

**INDIGENOUS
PEOPLES' LONG
STRUGGLE TO
DEFEND THEIR
RIGHTS IN THE
AMERICAS**

**AMNESTY
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Amnesty International Publications

First published in 2014 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

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© Amnesty International Publications 2014

Index: AMR 01/002/2014
Original Language: English

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INTRODUCTION

In the Americas, Indigenous peoples struggle to maintain a dignified existence amidst multiple forms of systemic injustice, and those who defend their rights are often the target of violent attacks and intimidation¹. Recently, however, Indigenous peoples and communities have been able to celebrate milestone victories², which are a recognition of their legitimate demands and the result of years of mobilization, courage and determination; victories that were unthinkable not so long ago and that can be seen as one step more towards the full recognition of Indigenous peoples' rights.

While some progress has been made to protect and promote Indigenous peoples' rights, the majority of Indigenous peoples continue to encounter social, political, and economic threats to their collective well-being and very existence. Their cultural heritage, ancestral lands, and right to self-determination remain under attack.

Indigenous peoples in the continent are over-represented among those living in poverty, the under-paid, those with lower level of education, lower life expectancy, higher maternal and infant mortality, as well as less access to sanitation and drinking water. In other words, historical discrimination has kept Indigenous peoples more excluded, marginalized and outside of decision-making processes than other groups.³

In this context of exclusion, the consequences for Indigenous women are often more severe, as they must bear the additional weight of gender oppression and discrimination. A 2013 study conducted by the United Nations concludes that the discrimination that Indigenous women suffer on the basis of their Indigenous identity is aggravated by the discrimination on the basis of their gender and class.⁴

The effects of historical discrimination are often aggravated by the lack of implementation of legislation intended to protect Indigenous peoples' rights. The States of the Americas have obligations with regard to the collective rights of Indigenous Peoples. Fifteen States have ratified International Labour Organization Convention 169 and all States of the region the states of the region have now unanimously endorsed the United Nations Declaration on the

¹ Amnesty International has investigated some of these cases, see examples included in this document and Annex I at the end.

² See "Justice long overdue", cases on Sawhoyamaya, page 8 and Tsilhqot'in people, page 9.

³ Comisión Económica para América Latina de las Naciones Unidas (CEPAL), *Mujeres Indígenas en América Latina*, Octubre de 2013. Available at <http://www.eclac.cl/publicaciones/xml/8/51148/MujeresindigenasenAmericaLatina.pdf>. (Does not include data from Canada and US).

⁴ Comisión Económica para América Latina de las Naciones Unidas (CEPAL), *Mujeres Indígenas en América Latina*, Octubre de 2013. Available at <http://www.eclac.cl/publicaciones/xml/8/51148/MujeresindigenasenAmericaLatina.pdf>. (Does not include data from Canada and US).

Rights of Indigenous Peoples in 2007. Furthermore, the Inter-American Human Rights System has issued rulings and reports on these issues and several national courts have recognized these rights, including the right to consultation and free, prior and informed consent. In addition, the rights of Indigenous peoples are protected in the constitutions of many states in the Americas.

The centre of Indigenous peoples' struggles for rights and justice is often about control of natural resources and their territories, which may be rich in natural resources. States and multinational corporations have forcibly removed Indigenous peoples in the name of social and economic development. Often, these so-called "development" programs have resulted in environmental and cultural destruction and community displacement. In a recent report, the Inter-American Commission of Human Rights (IACHR) recognises that demand over Indigenous peoples natural resources is leaving Indigenous peoples living in voluntary isolation and initial contact in the Americas in an even more vulnerable situation⁵.

Indigenous peoples' special connection to their traditional lands is pivotal in analysing discrimination against them. Land and natural resources are fundamental to Indigenous peoples' identities, cultures and ways of life. When Indigenous peoples claim rights to land, they refer to specific places where they have lived for generations, where their cultures and traditions are given life and are reaffirmed by their presence. For them, the defence of their land and territory is central to their survival and enables them to protect themselves from further abuses⁶.

Over and over again and across the American continent, when Indigenous peoples oppose large scale economic projects that they claim will have a negative impact in their rights, harm their culture and environment, or they insist in having a voice in the decisions that will affect their lives, their human rights are not respected: Indigenous peoples are forcibly evicted or displaced⁷, denied their right to traditional lands⁸, they suffer intimidation and violent

⁵ See IACHR report: Indigenous peoples in voluntary isolation and initial contact in the Americas: <http://www.oas.org/en/iachr/indigenous/docs/pdf/Report-Indigenous-Peoples-Voluntary-Isolation.pdf>. For example, Ecuadorian government's plans to exploit oil resources in Yasuni National Park, a primary rain forest and home to the Tagaeri and Taromenane indigenous communities living in voluntary isolation, provoked public protests and confrontations between environmentalists and government's supporters. A public petition to stop the exploitation of oil, which attracted thousands of signatures, was rejected by the government alleging that many signatures were not legitimate. Last May the *Confederacion Kichwa del Ecuador* (Ecuadorunari), one of the main Indigenous organizations of the country, presented a legal action at the Constitutional Court in relation to the precautionary measures given by the Inter-American Commission of Human Rights in favour of the Taromenane and Tagaeri Indigenous Peoples, arguing that the government is not complying with them.

⁶ "Among Indigenous peoples there is a communitarian tradition regarding a communal form of collective property of the land, in the sense that ownership of the land is not centered on an individual but rather on the group and its community. Indigenous groups, by the fact of their very existence, have the right to live freely in their own territory; the close ties of Indigenous peoples with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival. For indigenous communities, relations to the land are not merely a matter of possession and production but a material and spiritual element which they must fully enjoy, even to preserve their cultural legacy and transmit it to future generations." *The Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Judgment of August 31, 2001, Inter-Am. Ct. H.R., (Ser. C) No. 79 (2001).

⁷ See Q'echi case, page 15.

attacks⁹, their protests are repressed with excessive force¹⁰ or they are faced with a discriminatory use of the judicial system against them¹¹.

HISTORIC JUDGEMENT IN FAVOUR OF MAPUCHE PEOPLE

On 29 July 29 2014, the Inter-American Court of Human Rights made public a historic judgement about the discriminatory use of the justice system in Chile against the Mapuche Indigenous People.

The Court established that the convictions of the eight cases under consideration, were based in stereotypes and prejudices against the Mapuche Indigenous people, which constituted a violation of the principle of equality and non-discrimination and the right to equal protection of the law. The eight victims in this case were convicted as perpetrators of terrorisms under Law No. 18,314 (known as "Antiterrorist Act"). The Court also concluded that Chile violated the rule of law and the right to presumption of innocence to the detriment of the eight victims in this case due to the application of the so call "Antiterrorist Act" against them. Three of the victims were at the time of the facts of the case, traditional authorities of the Mapuche indigenous people. The Court also determined that Chile committed violations of the right to freedom of thought and expression and political rights, because, in the circumstances of this case, the additional penalties restricting those rights were disproportional and constituted a serious impairment of those rights. Such involvement was particularly severe in the case of Messrs. Ancalaf Llaupe, Norín Catrimán and Pichún Paillalao, in their capacity as leaders and traditional leaders of their communities. This sentence has great significance for Indigenous peoples in

⁸ See Apika'y case, page 11.

⁹ See Afro-descendant Garifuna community, page 12; Wiwa, Curvaradó and Jiguamiandó river basins communities, page 13; Isthmus of Tehuantepec communities, page 15; La Primavera community, page 16.

¹⁰ The anniversary of the arrival of the Spanish to the Americas on 12 October is often used by Indigenous Peoples to voice their claims. In 2013, thousands of Indigenous people demonstrated in several Colombian regions demanding respect for their rights, which are increasingly threatened as mining, oil and other economic interests intrude on their traditional lands. Protesters were confronted with violent responses by the Colombian security forces, with some of the most serious incidents taking place in the south-western Colombian regions of Cauca and Valle del Cauca. The Cauca Indigenous Regional Council in La Augustina, municipality of Santander de Quilichao, in Cauca, reported that security forces opened fire on marches, injuring 15 indigenous protesters, including several children. On 16 October, riot police units moved in to disperse an indigenous demonstration in Valle del Cauca region. Demonstrators accused the police of firing tear gas canisters – some of them filled with shrapnel – and of beating them.

