

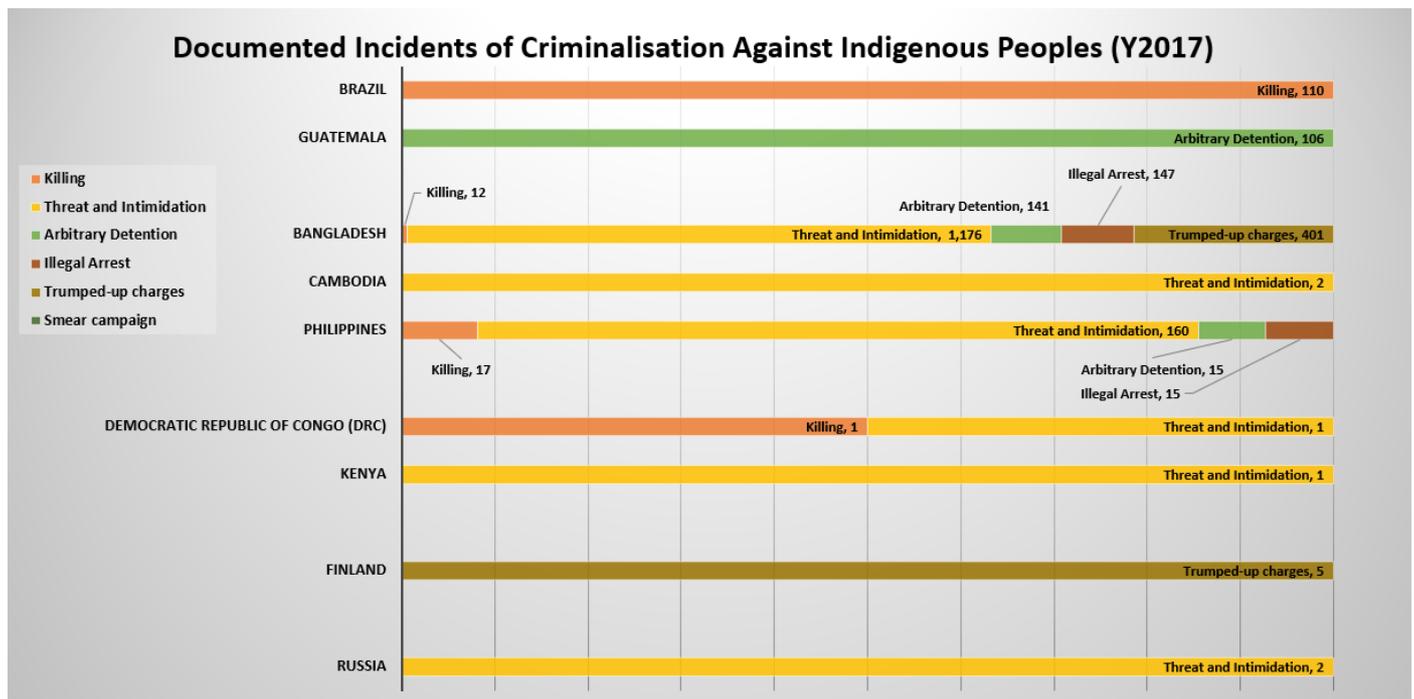
## Global data on criminalization of indigenous peoples: a glimpse of its gravity

*A Report of the Indigenous Peoples' Rights International on the Global Initiative to Address and Prevent Criminalization of and Impunity Against Indigenous Peoples*

The data gathered on the criminalization of indigenous peoples covering the period from 2017 to 2019 illustrate what Special Rapporteurs on human rights defenders, on human rights and environment and on the rights of indigenous peoples<sup>1</sup> have described as a “global crisis” of attacks against environmental human rights defenders wherein a majority of them are members of indigenous communities. The past three years show alarming trend in the persistence of criminalization and impunity against indigenous peoples despite available data showing only a glimpse of the true scale of the crisis.

