I. OVERVIEW ON INDIGENOUS PEOPLES IN LATIN AMERICA

The latest census data from 2010 estimated that in the Latin American region excluding the Caribbean there were 44.8 million indigenous peoples, representing 8.3% of the population. This showcases a huge demographic diversity. In some countries, indigenous peoples are as much as 30% or more, while in others, they may only be 0.5% of the total population. Noteworthy is also the fact that amongst indigenous peoples, there are relatively higher numbers of youth and elders, and a higher rate of fertility than in non-indigenous populations. As in many other regions in the world and any socio-political group, they are heterogeneous and live distinct histories, cultures and traditions very much related to their land and territories. Of the 826 indigenous peoples (groups and nations) at least 200 live in voluntary isolation, and 100 groups/nations find themselves in danger of physical or cultural extinction. However, it is projected that in the coming years, more than 70% will become urban.

It is useful to note that during the period registered, there was observable change in the growth rate of indigenous peoples at 4.1%, while the rest of the population experienced a growth rate of 1.3%. The explanation for this is the accelerated process of self-identification, which is supported both by their social and cultural survival, and by the normative advancements in the last decades in recognizing them as being subject to collective rights.

Most nations of the region have been introducing modifications to their legal systems, national constitutions, and in other normative instruments, in which advances have been observed in the concepts of cultural diversity, multicultural and multilingual character of their societies, in natural and territorial rights, plurinationality, cultural identity, and even, in some cases, in the recognition of Indigenous peoples as having the right to self-determination and autonomy, advancing in some cases to newfound manners of governmental participation and organization.

Despite these important normative and institutional balances, and their presence in the public arena as active political actors, they still face inequality; they make up approximately 14% of the poor, and 17% of the extremely poor of the region and face, on a day-to-day basis, political exclusion, social discrimination, and economic marginalization. The probability of Indigenous Peoples living in extreme poverty is 2.7 times higher than that of the non-Indigenous population.

---

1 17 continental countries, not including 13 Caribbean countries, as well as Belize, Suriname, and Continental Guyana
3 Indigenous Peoples in Latin America, Advances in the Last Decade and Pending Challenges for the Guarantee of their Rights, CEPAL, 2014.
Factors of social, environmental, and territorial vulnerability because of forced displacement, food scarcity, pollution, land degradation, malnutrition, and high mortality are some manifestations of an unsustainable economic model that has been in place for several decades and has impacted directly the capacity of indigenous peoples to remain in their territories and communities. Related to this, neo-liberal economic model and western notions of development conflicts associated with the control of territories and natural resources have become a common phenomenon and a key mobilizing factor for the indigenous movement.

II. GENERAL DESCRIPTION OF LAWS AND POLICIES SUPPORTING INDIGENOUS PEOPLES RIGHTS—SOME EXAMPLES

In the last three decades we have observed a political transition of national policies of cultural homogeneity according to an idealized vision of national identity and progress to one of recognition of Indigenous Peoples as being subjects of their own rights, with distinct identities that exercise those rights in a collective manner. In recent years, however, there has been some stagnation, and in some cases regression of the recognition and exercise of those rights. However, at the international level key instruments that set the stage for building the jurisprudence needed to complement national struggle such as the ILO Convention 169 on Indigenous and Tribal Peoples of 1989 and the 2007 United Nations Declaration on the Rights of Indigenous Peoples and countless other relevant regional, national and international instruments. Key principles drive the establishment of this legal framework and they include the right against any form of discrimination, the right to development and social wellbeing, the right to cultural integrity, the right to property, access, use and control of land, territories, and natural resources, the right to political participation and free, prior and informed consent.