¹¹ For example, in May 2013, the Constitutional Court of Guatemala overturned the conviction of former President General Ríos Montt for his role in the killing, torturing and forced displacement of 1,771 **Maya-Ixil Indigenous peoples** during his 1982-83 presidency on a technicality. During the 36-year conflict, which ended in 1996, around four in five victims were from Guatemala's Indigenous peoples population with over 600 massacres recorded in Indigenous areas. The chances of Indigenous peoples seeing justice have been further eroded, strengthening the climate of discrimination and impunity against them. In May 2014 started the trial of 53 people, the majority from the **Awajun and Wampís communities**, for their alleged responsibility for acts of violence and the killing of the 12 police officers in 2009 in Bagua (Peru). This is one of several judicial processes launched after the events. Three of the judicial processes involving protesters have concluded, but so far little progress has been made to determine the responsibility of the security forces against Indigenous peoples. Likewise, no progress has been made to investigate the political authorities who gave the orders to launch the police operation, which violently broke up the Indigenous peaceful protest in Bagua in 2009 that ended up with 33 people dead and more than 200 injured.

the whole continent, setting clear limits in the use of anti-terrorism legislation to address social protests, demonstrations and Indigenous peoples' demands.

Amnesty International has long partnered with Indigenous people's communities and movements and has accompanied them in their struggles for rights and justice. The cases highlighted in this document are just a few recent examples that illustrate the systemic and deep-rooted discrimination that Indigenous peoples suffer in the Americas.

Some of these cases reflect also in how the consequences of the systemic discrimination against Indigenous peoples are particularly severe in the situation of Indigenous women. In a continent with such alarming levels of gender based violence as the Americas, Indigenous women face disproportionately high levels of attacks and sexual abuse, including in the contexts of trafficking, armed conflict, and working in defence of human rights¹².

STRUGGLE OVER RIGHT TO TERRITORIES AND NATURAL RESOURCES

Considering the significance of land and natural resources for Indigenous Peoples, and the long struggle and suffering that these communities had to endure to defend their rights, we can say without hesitation that the recent victories of the Sawhoyamaxa and Tsilhqot'in peoples (see next page) are truly historic. These victories are of great importance not only for the Indigenous peoples of Paraguay and Canada but for all Indigenous peoples in the Americas and around the world.

JUSTICE LONG OVERDUE: TWO HISTORIC VICTORIES

¹² See Indigenous women in Canada, page 21; Victims of forced sterilization in Peru, page 21; Inés Fernández Ortega and Valentina Rosendo Cantù, page 23.

SAWHOYAMAXA: A DREAM COME TRUE

After two decades of struggle, the Sawhoyamaxa indigenous community will be able to return to their ancestral land

When Carlos Marecos, leader of the Sawhoyamaxa indigenous community, found out that after two decades of painful struggle his people could return to their ancestral land, he could not help shedding some tears. "Indigenous peoples only cry when they achieve their freedom. And today we feel like we are getting out of prison; and that is why many cried with emotion", he said.

For years, Carlos Marecos and his community lived in a dangerously narrow strip of land next to a main road. On 11 June this year, President Horacio Cartes enacted a law that will allow the Paraguayan State to expropriate more than 14,400 hectares of land in the Chaco region to return them to the Sawhoyamaxa.

"We lived at the side of the road, we lived badly. Several members of the community died in accidents, of disease. Nobody respected us. Now this is our victory. I am very happy, and I cry because my grandmother, my father and many members of my family did not have the opportunity I have today to enjoy our land. I'm grateful to everyone" said Aparicia Gonzalez, an indigenous woman from the Sawhoyamaxa community.

The path of victory has been long. The Sawhoyamaxa's legal battle began in 1991, when the community took legal actions to get recognition to their right to more than 14,000 hectares of ancestral lands situated in two areas known as Retiro Santa Elisa and Estancia Michi, in northern Paraguay. Fifteen years later, having received no positive response from the authorities, they filed a complaint with the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, which in 2006 ruled in his favor.

This is a victory not only for Sawhoyamaxa community. It is a triumph for the hundreds of thousands of Indigenous peoples in Paraguay, most of them invisible and discriminated against, whose communities have poverty and illiteracy rates significantly higher than the rest of the Paraguayan population.

It is not a celebration for everybody, however. The Yakye Axa Indigenous community is still fighting to be able to return to their lands, despite the 2015 Inter-American Court of Human Rights ruling in their favour and the agreement reached in 2012 with the current owner of their lands.

“The Supreme Court of Canada’s ruling ends a long history of denial and sets the stage of

recognition of aboriginal title in its full form”, The Tsilhqot’in Nation

THE TSILHQOT’IN’S GROUND-BREAKING VICTORY

After a 20 year legal struggle, the Tsilhqot’in nation in central British Columbia won a ground-breaking victory for Indigenous rights when the Supreme Court of Canada ruled this June that the Tsilhqot’in had proven their continued right to own, control and enjoy the benefits of approximately 2,000km² of land at the heart of their traditional territory.

Canadian law has long recognized that Indigenous peoples may retain title to their traditional lands, even where these lands have been claimed by the state. In the past, however, the Courts have relied on negotiations between the state and Indigenous peoples to resolve outstanding title disputes. The Tsilhqot’in decision marks the first time that a Canadian court has provided legal recognition of Indigenous title to a specific territory previously declared to be public land. The decision has far reaching implications for Indigenous peoples throughout Canada, particularly those that, like the Tsilhqot’in and the majority of other First Nations in British Columbia, have never entered into any form of treaty with the state.

The Supreme Court decision affirms that Indigenous peoples’ title to land can include the large areas necessary to sustain Indigenous cultures and economies, not just the village sites and other areas of intensive use that the federal and provincial governments argued should be the limits of Indigenous title. The Court decision stated that Indigenous title means that Indigenous peoples have the right to make their own decisions about how the land will be used and that governments and private interests wanting to develop this land will need the consent of the Indigenous peoples.

While the Supreme Court states that the right to grant or withhold consent is not absolute, the Court was clear that federal, provincial or territorial governments wanting to override Indigenous peoples’ own decisions would need to meet a number of tests, including clear, objective evidence that the infringement of Indigenous rights was strictly necessary to achieve “a compelling and substantial public interest” and that the benefit of going forward was not outweighed by harm to Indigenous peoples and their rights.

While the Court’s interpretation of Indigenous title applies only to lands where Indigenous ownership has been recognized, the Court itself pointed out that governments and industry should take note of the possibility of such ownership eventually being established. An estimated 200 major resource development projects are underway or under development in northern British Columbia. In a pointed cautionary note, the Court advised governments and private interests that they should seek consent, whether title has been resolved or not, if they want to avoid litigation or the possibility of their plans being overturned at a future date.

STRUGGLE OVER RIGHT TO TERRITORIES AND NATURAL RESOURCES MEET WITH VIOLENT RESPONSES

The rights to freedom of expression and to participation are firmly established in international human rights law. By virtue of these rights, Indigenous individuals and peoples have the right

to oppose and actively express opposition to extractive projects, both in the context of State decision-making about the projects and otherwise, including by organizing and engaging in peaceful acts of protest. States are bound to respect and protect rights of freedom of expression and participation, and may impose limitations on the exercise of those rights only within narrow bounds and for reasons of public order¹³.

As the illustrative cases below show, Indigenous peoples across the Americas continue to be the target of intimidation, violent attacks and killings when they oppose big scale economic projects, which they claim will have devastating effects over their rights. In other instances Indigenous communities are forcibly evicted or displaced, their public protests are met with excessive force or they are discriminated against by the judiciary system.

“The struggle will go on, even if I die, because I have many grandsons”, Damiana, leader of the Apika’y community

THE APIKA’Y COMMUNITY’S LONG AND PAINFUL STRUGGLE CONTINUES

The Apika’y community, in the region of Mato Grosso do Sul, Brazil, is a powerful symbol of several problems that affect the Guarani- Kaiowá and other Indigenous peoples in Brazil. Disappointed with the sluggish land demarcation process, the Guarani Kaiowá began to reoccupy their ancestral lands in the 1990s.

In September 2013, around 60 Guarani Kaiowá people from the Apika’y community and other villages occupied the land currently farmed for sugar, which they claim belong to them. They have been living beside a highway, in front of the farm, since 1999 when the landowner issued them with an eviction order.