Based on online news and reports from national indigenous organizations and their allies from the international community, 2019 saw 190 indigenous peoples from 17 countries targeted in relation to their efforts of defending their lands and territories. Sixty-six (66) percent of this have been incidents of killing. One (1) out of 18 of these killings has been documented to have initially started with threats and intimidations, which include indiscriminate firing and illegal search of homes. Compared to 2018 data, with just 11 countries covered, 95% of the incidents have been arbitrary detentions, which include incidents of imprisonment without due process. Colombia had the highest number with 9,422 individuals detained; that’s around 1% of the total population of its indigenous peoples. Indigenous peoples in Colombia make up 3.4% of the national population.<sup>2</sup>

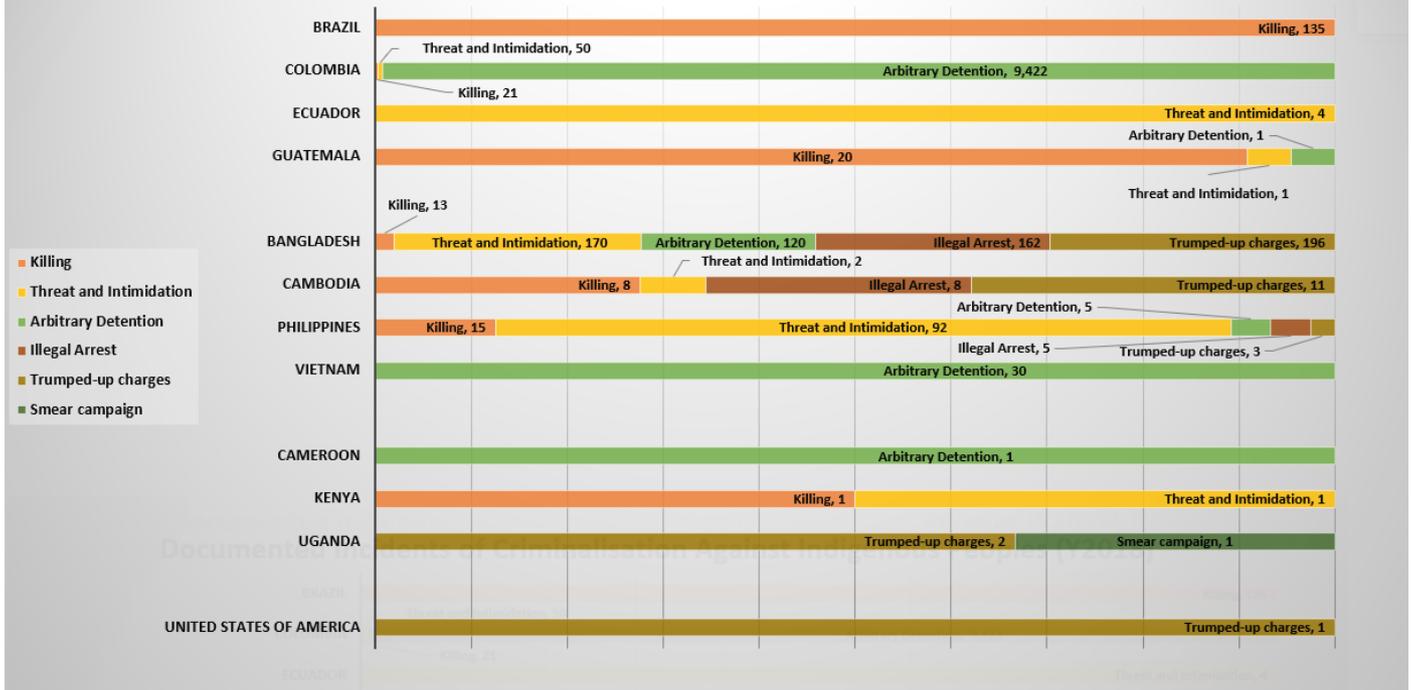
The data in 2017 is just from 9 countries with killings and arbitrary arrests recorded as the most common incidents of criminalization against indigenous peoples.