The political constitutions and specific laws that have given way to the rights of Indigenous Peoples have diverse forms and content. The multi-ethnic character of the countries is pronounced in all cases, save for Chile and Uruguay. The majority of countries recognize the existence of Indigenous Peoples, even though they use different denominations. In some constitutions, there is an emphasis on Indigenous Peoples as being subject to protection (El Salvador, Guatemala, Honduras, Panama, Colombia), others, however, emphasize that they are subject to rights (Nicaragua, Mexico, Argentina, Brazil, Bolivia, Ecuador, Paraguay, Peru, Venezuela). Territorial self-determination is consecrated in the constitution in cases such as Nicaragua, which, through article 181 of its constitution, and through other related articles, orders the state to organize, by legal means, the autonomy of Indigenous Peoples and of ethnic communities of the Atlantic Coast; in Panama, Article

5 The following denominations are used: in the case of El Salvador, Nicaragua, Argentina, Paraguay, and Venezuela they are “Indigenous Peoples,” in Honduras, Panama, and Columbia, they are “Indigenous Communities,” the expression used in Guatemala is “Ethnic Groups.” In the case of Mexico, they are “(Indigenous) Peoples” or “Indigenous Communities,” in Brazil, they are “Indians,” in Ecuador and Bolivia they are “Indigenous Peoples” “Indigenous nationalities,” as well as “communities,” “Peasant Communities” or “Native Communities,” which is the expression used in the Constitution of the Republic of Peru. FILAC, Legal and Institutional Frameworks of the Member States of FILAC. Journal of Knowledge no.1, January 2019.
127 states that the state will guarantee Indigenous Communities the necessary land and collective property to ensure social and economic wellbeing; the Plurinational State of Bolivia includes various provisions in the same respect. Columbia, in its constitution, in article 330, provides that indigenous territories are to be governed by councils that conform to and are regulated according to the uses and customs of their respective communities.

The Political Constitutions also recognize other specific rights for Indigenous Peoples, although sometimes only aspects to protect and/or promote. Including the rights to identity, language, ways of life, customs, traditions, worldviews, organizational forms, spirituality, access to natural resources, land, territories, and justice, among others. The right to be consulted is recognized in Mexico, Bolivia, Ecuador, Venezuela. Traditional Indigenous attire is subject to protection in the constitutions of Guatemala, Bolivia, and Ecuador.

III. GENERAL DESCRIPTION OF LAWS AND POLICIES CRIMINALIZING INDIGENOUS PEOPLES

The criminalization of Indigenous Peoples in the region is drawn from the following regulatory provisions, among others:

a) Lack of adoption of means for protection of peoples in voluntary isolation and initial contact.

States are responsible for the protection of the right to life, liberty, and the security of persons, as enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Declaration on the Rights of Indigenous Peoples. There is an observable lack of means of protection for Peoples in voluntary isolation including their right to self determination and the principle of no contact. Key threats to the full enjoyment of their rights include but are not limited to pressures on their lands and territories by extractive industries, contagious and other diseases, direct attacks and the inappropriate use of their lands due to tourism projects and drug trafficking. A relevant case has been that of Taegari and Taromenomi, in Ecuador, in the face of the killings by illegal loggers of Waorani indigenous people (2003, 2006, 2013).6 These cases become even more relevant in the wake of the recent fires and onslaught of concessions in the Amazon rainforest.

b) Absence of mechanisms of coordination between administrative systems of indigenous law and the administrative systems of the public justice system.

The violation of the rights of Indigenous Peoples is not a recent phenomenon, nor is it an isolated one; it corresponds to structural conditions based on the political and economic history of the Region. The legal and institutional structures of the

6 http://www.oas.org/es/cidh/decisiones/2014/ECAD422-06ES.pdf
countries, which allow for the violation of their rights, are rooted in the colonial system and in the economic and political liberalism of the 19th century. One example is the case of Nestora Salgado, an Olinala leader and warrior, and a member of the Community Police created in 2012, who was incarcerated for three years, accused of kidnapping. In this case, the State failed to recognize the regulatory and customary systems of the Indigenous Communities, which is predominantly oral, and does not require one to report detentions to the Public Ministry, the community authorities have full jurisdiction to act.  


(c) **Application of anti-terrorist and security laws.**

In some countries there are laws that have been in place many years, and in others there are emergency laws being drafted and set in place. These laws aim to prevent and stop acts of terrorism and are now being used to directly target defenders/activists and protesters exercising their rights to freedom of expression and association. In Chile, there are the State security law no. 12.927, and the law that sanctions Terrorist Conduct no. 18.314, modified in May of 2002 to adapt to its new criminal system. These establish, amongst other aspects, the secrecy of investigation, the use of protected witnesses, the interception of telephone transmissions as part of investigation, all of which are means authorized by judges at the request of prosecutors. In terms of military justice, whether perpetrators are civilians or military, a military Tribunal intervenes.