“We left the highway. Now we are already here, in this land, and we will remain here forever”, Damiana, leader of the Apika’y community

The community has reported that armed private security guards working on the sugar plantation have threatened to kill them, burned parts of the settlement, and also prevented them from collecting water in a stream that runs through the sugarcane plantation. Employees of the security company have been charged with offences before, including two ongoing murder cases. The federal prosecutor has claimed that the company conducts “incontestable illicit activity” and is calling for the “suspension of its activities”.

¹³ Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya. Extractive industries and indigenous peoples, A/HRC/24/41, 1 July 2013. Paragraph 19.

The National Indigenous Foundation (FUNAI) signed a Conduct Adjustment Agreement with the Ministry of Justice, the Federal Public Prosecutors and 23 indigenous leaders in 2007 in which it promised to demarcate the lands of the Apika'y community by 2010. But the agreement was never implemented, due to the lack of resources by FUNAI.

Brazil's sustained economic growth over the past decade has transformed the country into a major world economy. However, more than 39.9 per cent of Indigenous people live in extreme poverty – more than double the percentage in the general population¹⁴.

Mato Grosso do Sul contains some of the smallest, poorest and most densely populated Indigenous lands in Brazil: pockets of rural poverty surrounded by large soybean and sugarcane plantations and cattle ranches, where life is plagued by ill-health and squalid living conditions. What were hectares of forest with incredible diversity are now fields of sugar cane and soy beans. For over a century their communities have been driven from their lands by the expansion of large scale agriculture – a process that continues to this day. The consequences for affected communities can be devastating.

"They want to forbid us access to our ancestral territory, they want to disappear us. We remain here, firm, defending what is ours", Miriam Miranda, Garífuna leader

THE AFRO-DESCENDANT GARIFUNA COMMUNITY

In 1997 the National Agrarian Institute (Instituto Nacional Agrario, INA) granted title deeds on 980 hectares of land in Vallecito, Colón Department, Honduras, to the Afro-descendant Garífuna community. For many years the Garífuna community has been facing harassment, intimidation and threats, in their struggle to take possession of their land against the powerful interests of land owners and drug traffickers.

On 17 July this year, several members of an Afro-descendant Garífuna community, including human rights defender Miriam Miranda, were visiting a remote area in the Garífuna territory in Vallecito, Colón Department, when they were captured by four heavily-armed men. During a previous visit to the area, community members discovered that an illegal runway used by drug traffickers, which had been destroyed by the army in January 2014, was being rebuilt. Miriam told Amnesty International that the attackers searched them, took away their mobile phones and said that they were going to kill them. Four hours later, when the attackers learned that more members of the Garífuna community were still in the area and realised they could be aware of the

¹⁴ See Brazil's Presidency's website <http://blog.planalto.gov.br/brasil-sem-miseria-foco-sera-16267-milhoes-de-brasileiros-que-vivem-na-extrema-pobreza/>

abduction and call for help, they decided to free them.

Miriam Miranda is the general coordinator of the Organización Fraternal Negra de Honduras (OFRANEH), an organization that has worked since 1978 for the promotion and defence of the rights of the Afro-descendant Garífuna community. In 2011 she was granted precautionary measures by the Inter-American Commission on Human Rights because of the threats and harassment she faces due to her human rights work. These measures have not been properly implemented.

In the hours following the abduction, numerous national and international organizations launched calls for action. As a result, an army contingent was sent to the area where the incident occurred to ensure the protection of those who were abducted. However, this was a provisional and partial measure that will not ensure the security of Miriam Miranda, other Garífuna members and their families when they return to their homes. Moreover, no measures are in place to secure the Garífuna territories where drug traffickers are reportedly operating, putting the entire community at risk.

The case of Miriam Miranda and the Garífuna community is an example of the discrimination that Indigenous peoples and Afro-descent communities suffer, in particular in relation to their land, territory or natural resources. Large scale projects are carried out on their lands without a consultation process to obtain their free, prior and informed consent. Indigenous and afro-descendent leaders have faced fabricated criminal charges and have been the target of attacks and intimidation in reprisal for their work in defence of human rights¹⁵.

"Palm plantations and the cattle pastures are fertilised with our blood. Amidst the mortal

¹⁵ Amnesty International has investigated some cases. See Annex I

remains of our loved ones grew these plantations. Despite so much horror we returned to the land that belongs to us." a member of the Curvaradó community

ATTACKS AGAINST THE WIWA, CURVARADÓ AND JIGUAMIANDÓ RIVER BASINS COMMUNITIES

The Wiwa Peoples, one of the Indigenous Peoples inhabiting the Sierra Nevada de Santa Marta, in Colombia, are opposing a number of mining, infrastructure, tourism and other projects in the Sierra Nevada area, which they consider would disrupt their food sources, affect their traditional way of life and threaten their survival. Together with the other Indigenous communities in the Sierra Nevada area, the Wiwa are campaigning for recognition of their rights over lands.

Last May, Sebastián Pastor Mojica, a leader of Wiwa Yugumaiun Bunkuanarrua Tayrona Organization (Organización Wiwa Yugumaiun Bunkuanarrua Tayrona, OWYBT) was victim to an attempted forced abduction by two armed men. This is the latest attack against members of the OWYBT. Last year a grenade was thrown against the house of Pedro Manuel Loperena, the coordinator of the OWYBT's Human Rights Commission.

OWYBT is the Indigenous organization representing the Wiwa Indigenous Peoples of the Sierra Nevada de Santa Marta mountain range in Colombia. It has been campaigning for justice in cases of human rights abuses against the Wiwa community carried out by the security forces, paramilitaries operating with them, and guerrilla forces. The Wiwa Peoples were provided with precautionary protection measures by the Inter-American Commission on Human Rights in 2005.

Through the early 2000s to the present, the Wiwa population and other Indigenous Peoples in the area faced repeated death threats and killings at the hands of the security forces, operating in alliance with paramilitary forces. These human rights violations coincided with or preceded the construction of a dam and the concession of extractive licences to a number of companies in the region. Guerrilla forces have also been responsible for numerous human rights abuses against members of the Wiwa and other communities in the region in their efforts to maintain a presence in the region.

In Colombia, control of land, for political, economic and military reasons, has been one of the main drivers of the long-running armed conflict. The impact on Indigenous and Afro-descendent communities¹⁶, who have

¹⁶ International Labour Organization Convention 169 recognizes that in some cases Afro-descendent peoples have the same rights as Indigenous peoples. The Saramaka People v. Suriname decision of the Inter-American Court of Human Rights recognized the right of a non-indigenous minority group to the natural resources within its lands, establishing that this community's culture and way of living effectively meant that its relationship to land was the same as an Indigenous peoples community and therefore they needed the same rights protections.

traditionally relied on the land for their livelihoods is enormous, and women and girls from these communities are particularly hard hit. Some eight million hectares of land have been misappropriated during the conflict, much of this as a result of human rights violations carried out by paramilitary forces counting on security force support.

The Afro-descendant communities of the Curvaradó and Jiguamiandó River Basins are often the target of paramilitaries' attacks. For years they have been reclaiming their lands, which were occupied by powerful economic interests to establish African Palm plantations, cattle-ranches or other economic enterprises. Many of those opposing these economic activities within their territory have been threatened and killed as a result. On 20 May this year, armed men attempted to kill the land restitution leader Enrique Cabezas near a military base in the Curvaradó River Basin, north-western Colombia. Rafael Truaquero, another land claimant, and his family were also threatened.

Enrique Cabezas has been receiving repeated threats as he is among those denouncing the links between paramilitaries and security forces in the area, as well as criticizing the establishment of a military base on lands collectively owned and claimed by the Curvaradó communities.

In March 2003, the Inter-American Human Rights Court issued provisional protection measures for the inhabitants of the Afro-descendant communities of the Curvaradó and neighbouring Jiguamiandó. These measures were lifted last year on the understanding that Colombia's Constitutional Court would continue the process of monitoring the implementation of the Court's order. However, the communities consider that the Colombian authorities' efforts to guarantee their safety is seriously inadequate. In addition, despite repeated orders by the Constitutional Court, the land has not been returned to the communities.

ATTACKS TO LAND ACTIVISTS OPPOSING A WIND FARM IN THE ISTHMUS OF TEHUANTEPEC, OAXACA STATE

Members of the Indigenous peoples living in the Isthmus of Tehuantepec, Oaxaca State, Mexico, have been the target of threats and attacks for several months because of their opposition to a wind farm project being built on their land. They are concerned about the impact the construction is having on their agriculture and land and argue that there has not been an adequate consultation process to obtain their free, prior and informed consent. Although the government has initiated a consultation process, it is not known yet how this will proceed in line with international standards or how it will avoid exacerbating community tensions by simply favouring those parts of the community supporting the project.