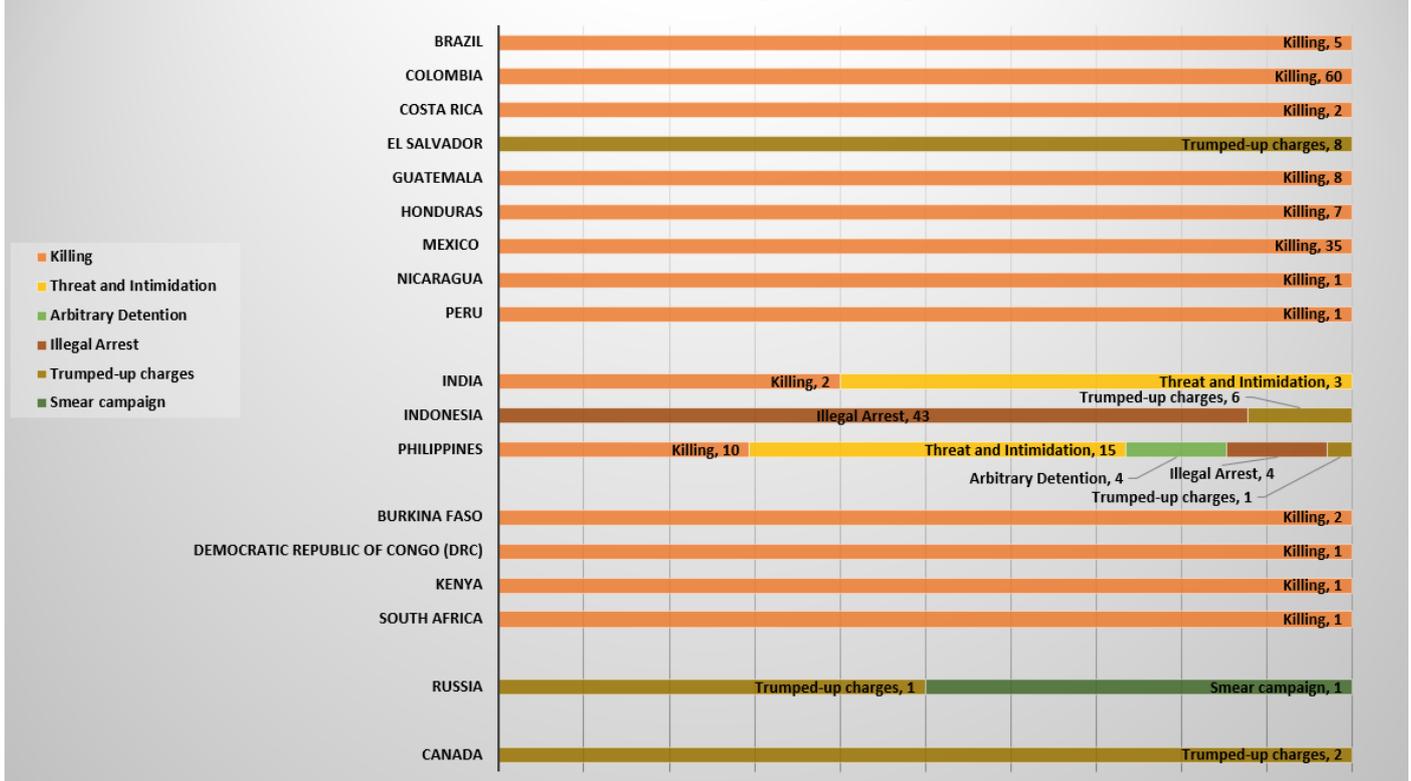
<sup>1</sup> See reports from Special Rapporteur on the situation of human rights defenders (see report here: [https://www.protecting-defenders.org/sites/protecting-defenders.org/files/environmentaldefenders\\_0.pdf](https://www.protecting-defenders.org/sites/protecting-defenders.org/files/environmentaldefenders_0.pdf)), Special Rapporteur on the human rights and environment (see report here: <https://www.universal-rights.org/wp-content/uploads/2017/03/EHRDs.pdf>), and Special Rapporteur on the rights of indigenous peoples (see report here: [http://unsr.vtaulicorpuz.org/site/index.php?option=com\\_content&view=article&id=251:report-hrc2018&catid=11:annual-reports&Itemid=40&lang=en](http://unsr.vtaulicorpuz.org/site/index.php?option=com_content&view=article&id=251:report-hrc2018&catid=11:annual-reports&Itemid=40&lang=en))

<sup>2</sup> International Work Group for Indigenous Affairs. Colombia in *Indigenous World*. 2019: 153-160. (See publication here: [https://www.iwgia.org/images/documents/indigenous-world/IndigenousWorld2019\\_UK.pdf](https://www.iwgia.org/images/documents/indigenous-world/IndigenousWorld2019_UK.pdf))

## Documented Incidents of Criminalisation Against Indigenous Peoples (Y2018)



## Documented Incidents of Criminalisation Against Indigenous Peoples (Y2019)



The smear campaigns in Uganda and Russia reflected in 2018 and 2019, respectively, are attacks against organizations of indigenous peoples. The United Organization for Batwa Development in Uganda (UOBDU) has been suffering from accusations from members of its district council for years. In 2018, one of the councilors pointed out that UOBDU should be audited because it receives a lot of funding. UOBDU were threatened by several politicians on allegations that it does not fulfil its obligations to the Batwa.<sup>3</sup> But after sharing its budgets and activities, these allegations have been found to be inaccurate.