d) **Irregular Processes in the exercise of criminal law.** These are the most numerous in the region. Due to manipulation and wrongful use of power by the state and non-state actors and the complex relationship between security and the right to protect your own territories, indigenous peoples continue to struggle to safeguard legitimate exercise of their right to defend their communities. Laws pertaining to the administration of justice are used to punish and criminalize activities of protest and legitimate claims of Indigenous activists. They are often accused of crimes, depriving them of liberties for activities they engage in, preventing the processes from being realized with the due guarantees. Prolonged judicial processes are applied, as can be seen in the case of Bernardo Caal Xol, of the Q’eqchi’ Maya community of Guatemala, who, at the moment of detention, said: “I will face justice. Another order of capture has been issued. They had already accused me of swindling the State, but they could not prove it, their arguments fell apart. Now there are different crimes, and then there will be others, the objective is to silence and intimidate the people.”

In these cases, Indigenous activists are facing irregular criminal processes and other acts, such as direct aggressions, assassinations, threats, intimidation, harassment, and


other forms of violence, with individual and collective repercussions, which, in indigenous communities, impact their self-determination and access, use and tenure of their lands, territories and natural resources, self-government, and their cultures and ways of life.

A phenomenon unique to indigenous women’s rights activists are smear campaigns against them, with efforts to disempower them and to isolate them from their families and communities.

IV. OVERVIEW ON SITUATION OF CRIMINALIZATION AND IMPUNITY

On a global level, land grabs have exacerbated the nutritional and energy crisis; and, the increase in the prices of raw materials in the last decades, have intensified the competition for natural resources, significantly impacting the productive and agricultural processes of Indigenous Peoples. It is calculated that every three hectares that governments in Latin America concede to mineral, agricultural, industrial, or logging exploitation overlays lands that belong to indigenous communities, causing conflicts related to water supply, pollution, disrespect to sacred places, among others.

A report published by the Mesoamerican Human Rights Defenders in 2014 noted that violence against women is exacerbated by the role played by organized crime in indigenous territories, militarization, lost of territories and natural resources in indigenous and/or aboriginal communities, as well as the policies and laws that restrict and criminalize social protest or that violate basic rights as well as high levels of impunity.

Since the criminalization of Indigenous Peoples is not a recent phenomenon, it is notable that violence has been increasing. The Latin-American region is considered one of the most violent in the world. One-fourth of all murders in the world are committed in Brazil, Columbia, Mexico, and Venezuela and of the fifty most violent cities in the world, forty-three are in Latin America.

The high number of conflicts due to the pervasive behavior of extractive industries in indigenous territories, as stated by Special Rapporteur report on the situation of human rights in...
rights defenders in the 2009-2013 period have allowed for the recognition of criminalization of indigenous social protest in the face of investment projects that affect their rights and territories, among other knots of inter-connected problems; among which is the inadequate or nonexistent legal protection of their rights, related to their lands, waters, natural resources, biodiversity and territoriality; the growing destruction of sacred places; and deficient or nonexistent independent evaluations of environmental, social, economic, or territorial impacts of extractive projects; the irresponsibility of the state’s responsibility to consult and to get the consent of Indigenous Peoples, and lack of adoption of mechanisms to protect the rights of Indigenous Peoples before granting concessions or authorizing the execution of extractive projects; and of the inclusion of indigenous peoples in the participation and in the benefits derived from the exploitation of the resources of their territories.

The cases of criminalization occur when leaders and communities express their opposition to projects or when their ways of life are considered illegal or incompatible with the policies of conservation or development, which gives way to the prohibition of traditional ways of life, to detention, incarceration, or forced displacement.

Other indicators of criminalization are when private entities supply false information or make false accusations against indigenous activists; judges and prosecutors apply, in an irregular fashion, criminal law by accepting false testimonies, and by giving official mandates without sufficient proof, by promoting legal actions and by interpreting, in an undue way, the law as to incriminate indigenous activists. Even though legislative powers do not intervene in criminalization, they contribute by approving laws that restrict manifestations of rights such as that of expression and of congregating, or they promulgate legislation which includes vague descriptions of crimes, even of more serious ones, such as terrorism.