In February this year, the family of Mariano Martínez Martínez, who are part of the Assembly of Indigenous Peoples of the Isthmus in Defence of Land and Territory (Asamblea de Pueblos Indígenas del Istmo en Defensa de la Tierra y el Territorio, APIIDTT) that oppose the wind farm, received death threats. This family has been fighting in defence of their land for several years and won the cancellation of the 30-year lease contract with the natural gas company that plans the development of the wind farm in 2009.

Organizations representing members of local indigenous communities opposing the project are also subject to

threats and intimidation. The most recent threats were received on 8 July by staff at the office of the human rights organization Human Rights Integral Defence Committee Gobixha (Comité de Defensa Integral de Derechos Humanos Gobixha, CODIGO-DH). Members of the People's Assembly of the Isthmus in Defence of Land and Territory (Asamblea de los Pueblos del Istmo en Defensa de la Tierra y Territorio) have previously been object of attacks.

This case shows the impact that the increasing number of resource extraction and economic development projects carried out in Mexico have on Indigenous communities and the failure to establish an adequate process from the outset rather than when construction has been undertaken. The Mexican government faces serious challenges to meet their international obligations to provide adequate impartial information and conduct transparent consultation processes to obtain the full, prior and informed consent of affected communities.

THE Q'ECHI INDIGENOUS COMMUNITY IN POLOCHIC AT THE CENTRE OF LAND DISPUTES.

Human rights violations against Indigenous peoples in Guatemala often take place in the context of land disputes. The causes of these often violent disputes are complex. Most conflicts are due to either labour rights demands being unfulfilled or ownership disputes between rural families or communities and large landowners, in which boundaries are unclear or where communities have lived for generations on the land to which they claim communal title, although they may not have the complete documentary evidence to prove their ownership¹⁷. In both cases communities frequently face forced evictions, house demolitions, intimidations and attacks.

The Q'echi indigenous community in Polochic, municipality of Panzós, department of Alta Verapaz, are an example of the consequences of such disputes: 14 communities, made up of around 800 families, say that they have been living and working in the same area for about 30 years, although a local company disputes the ownership of the land. A local judge issued an eviction order in February 2011 against the 14 communities but neither the communities nor organisations that support them were informed. The first the communities heard about the forced evictions were on 15 of March when the security forces turned up to carry out the evictions. The security forces, which included police officers and soldiers, carried out the forced evictions over a period of three days and included violence resulting in injuries and the death of one member of the community, Antonio Beb Ac. In 2013, the UN Office of the High Commissioner for Human Rights investigated the case and concluded that the communities had suffered a number of human rights violations, including a failure to give the communities warning prior to the eviction, the destruction and burning of their property and crops, the failure to provide alternative suitable accommodation to the evicted families, excessive use of force by the police and a lack of impartiality on the part of local judges and prosecutors. Despite being granted precautionary measures by the Inter-American Commission on Human Rights in 2011, the communities have been subject to harassment and have been living in precarious conditions, with limited access to water and

¹⁷ For Indigenous peoples, the fact that they don't have state recognized legal title does not annul their land rights. See for example Inter-American Court of Human Rights, *Awas Tingni vs Nicaragua*, judgement 31 August 2001, para. 151. "Indigenous peoples' customary law must be especially taken into account for the purpose of this analysis. As a result of customary practices, possession of the land should suffice for indigenous communities lacking real title to property of the land to obtain official recognition of that property, and for consequent registration."

food.

“The community’s priority is the return of land, with that we will have water, health and social progress.” Felix Diaz, Community Toba Qom, La Primavera (Potae Napocna Navogoh)

LA PRIMAVERA AND QUILMES COMMUNITIES

La Primavera community, in the north-east of Argentina, is still waiting the legal recognition of their ancestral land. The community rejects the land demarcation process carried out by the authorities, claiming that their right to be consulted in order to obtain their free, prior and informed consent has not been respected.

In their fight to defend their land La Primavera, as well as other Indigenous communities in the country have been the object of attacks, death threats and forced evictions.

La Primavera community has been reclaiming part of their land for many years. In 2010, during a protest against a construction project in land they claim is theirs, they were forcibly evicted and several members of the community were attacked; 23 of them were detained and charges brought against some of them. To date no one has been brought to justice for these attacks.

In April 2011, the Inter-American Commission on Human Rights urged the Argentine authorities to implement measures to protect Felix Diaz and his family. There is now some federal police presence near the Indigenous community. However, despite these measures further threats and abuses have taken place.

The India Quilmes community in the northwest of Argentina, was violently attacked in March 2014. Outsiders armed with fire weapons, bats and chains, assaulted and shoot at the villagers who were at the site, targeting in particular one leader, Sergio Condori, who was severely injured and had to be hospitalized. Seven people from the community were also injured. The attackers took over a place considered holy for this community, called “Ciudad sagrada”, which has archaeological value. The community is still trying to get back this important part of its territory through the national judicial system. To date, no one has been prosecuted for the attacks, even though the community members present during the violent events could recognized them.

FREE, PRIOR AND INFORMED CONSENT: A SAFEGUARD FOR INDIGENOUS PEOPLES’ RIGHTS, INCLUDING RIGHT TO LAND

Many of the cases so far described and many other conflicts in the region, which involve indigenous peoples, are often linked to governments not fulfilling their obligations regarding Indigenous Peoples’ right to a consultation process to obtain their free, prior and informed

consent¹⁸.

The UN Special Rapporteur on the Rights of Indigenous Peoples has noted that Indigenous peoples' free, prior and informed consent is required, as a general rule, when extractive activities are carried out within Indigenous territories¹⁹. This general rule derives from the character of free, prior and informed consent as a safeguard for the internationally recognized rights of Indigenous peoples that are typically affected by extractive activities that are carried out within their territories.²⁰ Other large scale development projects which, due to their invasive nature may have similar consequences for the enjoyment of Indigenous peoples' rights, are likely to require the same strict threshold.²¹

The general requirement of indigenous consent for extractive activities within Indigenous territories may be subject to certain limited exceptions, in particular, when any limitations on Indigenous peoples' substantive rights comply with standards of necessity and proportionality with regard to a valid public purpose, defined within an overall framework of respect for human rights. Critically any such limitation should be subject to independent judicial review.²²

Whether or not Indigenous consent is a strict requirement in particular cases, States should ensure good faith consultations with Indigenous peoples on extractive or other activities that would affect them and engage in efforts to reach agreement or consent. In any event, the State remains bound to respect and protect the rights of Indigenous peoples and must ensure that other applicable safeguards are implemented as well, in particular steps to minimize or offset any limitation on the rights through impact assessments, measures of mitigation,

¹⁸ The right to be consulted in order to obtain consent is protected under the International Labour Organization Convention 169 and the UN Declaration on the Rights of Indigenous Peoples and various other international sources of authority. See for example: Inter-American Court of Human Rights, *Saramaka People v. Suriname*, judgement of 28 November 2007, paras. 129-137 (interpreting the American Convention on Human Rights); Human Rights Committee, communication No. 1457/2006, *Poma v. Peru*, Views adopted on 27 March 2009, paras. 7.5, 7.7 (interpreting the International Covenant on Civil and Political Rights); Committee on the Elimination of Racial Discrimination, general recommendation No. 23 (1997) on Indigenous peoples (interpreting the International Convention on the Elimination of All Forms of Racial Discrimination); Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.74, para. 12 (interpreting the International Covenant on Economic, Social and Cultural Rights).

¹⁹ Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya. Extractive industries and indigenous peoples, A/HRC/24/41, 1 July 2013. Paragraph 1.

²⁰ Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya. Extractive industries and indigenous peoples, A/HRC/24/41, 1 July 2013. Paragraph 28.

²¹ These rights include, in addition to rights of participation and self-determination, rights to property, culture, religion and non-discrimination in relation to lands, territories and natural resources, including sacred places and objects; rights to health and physical well-being in relation to a clean and healthy environment; and the right of indigenous peoples to set and pursue their own priorities for development, including with regard to natural resources. Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya. Extractive industries and indigenous peoples, A/HRC/24/41, 1 July 2013. Paragraph 28.

²² Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya. Extractive industries and indigenous peoples, A/HRC/24/41, 1 July 2013. Paragraph 86-7.

compensation and benefit sharing.²³

The recognition of right to a process of free, prior and informed consent, including by enabling legislation which is respectful of international standards, continues to be one of the main unfulfilled responsibility of States in the region.

In 2012, the Inter-American Court of Human Rights (IACHR) ruled in favour of the **Kichwa Indigenous Peoples of Sarayaku** vs Ecuador case, condemning the state for having authorized an extractive project in the Indigenous peoples' territory without their consent. Some of the IACHR orders have already being complied by Ecuador and in July 2014 the State and the community met to agree an implementation plan for the pending reparations. However, there are disagreements over the fulfilment of the State obligation to regulate Indigenous peoples' right to a process of free, prior and informed consent, which is for the Sarayaku the most important order dictated by the Court.

There have been some important steps in **Bolivia** to regulate Indigenous Peoples' rights regarding consultation on matters affecting them. In May a new Mining Law (Ley de Minería) was passed, which also regulates the right to consultation in relation to mining projects. However, according to the new law, consultation is excluded for prospecting and exploration activities and does not recognize the principle of free, prior and informed consent as a crucial requirement for projects that are going to have a major impact on Indigenous communities.²⁴ Moreover, a bill on Free, Prior and Informed Consultation has been discussed and agreed between the government and several organisations. The bill still needs to be passed by the Legislative. Some Indigenous groups have criticised that the current text does not recognize the principle of free, prior and informed consent as established in international human rights standards. Bolivia is the second country in Latin America that is introducing legislation on consultation with Indigenous peoples after Peru passed a law in 2011. However, even in Peru, lack of systematic implementation means that Indigenous peoples' right to a process of free, prior and informed consent is not guaranteed for extractive projects, which is the cause of conflicts. Many other countries in the region are also discussing legislation on this line.

²³ Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya. Extractive industries and indigenous peoples, A/HRC/24/41, 1 July 2013. Paragraph 88.

²⁴ Extractive industries and indigenous peoples, Report of the Special Rapporteur on the rights of indigenous peoples, A/HRC/24/41 para 27. <http://unsr.jamesanaya.org/docs/annual/2013-hrc-annual-report-en.pdf>

INDIGENOUS WOMEN

Indigenous women in the Americas experience disproportionate levels of violence and discrimination. Any analysis of the situation also faces the challenge of a chronic lack of information about gender-based violence against Indigenous women²⁵.

However, Indigenous women have responded to this violence denouncing abuses, developing strategies to change the situation and fighting tirelessly for justice. When they stand up, they are also specially targeted as human rights defenders, in a way that men human rights defenders are not. Attacks against women human rights defenders are often gender-based, with women being targeted because of their activism and because they are women²⁶.

In several cases, just the fact of women taking public action to promote or protect human rights constitutes a human rights statement in itself. "Women defenders are perceived as challenging accepted socio-cultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society. Their work is often seen as challenging traditional notions of the family, which can serve to normalize and perpetuate forms of violence and the oppression of women"²⁷.

The 1995 Beijing Declaration of the Indigenous women marks a historic moment in the Indigenous women's fight against violence. The declaration includes demands to consider discrimination against Indigenous women a crime (art. 34) to investigate cases of gender-based violence in particular in areas of armed conflict (art. 32) and forced sterilization (art. 33), as well as to create adequate instruments to protect women from domestic and state violence (art. 35). The United Nations Declaration on the Rights of Indigenous Peoples specifically asks states to ensure that Indigenous women are free of all forms of violence and discrimination (article 22).

²⁵ Comisión Económica para América Latina de las Naciones Unidas (CEPAL), *Mujeres Indígenas en América Latina*, Octubre de 2013. Available at <http://www.eclac.cl/publicaciones/xml/8/51148/MujeresindigenasenAmericaLatina.pdf>. (Does not include data from Canada and US).

²⁶ In more of the third of the cases of human rights defenders that Amnesty International receives and process, women human rights defenders were the target of attacks. Even though not all of them were indigenous women, the situation as women human rights defenders is common to them all. In many of these cases, the women were not only killed, abducted and subjected to death threats, they were also targeted for gender-based violence, including sexual violence. See Amnesty International "Transforming Pain into Hope, Human rights defenders in the Americas", Index: AMR 01/006/2012, December 2012, page 20.

²⁷ UN Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of society to promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, July 2011, p 6.

LONG WAY TO GO: VIOLENCE AND DISCRIMINATION AGAINST INDIGENOUS WOMEN

THREATS TO THEIR LIVES AND SAFETY OF INDIGENOUS WOMEN ARE WIDESPREAD AND SEVERE

In May this year, the national police service, the Royal Canadian Mounted Police (RCMP), issued a report stating that 1,017 Indigenous women and girls were murdered in Canada between 1980-2012, a homicide rate at least four times higher than that faced by all other women. Although this report marked the first time that either police or government in Canada had published national data breaking down the rates of violent crime by Indigenous identity, the figures confirmed something that Indigenous women in Canada have long struggled to bring to public attention: the fact that threats to their lives and safety are widespread and severe.

Ten years ago, Amnesty International published a report called *Stolen Sisters* that highlighted the role of multiple and intersecting forms of discrimination – including racism, misogyny and economic marginalization – in putting Indigenous women and girls in situations of greatly elevated risk of violence, in denying Indigenous women and girls support to escape violence, and in encouraging some men to feel that they can commit brutal acts of hatred against Indigenous women and girls with impunity. Similar concerns have also been documented by the Native Women's Association of Canada and have been repeatedly raised when Canada's human rights record is reviewed at the United Nations.

Mounting public attention to gender-based violence against Indigenous women and girls – including hundreds of vigils held across Canada every year – has led to some important reforms in how some police services handle missing persons complaints and engage with Indigenous communities. The federal government has committed some funds to initiatives such as a national missing persons database which, although not specific to Indigenous women and girls, are nonetheless important measures to increase their safety and bring perpetrators to justice.

Overall, however, police and government response remains inadequate and fragmentary. There is no comprehensive national effort to coordinate programs and initiatives, and identify and close gaps in the support and protections available to Indigenous women and girls. Despite supporting UN General Assembly resolutions calling on all countries to adopt comprehensive and adequately resourced national action plans to address violence against women, the federal government has repeatedly stated that there is no need for such a national action plan in Canada.

Amnesty International has supported calls by Indigenous women's organizations for a national public inquiry, to enable solutions already identified at the community-level to be consolidated into a national action plan and ensure greater transparency and accountability in the government response.

VICTIMS OF FORCED STERILIZATION DENIED JUSTICE

Over 2,000 Indigenous and peasant women living in poverty who were subjected to forced sterilization have been denied justice in Peru.

On 22 January this year, the Public Prosecutor's office in Lima closed the cases of over 2,000 poor Indigenous and campesino women who were sterilized in the 1990s without their full and informed consent. These 2,000 cases represent only a small proportion of a total of more than 200,000 women who were sterilized in the 1990s, most of them poor Indigenous and campesino women. After an investigation, which started in 2004 and lasted nearly ten years, the Public Prosecutor only filed charges against the health professionals allegedly responsible for the forced sterilization and subsequent death of María Mamérita Mestanza Chávez in 1998. No charges were filed against any of the government authorities responsible for implementing the family planning program which resulted in these sterilizations.

The fact that most women were Indigenous and living in poverty or extreme poverty is a clear example of the multiple forms of discrimination that Indigenous women have historically suffered in Peru.

SOME STEPS IN THE RIGHT DIRECTION

"When I was sexually assaulted in 2002 I did not know how far I would need to travel, I did not know what I would need to face on the path to getting justice, because I am an Indigenous woman who speaks a Me'phaa language and it is very sad to say, but in my country, since I was sexually assaulted, the government always protected those responsible", Valentina Rosendo

TWO INDIGENOUS WOMEN MAKE PROGRESS IN THEIR STRUGGLE AGAINST MILITARY IMPUNITY

Nearly 12 years after being beaten and raped by soldiers, two Indigenous Me'phaa women from Guerrero state, Mexico, Inés Fernández Ortega and Valentina Rosendo Cantù, are finally seeing progress in their fight for justice!