<sup>3</sup> International Work Group for Indigenous Affairs. Colombia in *Indigenous World*. 2019: 468-476.

In the case of Russia, Moscow city court ordered the Centre for Support of Indigenous Peoples of the North (CSPIN), an organization that protects the rights of indigenous peoples of the North, Siberia and Far East Russia for more than 20 years, to be shut down.<sup>4</sup> The court's decision was based on the organization's outdated legal address and provisions in the statute of the organization. CSPIN believes the decision is too severe; the Ministry of Justice could have suspended them until they address their deficiencies. But CSPIN has been under pressure from the government since 2014 and was not surprised that this minor misstep was used to force them to stop their work entirely. In 2015, the Ministry of Justice has forcibly added the organization into the registry of so-called "foreign agents" due to funds they are receiving from abroad.<sup>5</sup> They were fined for 300 thousand Russian rubbles (around 4,700 USD).

As earlier reports noted,<sup>6</sup> the data available will never provide a comprehensive accurate picture of the gravity of the situation for various reasons like failure of governments to properly monitor abuses, lack of free press and general shrinking of democratic spaces as a consequence of the rise of authoritarian leadership, lack of documentation and reporting capacities of indigenous peoples especially those in remote areas, just to name a few. With regards to particularly monitoring indigenous peoples' cases of violations, one of the main challenges of gathering data is the availability of disaggregated data by ethnicity and gender. One example is the case of the Dakota Access Pipeline wherein 44 out of the 836 criminal cases documented to have been filed,<sup>7</sup> only the case of "Little Feather"<sup>8</sup> is currently reflected in 2018 data; his story was captured by a mainstream media outlet and can be quickly verified. This is common to other cases from other countries. Similarly, the cases where it involves a community or quite a number of people, clear disaggregated by gender can be challenging to gather and immediately verify.

Many of the attacks and killings of indigenous peoples are left unaccounted, unrecorded and unreported as most of the attacks happen deep within mountain ranges and rainforest<sup>9</sup> where large part of indigenous communities often resides, thereby, escaping radar of mainstream media outlets. In other cases, despite active local indigenous human rights organizations with knowledge on documentation and able to augment the limitation of mainstream media coverage, due to limited human resources and for security reasons, systematic and comprehensive data can still be a challenge to acquire.

Furthermore, some information gathered that were also not included in the global data are incidents that have happened beyond 2017 whose victims continue to endure the violations, e.g. illegal detention and trumped-charges. A more efficient data gathering and recording for such kind of data is yet to be conducted.

### ***The political environment at global and local spaces***

The past half-decade saw an increased global attention to the struggle of indigenous peoples, along with other defenders, with regards to protecting the environment and sustainable use of natural resources. Aside from human rights experts and human rights organizations<sup>10</sup> releasing reports that reveal indigenous peoples' vulnerability to threats and attacks vis-à-vis access to natural resources, some intergovernmental institutions have adopted policies recognizing this connection of defending those that defend the land and environment.<sup>11</sup> These policies reiterate the need for more effective protection and promotion of environmental human rights defenders, with particular consideration to the context of indigenous peoples. In 2018, the European Parliament adopted a resolution<sup>12</sup> on the *violation of the rights of indigenous peoples in the world* emphasizing the vulnerability of indigenous peoples as a consequence of the inextricable relationship of their culture and existence with their lands. In the same year, the UN Environment Programme released a policy<sup>13</sup> for the *protection of environmental defenders* recognizing that securing their

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<sup>4</sup>[https://adcmemorial.org/www/18987.html?lang=en&utm\\_source=facebook.com&utm\\_medium=social&utm\\_campaign=last-week-on-november-6--2019-the-mosco](https://adcmemorial.org/www/18987.html?lang=en&utm_source=facebook.com&utm_medium=social&utm_campaign=last-week-on-november-6--2019-the-mosco)

<sup>5</sup> Read more on Russia's foreign agent law in <https://globalvoices.org/2019/11/21/in-russia-individuals-can-now-be-branded-foreign-agents/?fbclid=IwAR2SC04zpd7sifq6Wb-dZZkGr7N4udMogWJwd7XVj9XCBDsVJBnDGAQ1sL8>