A report launched at the Human Right Council in 2011 noted that three of the four countries with the highest rates of violence against human rights activists, in relation to operations by businesses and linked to territorial disputes are located in Latin America, these being: Brazil, Columbia, and Peru, with the fourth country being the Philippines. In 2018, Mexico was identified as one of the most lethal and dangerous countries for activists for the environment. That year, it ranked third in Latin America for the most assassinations of environmental and territorial activists, after Brazil and Columbia.

In 2017, 312 assassinations of human rights activists were documented in 27 countries, 67% of these were of persons who were activists for the earth, the environment, and for the rights of Indigenous Peoples, many of these were linked to extractive, energy, and

16 CEPAL(ECLAC), 2014
17 Cepal (ECLAC), 2014.
agricultural industries. Similar studies identified 207 environmental activists killed in 22 countries during the same period, among the victims were indigenous leaders, community leaders, and environmental activists. Of the deaths, 60% occurred in Latin America, Brazil being the country with the most assassinations, with 57 cases.

In 2018, on a global level, 164 assassinations of activists for the earth and the environment were documented, more than half of these occurred in Latina America, with 35% happening in Columbia, Brazil, and Mexico; of these, 29 were in Columbia, 20 in Brazil, and 14 in Mexico, these three countries are amongst the 6 most dangerous and violent countries in the world. Columbia is the second most dangerous, Brazil the fourth, and Mexico the sixth. The extractive industry was linked with 43 of said assassinations, and the defense of hydric resources was linked with a significant number as well, with 17 assassinations.

In 2017 the Inter-American Human Rights Commission noted that in Guatemala the human rights activists faced retaliation, and the penal system was used against them, be it through unfounded orders of arrest, arbitrary detentions, or preemptive imprisonment. By the first semester of 2017, the amount was greater than that of all 2016, with a total of 106 registered cases.

Among the examples of this are the community leaders of the North Huehuetenango, Guatemala who were imprisoned for almost two years for their opposition to a hydroelectric project, or that of Bernardo Caal, a community leader of the region of the Cahabon River, who has been imprisoned since February of 2018 for his opposition to a hydroelectric project and he has been accused of theft, threatening, and of instigation to commit crimes. In this country, ex-president Jimmy Morales categorized the leaders of CODECA as criminals, seven of them have been assassinated.

In Brazil, the majority of the assassinations of human rights activists have been because of conflicts over land, with 70 assassinations documented in 2017, now reaching alarming levels of violence against Indigenous peoples, in the states of Mato Grosso do Sul, Pará, Bahía, Maranhão, Rio Grande do Sul, Santa Catarina, and Paraná. The dismantlement of

---

21 IGWIA, Final Document: Defending activists, Copenhagen, September, 2018
22 Global Witness, At What Price? Irresponsible Businesses and the el asesinato de personas defensoras de la tierra y del medio ambiente en 2017, UK, 2018
23 https://internationalfunders.org/security-briefs/defensores-de-los-derechos-indigenas/
24 2018 Report, Global Witness
25 OEA, CIDH, Situation of Human Rights in Guatemala, OEA/Ser.L/V/II.
27 https://internationalfunders.org/security-briefs/defensores-de-los-derechos-indigenas/
28 According to the Pastoral Commission of the Land and Amnesty International.
29 Report by the Special Rapporteur on the rights of Indigenous Peoples, relative to their mission to Brazil, A/HRC/33/42/Add.1
the National Program for the Protection of Defenders of Human Rights during the last two years has left them without effective mechanisms which guarantee their protection.\textsuperscript{30}

The National Indigenous Organization of Columbia (ONIC) has denounced and rejected the violation of human rights and cultural and physical extermination of Indigenous Peoples. In 2018 alone, despite the signing of the Final Peace Accord, Indigenous Peoples have suffered: confinement (9,422), forced/massive relocation (1,047), threats (50), recruitment (20), homicides (21), attacks (19), torture (3), and 3 deaths by omission by the state of the population in a state of displacement or resettlement, for a total of 10,599 affected persons. In November of 2019, all of Columbian society was called on to rise in defense of life and for the implementation of peace accords, as there have been 3 deaths each day in the recent months.\textsuperscript{31}