On 14 January 2014, indictments were issued against four former military officers accused of torture, including rape, and abuse of authority. They are currently in detention awaiting trial.

This step forward is a result of Mexico's obligation to comply with the 2010 judgments from the Inter-American Court of Human Rights in the cases of both women. The Court ordered a full, gender sensitive investigation into the matter by civilian authorities, reparations be paid and protection to be provided to the women, their families and human rights defenders.

"When I was told that the judgement was going to be passed I was working and I thought, I hope I have the courage to continue no matter the result. A few hours later I was told that it had gone well, that the court had ruled against Mexico. I felt that there was hope, that justice can be achieved and it is just a matter of pursuing it", Valentina Rosendo

Inés and Valentina's struggle is also bearing fruit for all victims of human rights violations committed by the armed forces. The Court also ordered Mexico to remove these kinds of cases from the military justice system, as it had established in two previous judgments. In May 2014 Congress reformed the military justice code and established that all crimes against civilians, including human rights violations, must be investigated and tried in the civilian justice system.

The arrest of four former military officers is an important milestone not only for Inés and Valentina, but for all women and girls who have been victims of sexual violence in Mexico and Central America, and in particular for Indigenous women.

THE VIOLENCE AGAINST WOMEN ACT

Inclusive and ground breaking provision that will help Indigenous women in the USA access to justice

In the USA, Native American and Alaska Native women face complex jurisdictional issues that make protection, reporting and prosecution of domestic violence nearly impossible. The new provisions in the Violence Against Women Act will help to ensure that Tribal courts can issue and enforce protective orders to help stop domestic violence against Indigenous women and girls. This is a key point since without this ability,

Indigenous women survivors of domestic violence are too often denied the ability to hold their perpetrators accountable.

Gender based violence against women in the USA has reached epidemic proportions, especially against Native American and Alaska Native women. Data gathered by the US Department of Justice indicates that Native American and Alaska Native women are more than 2.5 times more likely to be raped or sexually assaulted than women in the USA in general. Shocking though these statistics are, it is widely believed that they do not accurately portray the extent of sexual violence against Native American and Alaska Native women.

CONCLUSION

Indigenous Peoples in the Americas continue the long struggle to have their rights respected, to defend their ancestral lands, resources, and ways of life. Indigenous men and women have raised above discrimination, attacks and injustices and stepped forward in defence of their rights, demanding from States concrete measures that protect their lives, livelihoods and territories. Indigenous men and women have demonstrated once more that they will carry on fighting until they are free from discrimination and injustice and can live a life where their human rights are respected.

As this selection of cases show, this struggle is not easy and risk free. The seriousness of the attacks against the women and men working to defend human rights in large part reflects the enormous economic and strategic interests in certain territories. Often these lands are in remote rural areas where state presence is limited or non-existent. This state vacuum is often filled by organized criminal networks, paramilitaries or economically and politically powerful private individuals and groups²⁸.

On 9 August, UN International Day of Indigenous peoples, Amnesty International would like to add its voice to the millions of Indigenous peoples in the Americas to ensure their rights are respected. The organization calls on the region governments to:

- Enact legislation to fulfil the right to consultation and free, prior and informed consent in line with international and Inter-American human rights system standards;
- Grant concessions authorizing exploration and exploitation activities, or carry out any other development projects that can affect Indigenous peoples, only if there is proper consultation and other adequate safeguards for protection for their rights, including the right of free, prior and informed consent, according to international and inter-American standards;
- Take urgent action to resolve land disputes and ensure that Indigenous peoples are

²⁸ See Amnesty International "Transforming Pain into Hope, Human rights defenders in the Americas", Index: AMR 01/006/2012, December 2012

not evicted from claimed lands, or impaired in the use of their traditional territories, while such disputes are unresolved;

- Create and preserve the conditions for Indigenous leaders and community members to peacefully defend their rights without fear of reprisals, especially by avoiding the improper use of the criminal justice system to discourage their work as human rights defenders;
- Create and preserve the conditions for Indigenous leaders and community members to peacefully defend their rights without fear of reprisals, especially by avoiding the improper use of the criminal justice system to discourage their work as human rights defenders;
- Bring to justice perpetrators of violence against Indigenous human rights defenders;
- Take due diligence measures to protect Indigenous women and girls from all forms of violence, including sexual violence, as well as prosecute those responsible for these abuses whether they are state or non-state actors and provide appropriate support services to the survivors;
- Challenge discriminatory attitudes against Indigenous peoples and gendered discriminatory attitudes against Indigenous women and girls that causes or condones violence against them;
- Take measures to fully implement the rights enshrined in the United Nations Declarations on the Rights of Indigenous Peoples.

ANNEX I: MORE INFORMATION

REGIONAL

Americas: Transforming pain into hope: Human rights defenders in the Americas

Report: AMR 01/006/2012; Date Published: 7 December 2012

<http://www.amnesty.org/en/library/info/AMR01/006/2012/en>

Americas: Right to consultation and consent of Indigenous peoples in the Americas.

AMR 01/007/2012, 27 August 2012

<http://www.amnesty.org/en/library/info/AMR01/007/2012/en>

Americas: Governments prioritize profit over Indigenous peoples' rights

AMR 01/005/2012

<http://www.amnesty.org/en/news/americas-governments-prioritize-profit-over-indigenous-peoples-rights-2012-08-08>

Americas: Governments must stop imposing development projects on Indigenous peoples' territories

<http://www.amnesty.org/en/library/info/AMR01/005/2012/en>

Americas: Connecting the Americas: Prosperity with respect for human rights,

AMR 01/001/2012

<http://www.amnesty.org/en/library/info/AMR01/001/2012/en>

Americas: Sacrificing rights in the name of development: Indigenous peoples under threat in the Americas

AMR 01/001/2011

<http://www.amnesty.org/en/library/info/AMR01/001/2011/en>

ARGENTINA

Argentina: The time has come to respect the rights of La Primavera Indigenous community

Urgent action: AMR 13/002/2012

<http://www.amnesty.org/en/library/info/AMR13/002/2012/en>

BOLIVIA

Bolivia: Use of excessive force must be investigated

Public statement: AMR 18/002/2011; Date Published: 27 September 2011

<http://www.amnesty.org/en/library/info/AMR18/002/2011/en>

BRAZIL

Brazil: Indigenous people threatened in Brazil

Urgent Action: AMR 19/008/2013; Date Published: 23 September 2013

<http://www.amnesty.org/en/library/info/AMR19/008/2013/en>

Ending police impunity and promoting Indigenous Peoples' rights must Be Brazil's priorities

Press release: PRE 01/409/2013; 9 August 2013

<http://www.amnesty.org/en/news/ending-impunity-and-promoting-rights-indigenous-peoples-must-be-brazil-s-priorities-2013-08-09>

Brazil: Indigenous community attacked, threatened

Urgent action: AMR 19/010/2012; Date Published: 16 August 2012

<http://www.amnesty.org/en/library/info/AMR19/010/2012/en>

Brazil: Further information: Indigenous community have days to leave land

Urgent Action; AMR 19/003/2012; Date Published: 1 February 2012

<http://www.amnesty.org/en/library/info/AMR19/003/2012/en>

Brazil: Further information: Community get temporary reprieve

Urgent Action: AMR 19/004/2012; Date Published: 15 February 2012

<http://www.amnesty.org/en/library/info/AMR19/004/2012/en>

Brazil: Further information: Eviction order suspended

Urgent Action: AMR 19/006/2012; Date Published: 11 April 2012

<http://www.amnesty.org/en/library/info/AMR19/006/2012/en>

Brazil: Indigenous community faces eviction

Urgent Action: AMR 19/016/2012; Date Published: 26 October 2012

<http://www.amnesty.org/en/library/info/AMR19/016/2012/en>

Brazil: Further information: Indigenous community still at risk

Urgent Action: AMR 19/017/2012; 1 November 2012

<http://www.amnesty.org/en/library/info/AMR19/017/2012/en>

CANADA

Canada's response to the UPR: A lost opportunity for progress and leadership

Briefing: AMR 20/002/2013; Date Published: 19 September 2013

<http://www.amnesty.org/en/library/info/AMR20/002/2013/en>

Canada: Human rights abuses prevalent among vulnerable groups: Amnesty International Submission to the UN Universal Periodic Review

Briefing: AMR 20/008/2012; Date Published: 31 October 2012

<http://www.amnesty.org/en/library/info/AMR20/008/2012/en>

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Canada: Briefing to the UN Committee against Torture: a summary