<sup>6</sup> [https://www-statista.com/chart/18872/documented-killings-of-land-and-environmental-defenders/?fbclid=IwAR3p9tMw5p\\_R5STkNYfQd7XPW5jBR4q39917FX0VEORKMuoaNPFvpPX\\_cKo](https://www-statista.com/chart/18872/documented-killings-of-land-and-environmental-defenders/?fbclid=IwAR3p9tMw5p_R5STkNYfQd7XPW5jBR4q39917FX0VEORKMuoaNPFvpPX_cKo)

<sup>7</sup> <https://waterprotectorlegal-org.nyc3.cdn.digitaloceanspaces.com/production/app/uploads/2019/02/2019.02.25-WPLC-Brochure.pdf>

<sup>8</sup> <https://www.theguardian.com/us-news/2018/jun/22/standing-rock-jailed-activists-water-protectors>

<sup>9</sup> <https://www.globalwitness.org/fr/blog/why-were-teaming-guardian-break-silence-around-activist-killings/>

<sup>10</sup> Global Witness (<https://www.globalwitness.org/sv/press-releases/spotlight-criminalisation-land-and-environmental-defenders/>); Front Line Defenders: ([https://www.frontlinedefenders.org/sites/default/files/global\\_analysis\\_2018.pdf](https://www.frontlinedefenders.org/sites/default/files/global_analysis_2018.pdf)) and Protection International: ([https://www.protectioninternational.org/wp-content/uploads/2012/02/ProtectionInternational\\_English\\_Update.pdf](https://www.protectioninternational.org/wp-content/uploads/2012/02/ProtectionInternational_English_Update.pdf))

<sup>11</sup> Read on <https://www.environment-rights.org/defend-the-defenders-coalition> and <https://www.landrightsnow.org/>

<sup>12</sup> See the European Parliament resolution on the violation of the rights of indigenous peoples in the world here: [http://www.europarl.europa.eu/doceo/document/TA-8-2018-0279\\_EN.html](http://www.europarl.europa.eu/doceo/document/TA-8-2018-0279_EN.html)

<sup>13</sup> See UN Environment Programme's policy here: <https://bit.ly/2L0sE2C>

human rights is directly related to protecting the environment. And, in March 2019, the Human Rights Council adopted a resolution<sup>14</sup> on environmental human rights defenders.

But these positive developments at the international arena do not parallel the recent political landscape at national level. Authoritarian leaders, among them, Jair Bolsonaro of Brazil and Rodrigo Duterte of the Philippines, have been curtailing democratic norms resulting to increased violations of fundamental rights and further increasing the threats against indigenous human rights defenders. Other developments like political unrest in Bolivia from President Evo Morales' resignation,<sup>15</sup> the protest in Chile of indigenous communities to demand for a plurinational state to grant them more sovereignty and self-determination,<sup>16</sup> Colombia's "liberation of Mother Earth", an indigenous-led movement to reclaim ancestral land from sugar plantations, farms and tourist resorts after the peace accord between the government and the leftwing guerrillas who once dominated the region,<sup>17</sup> to identify a few, have implications to the alarming situation of criminalization of and impunity against indigenous peoples.

Furthermore, there are discriminatory and conflicting laws and policies that States' often use as legal justification against indigenous peoples and activists who demand for their rights and disregard any of their accountability to these human rights violations. An example of this is the case of Finland that was reflected in the data of criminalization in 2017 as a trumped-up charge. It involves the recently amended Fisheries Act (379/2015) of Finland and the Tana Fishery Agreement that Finland and Norway approved in 2017 without prior consultation with the Sámi. Both legal instruments criminalize the traditional fishing of the Sámi people in the Tana River, which flows along the borders of Norway and Finland.

The Global Initiative to Address and Prevent the Criminalization of and Impunity Against Indigenous Peoples has been gathering and monitoring the creation and implementation of such laws as part of its advocacy for policy coherence for the recognition and protection of human rights, including the collective rights of indigenous peoples affirmed by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Many discriminatory laws and policies during the colonial period remain in place, including the criminalization of traditional occupations and practices of indigenous peoples.