\section*{IV.1 Overview on situation of criminalization and Impunity in Mexico}

With the reform of Article 1 of the Constitution in 2011, Mexico made a step towards the incorporation of the international rights of human rights. The Federal Constitution recognizes the rights of Indigenous Peoples in Art. 2, and 28 of the 32 states’ constitutions recognize them as well.\textsuperscript{32} In the same vein, it has laws and mechanisms for the protection of human rights activists and journalists.\textsuperscript{33} In the last few years, however, violence has been increasing, with almost 70 murders per day. In 2017, there were 25,339 documented homicides, surpassing by 13% the figures from 2011, which had previously been the most lethal year.\textsuperscript{34} The initial data from 2019 predicted that the situation would persist; 5,803 persons were killed in the first bimester.\textsuperscript{35} The historical pattern of structural exclusion and discrimination in the country makes invisible the criminalization of Indigenous Peoples’ rights activists, with 99% of cases in impunity.\textsuperscript{36}

In 2011, Comision Interamericana de Derechos Humanos (CIDH) observed that Indigenous Peoples’ rights activists had been, in a particular manner, subject to attacks against their life, with Chihuahua, Chiapas, Oaxaca, and Guerrero being the states wherein there had been the most aggressions. The same report, in accordance with information received by the CIDH, noted that the attacks were by non-government actors, often linked to organized crime, as well as sectors in opposition to causes spearheaded by indigenous activists, and the authorities had not prevented or acted against the attacks, on the contrary, there were cases in which the authorities had solicited organized crime to do the “dirty work” to avoid accountability.\textsuperscript{37}

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{30} Amnesty International: Americas: Situation of Protection Mechanisms for Human Rights Activists, Brazil, 2018.
\item \textsuperscript{31} https://www.telesurtv.net/news/colombia-indigenas-movilizacion-nacional-vida-derechos-20191030-0018.html
\item \textsuperscript{32} Special Rapporteur on the Rights of Indigenous Peoples, during their visit in México, September, 2018.
\item \textsuperscript{33} Law for the Protection of Human Rights Activists and Journalists, New Law 2506201
\item \textsuperscript{34} At the height of the “War against the narco,” a crusade against the drug cartels, started by ex president Felipe Calderón in 2006, Univisión News, 22nd of January, 2018
\item \textsuperscript{35} Updated data, from the Executive Secretary of the Public Security System(SENSP)
\item \textsuperscript{36} Closing Mission, November, 2018, Special Rapporteur on the Rights of Indigenous people, Victoria Tauli-Corpuz
\item \textsuperscript{37} CIDH, Second Report on the Situation of Human Rights Activists. 31st of December, 2011
\end{itemize}
\end{footnotesize}
Repression of environmental and territorial activists in Mexico increases ceaselessly, and so do conflicts related to rights to property and to natural resources. An example of impunity supported by the legal code is that of water rights activists of San Pedro Tlanixco, who have been detained for more than 10 years without sentence, and were condemned to 50 years in prison on 27th of November, 2017 for actions allegedly committed in April 2003, and which culminated in the death of a Villa Guerrero florist.

The Special Rapporteur of the UN on the situation of Human Rights defenders, Michael Forst, after his visit to Mexico, stated that "the activities of human rights activists in Mexico have been criminalized through an undue and intentional use of penal legislation and manipulation of the punitive claim of the authorities through state and non-state agents, with the goal of impeding or even paralyzing efforts to legitimately exercise the right to promote and protect human rights."

A report by Amnesty International reports that under the Andres Lopez-Obrador administration, there have been 23 assassinations of human rights activists as well as that of Arnulfo Ceron, and 15 journalists.

IV.2 Overview on situation of criminalization and Impunity in Brazil

In Brazil, the great majority of assassinations of indigenous rights activists have been because of conflicts related to land and natural resources. In 2017 there were 70 documented assassinations, with high levels of violence against Indigenous Peoples in the states of Mato Grosso do Sul, Pará, Bahía, Maranhão, Rio Grande do Sul, Santa Catarina, and Paraná. In 2018 at least eight environmental activists were assassinated in the state of Para because they were in opposition to the expansion of soybean cultivation. 2018 was the year with the highest rates of deforestation in Brazil, however, the situation has worsened with the addition of the recent forest fires. The number of assassinations is only an example of this increasing violence, and very probably, the number of deaths is higher, as many are not documented and less are investigated.