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<http://www.amnesty.org/en/library/info/AMR20/005/2012/en>

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Briefing: AMR 20/004/2012; Date Published: 4 April 2012
<http://www.amnesty.org/en/library/info/AMR20/004/2012/en>

Canada: Summary of recommendations from AI briefing to the UN Committee on the Elimination of Racial Discrimination

Briefing: AMR 20/003/2012; Date Published: 21 February 2012
<http://www.amnesty.org/en/library/info/AMR20/003/2012/en>

Canada: Amicus Curiae: Case of the Hul'qumi'num Treaty Group v. Canada: Submitted before the Inter-American Commission on Human Rights

Briefing: AMR 20/001/2011; Date Published: 1 August 2011
<http://www.amnesty.org/en/library/info/AMR20/001/2011/en>

COLOMBIA

Colombia: Threats made against Indigenous defenders

Urgent action: AMR 23/018/2014; Date Published: 9 May 2014
<http://www.amnesty.org/en/library/info/AMR23/018/2014/en>

Colombia: Open letter to Presidential candidates. Putting human rights at the heart of the election campaign

AMR 23/014/2014; Date Published: 30 April 2014
<http://www.amnesty.org/en/library/info/AMR23/014/2014/en>

Colombia: The Human Rights Situation in Colombia: Amnesty International's written statement to the 25th session of the UN Human Rights Council (3-28 March 2014)

Written statement: AMR 23/008/2014; Date Published: 13 February 2014
<http://www.amnesty.org/en/library/info/AMR23/008/2014/en>

Colombia: Two Indigenous leaders killed, third at risk

Urgent action: AMR 23/001/2014; Date Published: 17 January 2014
<http://www.amnesty.org/en/library/info/AMR23/001/2014/en>

Colombia: Paramilitary group threatens indigenous protesters with social cleansing

Press Release: PRE 01/555/2013; 21 October 2013
<http://www.amnesty.org/en/news/colombia-paramilitary-group-threatens-indigenous-protesters-social-cleansing-2013-10-21>

Colombia: Indigenous activists threatened

Urgent action: AMR 23/047/2013; Date Published: 21 October 2013
<http://www.amnesty.org/en/library/info/AMR23/047/2013/en>

Colombia: Attempt on life of indigenous rights defender

Urgent action: AMR 23/021/2013; Date Published: 16 May 2013
<http://www.amnesty.org/en/library/info/AMR23/021/2013/en>

Colombia: The Human Rights Situation in Colombia: Amnesty International's written statement to the 22nd session of the UN Human Rights Council

Public statement: AMR 23/011/2013; Date Published: 25 February 2013
<http://www.amnesty.org/en/library/info/AMR23/011/2013/en>

Colombia: Impunity perpetuates ongoing human rights violations: Amnesty International submission to the UN Universal Periodic Review

Briefing: AMR 23/005/2013; Date Published: 14 February 2013

Colombia: Hidden from justice: Impunity for conflict-related sexual violence, a follow-up report

Report: AMR 23/031/2012; Date Published: 4 October 2012
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Colombia: The Victims and Land Restitution Law: An Amnesty International analysis

Report: AMR 23/018/2012; Date Published: 17 April 2012
<http://www.amnesty.org/en/library/info/AMR23/018/2012/en>

ECUADOR**Ecuador: Ecuadorian police shut down NGO**

Urgent Action; AMR 28/003/2013; Date Published: 6 December 2013
<http://www.amnesty.org/en/library/info/AMR28/003/2013/en>

Ecuador: One year after decisive ruling, Sarayaku people struggle goes on

Press Release; PRE 01/365/2013; 25 July 2013
<http://www.amnesty.org/en/for-media/press-releases/ecuador-one-year-after-decisive-ruling-sarayaku-people-struggle-goes-2013-0>

Ecuador: Case sets poor precedent for the right to protest

Public statement; AMR 28/001/2013; Date Published: 6 February 2013
<http://www.amnesty.org/en/library/info/AMR28/001/2013/en>

Ecuador: Amnesty International urges for a meaningful consultation with Indigenous peoples and expresses concern about unfounded prosecutions

Public statement; AMR 28/006/2012; Date Published: 19 September 2012
<http://www.amnesty.org/en/library/info/AMR28/006/2012/en>

Ecuador: 'So that no one can demand anything': Criminalizing the right to protest in Ecuador?**Report;** AMR 28/002/2012 Date Published: 17 July 2012<http://www.amnesty.org/en/library/info/AMR28/002/2012/en>**GUATEMALA****Guatemala slipping back into impunity on anniversary of overturned genocide conviction****Press Release** 20 May 2014<http://www.amnesty.org/en/news/guatemala-slipping-back-impunity-anniversary-overturned-genocide-conviction-2014-05-19>**Guatemala: Amnesty for former dictator would give green light to genocide****Press release:** PRE 01/566/2013; 24 October 2013<http://www.amnesty.org/en/for-media/press-releases/guatemala-amnesty-former-dictator-would-give-green-light-genocide-2013-10-2>**Guatemala overturns historic genocide conviction****Press Release:** PRE 01/238/2013; 21 May 2013<http://www.amnesty.org/en/news/guatemala-overtuns-historic-genocide-conviction-2013-05-21>**Historic conviction brings long-awaited justice in Guatemala****Press release:** PRE 01/229/2013; 10 May 2013<http://www.amnesty.org/en/news/historic-conviction-brings-long-awaited-justice-guatemala-2013-05-10>**Guatemala: Scrapping genocide trial would strengthen impunity****Press release:** PRE 01/191/2013; 19 April 2013<http://www.amnesty.org/en/news/guatemala-scrapping-genocide-trial-would-strengthen-impunity-2013-04-19>**Guatemala: Fears for safety of leaders in Guatemala****Urgent action:** AMR 34/003/2013; Date Published: 19 March 2013<http://www.amnesty.org/en/library/info/AMR34/003/2013/en>**Guatemala: First trial of former head of state offers hope of justice****Press release:** PRE 01/134/2013; 19 March 2013<http://www.amnesty.org/en/news/guatemala-first-trial-former-head-state-offers-hope-justice-2013-03-19>**Guatemala: Members of indigenous organisation attacked****Urgent action:** AMR 34/005/2012; Date Published: 10 July 2012<http://www.amnesty.org/en/library/info/AMR34/005/2012/en>

Guatemala: Impunity, insecurity and discrimination: Amnesty International submission to the UN Universal Periodic Review

Briefing: AMR 34/004/2012; Date Published: 1 April 2012
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Guatemala: Submission to UN Human Rights Committee: For the 104th session of the Human Rights Committee (12 - 30 March 2012)

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HONDURAS

Honduras: Afro-descendant community at risk in Honduras

Urgent action: AMR 37/009/2014; Date published: 22 July 2014
<http://www.amnesty.org/en/library/info/AMR37/009/2014/en>

Honduras: Open letter to the presidential candidates in the Republic of Honduras

AMR 37/014/2013; Date Published: 4 November 2013
<http://www.amnesty.org/en/library/info/AMR37/014/2013/en>

Honduras: Further information: Indigenous leaders continue to be targeted

Urgent action: AMR 37/013/2013; Date Published: 4 October 2013
<http://www.amnesty.org/en/library/info/AMR37/013/2013/en>

Honduras: Indigenous leaders face unjust charges

Urgent action: AMR 37/012/2013; Date Published: 12 September 2013
<http://www.amnesty.org/en/library/info/AMR37/012/2013/en>

Honduras: Army fires on protesters in Honduras

Urgent action: AMR 37/006/2013; Date Published: 23 July 2013
<http://www.amnesty.org/en/library/info/AMR37/006/2013/en>

MEXICO

Mexico: Indigenous land activists threatened

Urgent action: AMR 41/007/2014; Date Published: 6 March 2014
<http://www.amnesty.org/en/library/info/AMR41/007/2014/en>

Mexico: Human rights challenges facing Mexico: Amnesty International memorandum to President Enrique Peña Nieto

Briefing: AMR 41/004/2014; Date Published: 18 February 2014
<http://www.amnesty.org/en/library/info/AMR41/004/2014/en>

Mexico: The trial of four army personnel regarding the case of Valentina Rosendo and Inés Fernández is a positive development