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The following organizations have shared information that made this report possible:

Arctic Council

Cambodia Indigenous Peoples Alliance (CIPA)

Forest Peoples Programme (FPP)

Indigenous Peoples Major Group for Sustainable Development (IPMG)

International Work Group for Indigenous Affairs (IWGIA)

Kapaeeng Foundation

Katribu

Organizacion Nacional Indigena de Colombia (ONIC)/National Indigenous Organisation of Colombia

Philippine Task Force for Indigenous Peoples (TFIP)

Save the Lumad Schools Network

Tebtebba Foundation

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<sup>14</sup> See UNHRC resolution here: <https://undocs.org/A/HRC/40/L.22/Rev.1>

<sup>15</sup> <https://www.npr.org/2019/11/20/781219670/at-least-6-killed-as-political-turmoil-continues-in-bolivia>

<sup>16</sup> <https://www.culturalsurvival.org/news/indigenous-peoples-lead-resistance-movement-chile>

<sup>17</sup> <https://www.theguardian.com/environment/2017/oct/28/nasa-colombia-cauca-valley-battle-mother-land>

Country	Region	Laws/govt programes deemed discriminatory or facilitates criminalisation of IP
Bangladesh	Asia	<p><b>Anti-Terrorism Act (ATA), called “Anti-Terrorism Ordinance, 2008,” was enacted by the military-backed caretaker government on 11 June 2008</b> to combat religious militancy and the terrorist activities of Islamic militant groups active in Bangladesh. ATA imposes death sentence, 3 to 20 years rigorous imprisonment, and fines for the broadly-defined offense of “terrorist activities.” The offenses of “terrorist activities” in the ATA cover the following: (1) any person creating horror amongst the public or segment of the public to jeopardize the territorial integrity, solidarity, security or sovereignty of Bangladesh, for the purpose of compelling the government or any other person to do or not to do an act that (a) causes death, inflicts grave injury, confines or abducts any person or causes damage to any property of a person; or (b) uses or keeps any explosive, ignitable substance, firearms or any other chemical substance with a view to effect the purposes enumerated in clause (a); and, (2) any person committing terrorist activities. <b>2012 Anti-Terrorism Act (Revised) is enacted along with the 2012 Anti-Money Laundering Act</b> to prevent terrorist activities and funneling of funds to these ends. <b>These laws were passed when the US Department of State praised Bangladesh for its strong and bold approach against terrorism. Amendment in 2013 empowers the police, Rapid Action Battalion (RAB) and other law enforcement agencies</b> to record and collect videos, still photographs, and conversations posted by people and organizations on social and communication media as well as monitor emails. The said Amendment allows these as admissible evidence in court. The police could use this power in specific circumstances with a court-issued authority.</p>
Bangladesh	Asia	CHT Land Acquisition Act in 1958
Bangladesh	Asia	<p><b>Special Powers Act (SPA) of 1974, often enacted with 1951 Security Act and the 1958 Public Safety Act Ordinance. SPA</b> provides for special measures to prevent certain prejudicial activities, for more speedy trials, effective punishment of certain grave offenses, and for other related matters. The SPA provides for the detention of any person without trial. The detainee may be kept imprisoned for years without any specific charge. The initial period of preventive detention is six months under the Constitution. Neither the SPA nor the Constitution specifies any fixed period for detention.</p>
Bangladesh	Asia	other laws used against IPs: These laws include the Arm Act of 1879 and the .
Bangladesh	Asia	Emergency Power Rules of 2007

Bangladesh	Asia	Forest Act of 1972
Bangladesh	Asia	<b>Disturbed Areas Bill in 1980</b> that granted blanket powers to the army to shoot anybody involved in any 'unlawful activity' in the CHT region.
Bangladesh	Asia	<b>Digital Security Act:</b> ten-year sentence for online posts which 'ruin communal harmony or create instability'; and a 14-year sentence for using digital media to 'intimidate people and/or cause damage to the state'
Brazil	Central and South Am + Carribean	<b>Bill 10431/2018:</b> which is in the process of approval, providing for the <b>freezing of assets of individuals, organisations or companies accused of terrorism</b> , its financing or correlated acts. The broad definition of 'terrorist acts', as well as the possibility of freezing of assets before a final judicial decision is made, opens the door for use against social movements; NGOs have previously been investigated under a law on criminal organisations.
Cameroon	Africa	<b>1974 Land Law (including Ordinance No. 74-1 of 6 July 1974 to establish rules governing land tenure):</b> does not treat customary lands as private property unless formally registered; lands are not considered private unless registered and unregistered lands are considered owned by the State; challenges in registration of land: i. only lands which manifests human presence and development can be registered, ii. registration process is complex, lengthy and expensive
Cameroon	Africa	<b>1994 Forest Law:</b> restrict the ability of forest indigenous communities to hunt a vast number of species (outside protected areas), which are their traditional foods and important elements for many cultural practices.
Cameroon	Africa	The <b>Ngoyla Faunal Reserve</b> was <b>created by Presidential Decree in 2014</b> and extends over 156,000 hectares of forest, home to Baka indigenous communities. The MoU outlining the access rights of Baka communities to the Reserve was signed in January 2018 and outlaws the hunting of class A and class B species, both within the community access zones of the Reserve and the area surrounding the Reserve. This MoU has left indigenous communities with only six species which they are legally allowed to hunt.