The new administration of Brazil dealt a strong blow to Indigenous Peoples. It transferred the powers of the National Foundation for the Indian (FUNAI) to the Ministry of Agriculture, whose minister Tereza Cristina Correa, former representative of the

---

38 International Federation for Human Rights
39 https://www.elmundo.cr/mundo/oudenuncia-la-criminalizacion-de-defensores-indigenas-en-mexico/ ONU-DH Observed issues in the process, such as the lack of respect for due legal process, in relation to assumption of innocence, valuation of testimonies, individualization of sentence, and duration of preemptive imprisonment
40 https://www.elmundo.cr/mundo/oudenuncia-la-criminalizacion-de-defensores-indigenas-en-mexico/ a
41 Reforma Newspaper, Thursday 28th of November, Amnesty International Report
42 PRODES, Official Monitoring System Of Brazil
43 By January of 2019, there was a 54% increase in deforestation, relative to the rate observed in January of 2081
44 Institute of the Environment and of the Amazon, IMAZON
landowners’ interests in congress, who conceded to the Ministry of the Secretary of the Government the responsibility of supervising, coordinating, monitoring, and accompaniment of the activities and actions of NGOs. In the case of the Amazon Rainforest, it promised to open it for economic development.\textsuperscript{45} Announcements of the exploitation of the natural resources of indigenous reservations and of reductions in the control and supervision by the State have left the Amazon open to invasions upon Indigenous Peoples’ land. Currently 13\% of Brazilian territories that belong to Indigenous Peoples are at risk of being lost to foreign businesses.\textsuperscript{46}

Common tactics to crush protests are arrests, death threats, unfair trials, and smear campaigns. Activists and their communities are criminalized, businesses and governments use tribunals and legal systems as instruments of oppression against those who threaten their power or interests. This includes the use of laws designed to detain terrorists or to protect national security, and the creation of new regulations to prohibit protests or curtail the freedom of expression, which makes it easier to legitimize attacks on activists, increasing the probability of such things happening.\textsuperscript{47} Attacks are made, in many cases, against groups marginalized by the law, and even, on some occasions, against the State itself, by extractive industries, economic groups, illegal loggers, large-scale cattle-raisers.

One of the most recent cases is that of Paulo Paulino Guajajara, an indigenous person of the Guajajara tribe, who was killed the first of November, 2019, in the state of Maranhão in the indigenous territory of Arariboia. Paulino worked as a protector of his territory.

\textbf{IV.3 Overview on situation of criminalization and Impunity in Colombia}

A gradual process has been implemented for the recognition of Indigenous Peoples by society and by the state as having human rights, as reflected by the adoption of universal and regional instruments. In the Constitution of 1991, Colombia recognized the territorial rights of Indigenous Peoples by recognizing that indigenous peoples hold inalienable, collective property,\textsuperscript{48} which must be managed and administered by its respective leaders or traditional authorities of the communities in accordance with their customs and special legislation referring to the matter.\textsuperscript{49}

In the last decades, the war has been a characteristic phenomenon of the formation of the Columbian State, and a dynamic element in the political and economic domain, encompassing extensive areas of national territory through a process known as Armed Colonization, which has marginalized Indigenous Peoples from their traditional territories.

\textsuperscript{45} \url{https://www.france24.com/es/20191110-indigenas-asesinados-selva-amazonica-brasil}
\textsuperscript{46} World Resources Institute
\textsuperscript{47} Last report of 2018, presented in July of 2019, Global Witness
\textsuperscript{48} Decree No. 2,164 of 19950
\textsuperscript{49} El Decreto 1.088 de 1993 regula la creación de Asociaciones de Cabildos y/o Autoridades Tradicionales Indígenas, que pueden asociarse en representación de sus territorios indígenas, gozar de personería jurídica y autonomía administrativa.
Mobilization for the access to land has been one of the triggering factors of conflict. Indigenous Peoples have assumed diverse manners of organizing in defense of their land. In that way, for example, the Indigenous Guard was formed as an ancestral organism and instrument of resistance, unity, and autonomy in the defense of territory and in the Life Plan of indigenous communities. Throughout the years, with the intensification of the war, other actors have risen, moving the country into a generally violent situation.

