP-NPA on the Aetas' ancestral lands caused Jepoy Garung, 30, Rosalyn Serrano-Urbano, 16, Junior Ramos-Urbano, 19, Kiray Serrano-Urbano, 17, and Manuel Ramos to evacuate their homes. On their way, they met soldiers from the 7th Infantry Division of the AFP who arrested them on the suspicion that they were members of the rebel organization. The two women, Rosalyn and Kiray, were separated from the three men who were blindfolded. The men were brought to a place where they were interrogated, beaten and tortured

incessantly for days. They could not exactly recall the dates and the details of the severe beating and cruel torture. But they remember that before they were brought to the San Marcelino Police Station, the military forced them, including the two girls, to eat human excrement. During those days of interrogation, they were forced to confess that they were CPP-NPA members.

Dubbed as Lumibao 4, and except for Manual Ramos, they were all charged with the non-bailable offense of illegal possession of firearms and explosives. Only Jepoy Garung and Junior Ramos-Urbano were charged under the Anti-Terrorism Act of 2020 and were accused of shooting a soldier dead during the encounter. They are both detained at the Olongapo City jail, while the girls, being minor, are in the custody of the Department of Social Welfare and Development.

The government's National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) was created in 2018 under the Office of the President with the Chairperson of the National Commission on Indigenous Peoples (NCIP) as the unit's Executive Director. The agency is using the case of the Lumibao 4 to delegitimize their lawyers who are members of the National Union of People's Lawyers (NUPL), a progressive organization that represents victims of human rights violations.¹²¹ NUPL was also accused of having ties with the CPP-NPA.¹²²

In a press conference organized by the NTF-ELCAC on February 10, 2021, a distraught and extremely confused Jepoy said, as he fought back his tears, "That's the way we were treated because we're illiterate tribesmen. In the past, we were so happy in the mountain. We were farming, then suddenly our family was ruined. Back when they weren't disrupting our village, our family was happy. But when it was ruined, it got so sad."¹²³

After the press conference, NUPL withdrew their support following the two Aetas' decision to change counsel, including their bid to join the petitions against the Anti-Terror Law.¹²⁴ Their new legal representative is the government's Public Attorney's Office. Their case is ongoing.



Myrna Duyan, an Indigenous Tuwali, is one of the indigenous leaders defending their lands against Oceana Gold Philippines Inc. (Photo: LILAK - Purple Action for Indigenous Women's Rights)

OCEANA GOLD INSISTS ON RENEWAL OF CONTRACT TO PLUNDER AND DESTROY¹²⁵

On April 6, 2020, the stand-off between the people of Didipio, Nueva Vizcaya and the Australian-Canadian mining company, OceanaGold Philippines Inc. (OGPI)* escalated with the police's violent dispersal of the barricade, injuring several Indigenous Peoples, most of them, women. Fifteen people were charged for violating quarantine and isolation measures and civil disobedience¹²⁶ while an activist from the Didipio Earth Saver's Movement Association (DESAMA) was arrested.

OGPI began processing the renewal of its Financial or Technical Assistance Agreement (FTAA) to extend their "permit to operate" for another 25 years

* According to a 2018 report of Institute for Policy Studies and Mining Watch Canada by Broad, et. al., entitled, "Oceana Gold in the Philippines: Ten violations that should prompt its removal," the OceanaGold Corporation is the Canadian-based parent company of numerous wholly-owned subsidiaries. The company is currently listed on the TSX and ASX exchanges, is headquartered in Melbourne, Australia with a corporate office in British Columbia, Canada. OceanaGold's predecessor, Oceana Gold Ltd, acquired the Didipio Project in the Philippines in 2006 through a merger with Climax Mining. OceanaGold operates the project through wholly-owned subsidiaries in Singapore, the Netherlands and the Philippines. OceanaGold subsidiary OceanaGold (Philippines), Inc. ("OGPI") owns 92% of Didipio FTAA Didipio Mine with the remaining 8% in the hands of a Philippine claim owner syndicate under an Addendum Agreement to the mine's FTAA.

“under the same terms and conditions.” The application for renewal was lodged without informing and consulting the affected communities and the local government unit. The latter and the affected communities have been passing position papers and petitioning against the renewal of the mining permit because of the lack of free, prior and informed consent (FPIC) and the long list of environmental and human rights violations committed against the residents in the area.¹²⁷

In 2008, the Commission on Human Rights (CHR) investigated OGPI based on a report of alleged illegal and unnecessary violent demolition and destruction of around 187 houses. Residents who resisted were beaten while their houses were bulldozed off cliffs and set on fire.

The company’s FTAA expired on June 20, 2019, but in January 2020, President Rodrigo Duterte authorized the entry of 63,000 liters (16,600 gallons) of fuel to the Didipio mining site. Around a hundred police officers escorted three OGPI diesel tankers that forced their way through the people’s barricade. The provincial government had earlier raised concern over the volume of fuel, which should only be used to run generators for its dewatering activities, including removing or pumping out groundwater from the mine site. However, the volume of fuel authorized by the President was enough for OGPI to continue its operations.

In June 2020, the provincial government issued a directive for OGPI to “restrain any operations,” which OGPI challenged at the Court of Appeals. The latter decided in favour of the local government, but this did not stop the OGPI from continuing their operations.

In the Mining Act of 1995, the regulatory authority of mining operations rests with the national government, not with the local government units. It remains to have greater legal validity to trump other relevant laws such as the Philippines’ Local Government Code of 1991 and the Indigenous Peoples Rights Act of 1997.

Didipio mines cover around 27,000 hectares believed to hold 1.41 million ounces of gold and 169,400 tons of copper. The provincial government warns that the continuing mining operations will compromise the province’s watershed and agroforestry hub. OGPI’s FTAA is within the Magat Watershed Area feeding into the Magat River, the largest tributary of the Cagayan River, which traverses one of the few remaining primary forests in the Philippines.

CONCLUSION

The country contexts and case stories presented in this report, although covering the year 2020, are emblematic cases of the continuing disregard for Indigenous Peoples' rights and the prevalence of entrenched discrimination. More often than not, Indigenous Peoples' struggle to protect their lands and way of life is a continuing story passed on from their elders and ancestors. Their relationships with their lands and way of life come with a long history of defending them.

A number of states have been inefficient in fulfilling their obligation to address the impact of the COVID-19 pandemic. Instead, many have even regarded the health crisis as an opportunity to pursue attacks on indigenous human rights defenders and their communities. The underlying inequalities compounded with the impact of the COVID-19 pandemic aggravated the incidents of violence, criminalization and impunity against Indigenous Peoples, particularly in their assertion and defense of their land rights, self-determination and self-government. The impending targets for economic growth to fast-track economic recovery under the prevailing extractivist, profit-driven and unsustainable development model are a major threat to the future of Indigenous Peoples around the world, and the future of the planet.

States, financial institutions and businesses have the most power and the greatest responsibility to turn this impending threat around. They need to be held accountable for the consequences of their violation of Indigenous Peoples' rights, for environmental disaster, economic inequity and inequality, and abuse of power. They have to be made to address interconnected issues of discrimination and impunity, including the underlying factors that contribute to the violence and criminalization against Indigenous Peoples, especially in the deplorable time of the pandemic that highlighted outright state neglect of their health situation.

Indigenous Peoples will persist amidst these threats and challenges but will need the continuing solidarity and concerted actions together with other marginalized sectors to shift the balance of power and ensure that their interests are served, their human rights are respected and protected, and that social justice is upheld, even beyond the current health crisis afflicting the world.

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