Cameroon	Africa	<b>Lobeke National Park was created by Presidential Decree in 2001</b> and extends over 217,800 hectares. The MoU outlining the access rights of Baka communities was finally signed in 2019, with some question marks remaining over the level of community engagement in the process. Reports from FPP fieldwork with indigenous Baka communities in the area of the Park over the period of 2017-2019 (prior to the signing of the MoU – we don't yet have an update on whether there have been any changes since) include the following observations: <ul style="list-style-type: none"> <li>• Baka communities suffer threats and abuse from ecoguards in forest areas outside of the Park (burning of camps, beatings, verbal threats, detention, saucepans pierced, fish confiscated, gathering baskets searched);</li> <li>• Community access rights within the Park to collect bush mango are not respected (stop and search, confiscation, eviction);</li> <li>• Traditional medicine is found deep within protected areas to which communities have no access. As a consequence, the practice of traditional medicine is decreasing, and traditional knowledge is beginning to disappear</li> </ul>
Democratic Republic of Congo	Africa	<b>Kahuzi-Biega Forest</b> was the home of Batwa pygmies before it was gazetted as a <b>National Park in 1970</b> . Its declassification as National Park has caused conflicts between the indigenous communities and between the park rangers (see case in case summaries).
Democratic Republic of Congo	Africa	<b>Virunga National Park</b> , the oldest <b>national park in Africa</b> , it was later expanded to include over seven thousand square kilometres of land. Classified as a UNESCO World Heritage Site in 1979, it is now managed by a private-public partnership between the National Park Authority of the DRC (ICCN) and the EU-funded Virunga Foundation, and is home to about a quarter of the world's mountain gorillas.
Finland	The Arctic	<b>Article 10 (2) of the Fisheries Act</b> and the Prohibition on Fishing for Salmon and Trout, which has been created, violated the cultural protection granted to the Sámi People within the Finnish Constitution.
India	Asia	The government has now proposed new amendments to the colonial <b>Indian Forest Act</b> which would not only make forest bureaucracy more powerful than ever, but would also de facto put an end to the Forest Rights Act altogether, besides legalising the entry of big corporations into the forest sector.
India	Asia	<b>Armed Forces (Special Powers) Act, 1958:</b> gives the armed forces unfettered powers to shoot, arrest, and search, all in the name of "aiding civil power" <sup>37</sup> . Even a non-commissioned officer <sup>38</sup> is granted the right to shoot-to-kill based on mere suspicion and on the premise of "maintaining the public order." It empowers the governor (or administrator in case of Union Territory) and the central government to declare any area within the State or Union Territory to which the Act applies as "disturbed area" if it is in view, there is such a "disturbed or dangerous condition" and therefore the necessary use of the armed force in aid of civil power.
India	Asia	<b>Terrorist Affected Areas (Special Courts) Act, 1984 (TAAA):</b> This law was enacted by the Indian Parliament in 1984 to establish special courts <sup>43</sup> "to provide for the speedy trial of certain offenses <sup>44</sup> classified as "scheduled offenses." TAAA Section 2(1)(f) defines it as "an offense specified in the Schedule being an offense committed in terrorist affected areas" <sup>45</sup> declared by the central government for a certain time period. Section 12 (1) requires the court to conduct hearings with a video camera except where the Public Prosecutor applies otherwise. <sup>46</sup> Under the TAAA, bail could be refused if the prosecutor opposes the release of the accused and there is no reasonable ground to believe the accused was not guilty. The person can also be detained from 90 days to one year.
India	Asia	<b>National Security Act, 1980 (NSA):</b> A law on preventive detention, the National Security Act was promulgated from an ordinance into an act by the Indian Parliament in 1980. It provides for preventive detention in certain cases. It empowers the central or state government to order the detention of a person including a foreigner if it is convinced that the person may act in a manner prejudicial to the defense of India, its relations with foreign powers, and the security of India. <sup>69</sup> The NSA also provides for the detention of any foreigner with a view of regulating his continued presence in India or with a view of making arrangements for his expulsion from India.