By 2004, the Information System for Indigenous Peoples by Centro de Cooperacion al Indígena (CECOIN) documented 6,726 violations in thirty years, of these, 1,869 corresponded to assassinations of leaders, indigenous authorities, and in general, people of communities that play large roles in leadership. The recently published *Living Memory of Indigenous Peoples* documents the effect on 102 communities, 70 of which are at risk of extinction, identifying 125 massacres with 680 victims, 228,406 affected by relocations, 3,058 assassinations whose victims have been legal and illegal armed actors. Even though the Peace Accords and the inclusion of the Ethnic Chapter were inspiring, the conflicts have continued.

ONIC has documented the assassinations of 158 Indigenous leaders after the signing of the Peace Accord between the State and the FARC, mainly in Cauca, Valle del Cauca, Nariño, Chocó, and in the Catatumbo region. The many assassinations, disappearances, threats, forced relocations, injuries, or tortures are mainly directed towards leaders, traditional medics, and governors. The National Indigenous Organization has declared a state of humanitarian, social, and economic crisis in all Indigenous Communities of Colombia because of the systematic assassinations of their leaders in 2019.

IV. CONCLUSION AND RECOMMENDATIONS

Conclusions:

1. Despite important regulatory and institutional advances in the Latin-American Region, Indigenous Peoples still face inequality, political exclusion, social discrimination, and economic marginalization.

2. Conflicts associated with control of territories and natural resources have become a common phenomenon. One or every three hectares that governments in Latin America have conceded to mineral, agricultural, industrial, or logging industries is one that belongs

---

50 https://www.servindi.org/actualidad/123279
53 ONIC and the National Center of Historic memory (CNMH)
54 https://www.elespectador.com/colombia2020/justicia/verdad/la-historia-detras-de-la-visita-colombia-del-nobel-de-paz-del-congo-articulo-875421
55 https://www.onic.org.co/comunicados-onic/3512-libro-tiempos-de-vida-y-muerte-memorias-y-luchas-de-los-pueblos-indigenas
56 https://www.onic.org.co/comunicados-onic/3056-capitulo-tnico-en-el-acuerdo-final-de-paz
57 ONIC statement, 9th of August, 2019
to indigenous peoples, generating conflicts related to the water supply, pollution, disrespect to sacred places, among others.

3. Other factors of violence are: the influence that organized crime or criminal gangs have in public affairs related to religious hierarchies, militarization, dispossession of lands and natural resources of native communities, policies and laws that restrict and/or criminalize social protest or that violate fundamental rights and impunity.

4. The Criminalization of Indigenous Peoples’ rights activists is caused or worsened by the: a) lack of means for people in voluntary isolation; b) lack of coordination mechanisms between traditional administrative systems and the public justice system; c) irregular processes because of undue use of the penal right; d) application of laws related to security or terrorism; e) traditional ways of life are considered illegal or incompatible with policies of conservation or development.

5. In peer-reviewed studies there is a lack of separate information about indigenous activists and any overlaps between them and other categories: environmentalists, etc.

**Recommendations:**

a) Bring attention to the importance of national authorities fulfilling their duties to investigate assassinations and other crimes committed against Indigenous Peoples’ rights activists, identifying the perpetrators and masterminds behind such.

b) Strengthen mechanisms which keep watch over the full implementation of international standards of human rights.

c) Document the situation in the Region, paying close attention to the increased number of cases of conflicts between businesses and communities, including in the analysis individual repercussions as well as collective consequences of criminalization.

d) Expand the disclosure of the principal issues faced by Indigenous Peoples, including the social and political contexts in which they exist.

e) Supporting communication systems which include early alarms in the face of situations which precede aggressions and violations of rights, which may be of great use to impede them, or at least to diminish their effects.

f) Promote exchange of experience about good practices, as well as access to national and international mechanisms of protection of human rights.

g) Count on flexible financing of programs for indigenous organizations and movements to face emergency situations.

h) Publicize information about safeguarding mechanisms and CPLI that have distinct international cooperation institutions.
i) Incorporate a differential ethnic and collective focus according to customs of Indigenous Peoples and their cultural and territorial particularities, from analysis, grants, and keeping in accordance with the CIDH’s precautionary measures.

j) Promote and expand spaces and mechanisms of dialogue between Indigenous Peoples and government authorities on the concept of development and other relevant themes.