Public statement: AMR 41/001/2014; Date Published: 13 January 2014

<http://www.amnesty.org/en/library/info/AMR41/001/2014/en>

Mexico: A complete review of unfair trials needed after Indigenous teacher pardoned

Press release: PRE 01/580/2013; 30 October 2013

<http://www.amnesty.org/en/news/mexico-complete-review-unfair-trials-needed-after-indigenous-teacher-pardoned-2013-10-30>

Mexico: Government's fine words on human rights defy reality

Press release: PRE 01/554/2013

<http://www.amnesty.org/en/news/mexico-government-s-fine-words-human-rights-defy-reality-2013-10-22>

Mexico's report to the Human Rights Council for the Universal Periodic Review demonstrates its failure to act on the Council's recommendations

Briefing: AMR 41/067/2013; Date Published: 18 October 2013

<http://www.amnesty.org/en/library/info/AMR41/067/2013/en>

Mexico: The federal authorities must immediately release Alberto Patishtán

Public statement: AMR 41/064/2013; Date Published: 1 October 2013

<http://www.amnesty.org/en/library/info/AMR41/064/2013/en>

Mexico: Human rights defender killed, family at risk

Urgent action: AMR 41/043/2013; Date Published: 25 July 2013

<http://www.amnesty.org/en/library/info/AMR41/043/2013/en>

Mexico: Letter to the Presidents of Mexico and USA

Open letter: AMR 41/020/2013; Date Published: 30 April 2013

<http://www.amnesty.org/en/library/info/AMR41/020/2013/en>

Mexico: Further information: Threats due to wind farm opposition continue

Urgent action: AMR 41/016/2013; Date Published: 5 April 2013

<http://www.amnesty.org/en/library/info/AMR41/016/2013/en>

Mexico: Activist receives death threat: Filiberto Vicente Aquino

Urgent action: AMR 41/013/2013; Date Published: 27 March 2013

<http://www.amnesty.org/en/library/info/AMR41/013/2013/en>

Mexico: Community activists in Mexico receive threats

Urgent action: AMR 41/004/2013; Date Published: 5 February 2013

<http://www.amnesty.org/en/library/info/AMR41/004/2013/en>

Mexico: Open letter to the President concerning human rights

Open letter: AMR 41/078/2012; Date Published: 18 December 2012

<http://www.amnesty.org/en/library/info/AMR41/078/2012/en>

Mexico: Briefing to the UN Committee on the Elimination of Discrimination Against Women

Briefing: AMR 41/041/2012; Date Published: 6 July 2012
<http://www.amnesty.org/en/library/info/AMR41/041/2012/en>

Indigenous community threatened in Mexico

Urgent action: AMR 41/039/2012; Date Published: 1 June 2012
<http://www.amnesty.org/en/library/info/AMR41/039/2012/en>

Mexico: Documentation of the case of José Ramón Aniceto Gómez and Pascual Agustín Cruz – Prisoners of conscience

Briefing: AMR 41/035/2012; Date Published: 25 May 2012
<http://www.amnesty.org/en/library/info/AMR41/035/2012/en>

Mexico: Human rights must be at the heart of the electoral agenda

Open letter: AMR 41/036/2012; Date Published: 25 May 2012
<http://www.amnesty.org/en/library/info/AMR41/036/2012/en>

Mexico: Further information: Indigenous activist freed but still at risk: Maximino García Catarino

Urgent action: AMR 41/021/2012; Date Published: 23 March 2012
<http://www.amnesty.org/en/library/info/AMR41/021/2012/en>

Mexico: Indigenous people attacked, threatened

Urgent action: AMR 41/020/2012; Date Published: 20 March 2012
<http://www.amnesty.org/en/library/info/AMR41/020/2012/en>

Mexico: Further information: Indigenous rights activist facing unfair trial: Maximino García Catarino

Urgent action: AMR 41/019/2012; Date Published: 12 March 2012
<http://www.amnesty.org/en/library/info/AMR41/019/2012/en>

Mexico: Soldiers threaten murder victim's relatives

Urgent action: AMR 41/014/2012; Date Published: 29 February 2012
<http://www.amnesty.org/en/library/info/AMR41/014/2012/en>

Mexico: Indigenous rights activist facing unfair trial: Maximino García Catarino

Urgent action: AMR 41/007/2012; Date Published: 25 January 2012
<http://www.amnesty.org/en/library/info/AMR41/007/2012/en>

Mexico: Briefing to the UN Committee on the Elimination of Racial Discrimination: 80th Session, February 2012

Briefing: AMR 41/081/2011; Date Published: 1 December 2011
<http://www.amnesty.org/en/library/info/AMR41/081/2011/en>

PANAMA

Panama: Fears for protestors after two killed

Urgent action: AMR 44/001/2012; Date Published: 7 February 2012
<http://www.amnesty.org/en/library/info/AMR44/001/2012/en>

PARAGUAY

Paraguay: Indigenous land claim a step closer to reality

Urgent action: AMR 45/007/2014; Date Published: 14 May 2014
<http://www.amnesty.org/en/library/info/AMR45/007/2014/en>

Paraguay: Further information: Victory of Indigenous community in the Senate

Urgent action: AMR 45/005/2014; Date Published: 25 April 2014
<http://www.amnesty.org/en/library/info/AMR45/005/2014/en>

Paraguay: Vital vote on Indigenous land claim imminent

Urgent action: AMR 45/004/2014; Date Published: 22 April 2014
<http://www.amnesty.org/en/library/info/AMR45/004/2014/en>

Paraguay: Briefing to the Pre-session Working Group of the UN Committee on Economic, Social and Cultural Rights, 53rd session May 2014

Briefing: AMR 45/002/2014; Date Published: 1 April 2014
<http://www.amnesty.org/en/library/info/AMR45/002/2014/en>

Paraguay: the authorities must address crucial human rights issues

Press release: PRE 01/113/2013
<http://www.amnesty.org/en/for-media/press-releases/paraguay-authorities-must-address-crucial-human-rights-issues-2013-03-11-0>

Paraguay: Further information: Return of Indigenous land still pending

Urgent action: AMR 45/007/2012; Date Published: 7 December 2012
<http://www.amnesty.org/en/library/info/AMR45/007/2012/en>

Paraguay: Further information: Survival of Indigenous community at risk

Urgent action: AMR 45/006/2012; Date Published: 26 September 2012
<http://www.amnesty.org/en/library/info/AMR45/006/2012/en>

Paraguay: Indigenous land at risk in Paraguay

Urgent Action: AMR 45/001/2012; Date Published: 6 June 2012
<http://www.amnesty.org/en/library/info/AMR45/001/2012/en>

PERU

Perú no debe perder la oportunidad de llevar justicia a Bagua

Opinion piece: AMR 46/005/2014; 27 May 2014
<http://amnesty.org/en/library/info/AMR46/005/2014/es>

Peru: Five years on from Bagua violence and still no justice for victims

Press release: 5 June 2014

<http://www.amnesty.org/en/for-media/press-releases/peru-five-years-bagua-violence-and-still-no-justice-victims-2014-06-05>

Peru: Over 2,000 women in Peru denied justice

Urgent action; AMR 46/003/2014 Date Published: 30 January 2014

<http://www.amnesty.org/en/library/info/AMR46/003/2014/en>

Peru: Thousands of indigenous women forcibly sterilized may be denied justice

Public Statement; AMR 46/002/2014;

<http://www.amnesty.org/en/library/info/AMR46/002/2014/en>

Peru: Amnesty International welcomes Peru's legislation on the Right of Indigenous Peoples to Prior Consultation, but concerns on implementation remain

Public Statement; AMR 46/001/2013; Date Published: 15 March 2013

<http://www.amnesty.org/en/library/info/AMR46/001/2013/en>

Peru: Human rights concerns in Peru: Amnesty International submission to the UN Universal Periodic Review

Briefing; AMR 46/002/2012; Date Published: 1 April 2012

<http://www.amnesty.org/en/library/info/AMR46/002/2012/en>

USA

USA: Authorities should release Leonard Peltier

Public Statement; AMR 51/097/2012; Date Published: 10 December 2012

<http://www.amnesty.org/en/library/info/AMR51/097/2012/en>

USA: In hostile terrain: Human rights violation in immigration enforcement in the US Southwest

Report; AMR 51/018/2012; Date Published: 28 March 2012

<http://www.amnesty.org/en/library/info/AMR51/018/2012/en>