India	Asia	In February 2019, India's <b>Supreme Court ruled that indigenous and local households whose land claims had not been settled – roughly two million households or about 11 million people – would be evicted from their homes by July 24.</b> ... "In a single act of unthinking collusion, the Supreme Court and the Modi government will evict more people from their lands than the British colonial state and its forest administration did in the entire 200-year history of rule over the Indian subcontinent." In <b>2006 the Indian government introduced the Forest Rights Act</b> in an attempt to resolve the long-running conflict over land ownership in its forests. The act detailed that to stay on their land, forest-dwellers would have to apply for a permit from the state government. A separate permit was also needed for the inhabitants of villages like Boula to continue to use the forest around them for their livelihoods – known as community rights. Eviction of forest-dwellers was supported by a number of Indian conservationist groups who accused them of damaging the environment. About 1.9 million claims for land ownership have been rejected by the government which could lead to millions of people being evicted from their homes, according to Oxfam India.
India	Asia	<b>Prevention of Terrorism Act, 2002 (POTA):</b> Indian Parliament enacted the Unlawful Activities (Prevention) Act (UAPA) "for effective prevention of certain unlawful activities of individuals and associations and for dealing with terrorist activities." The most recent amendment has been done in 2012. According to the statement of objects and reasons, the Bill amends the Unlawful Activities (Prevention) Act, 1967 to make it more effective in preventing unlawful activities, and meet commitments made at the Financial Action Task Force (an intergovernmental organisation to combat money laundering and terrorism financing). The object of this bill was to make powers available for dealing with activities directed against the integrity and sovereignty of India (--fro Wikipedia)
Kenya	Africa	<b>Forest Conservation and Management Act</b> and <b>Wildlife Conservation Act</b> recognise the rights of forest indigenous peoples to live in and own their ancestral lands in protected areas. There are about 140,000 forest hunter-gatherers whose ancestral lands overlap with national forest reserves and these legal contradictions mean there is a route to deny the rights of these forest communities.
Kenya	Africa	Wildlife Conservation Act (from above)
Myanmar	Asia	<b>Vacant, Fallow and Virgin (VFV) Lands Management Law:</b> equires anyone living on land categorised as "vacant, fallow, and virgin" to apply for a permit to continue using it for the next 30 years. According to estimates based on government data, this category <b>totals more than 20 million hectares or 30 percent of Myanmar's land area. Three-quarters of it is home to the country's ethnic minorities;</b> it criminalises millions of farmers who do not have permits and lays the ground for unchecked land seizures by the government, the military and private companies; The VFV law is modelled on a British colonial policy in which land occupied by indigenous people was labelled "wasteland" in order to justify seizing it and extracting its revenue; <b>95 percent of people living on so-called VFV land had no knowledge of the law;</b> Saw Alex Htoo, deputy director of the Karen Environmental and Social Action Network (KESAN), blames the NLD's <b>pursuit of foreign investment for the policy.</b>
Myanmar	Asia	<b>Unlawful Association Act,</b> for example, sets out prison terms of up to three years for being either a member of, assisting or making contributions to, an "unlawful association" and was used during Myanmar's decades of military junta rule to detain those linked to rebel groups.

Nepal	Asia	<p><b>Bardia National Park (BNP)</b> and Sonaha indigenous minorities, Nepal: After the creation of Bardia National Park (the Park) in 1976 and subsequent deployment of armed military, park guards (formerly a hunting reserve of the monarchy), Sonaha mobility in the rivers, semi mobile ways of life and customary livelihoods came under the pressures of the Park management restrictions. Significant portion of their riverine territory came under the jurisdiction of the Park (western section). The Geruwa River (branch of the main Karnali River) that marks the boundary of the Park pushed Sonaha to the periphery of the Park as a portion of the river delta came under the jurisdiction of the Park. Fishing and gold panning, and residing on make shift shelter on the river islands in the Park became illegal and punishable under the national park law.</p> <p>Cases of harassment of Sonaha by the Park guards include confiscation of fishes, arrests, and imposition of fines by the Park management. Restrictions displaced many landless Sonaha from their customary livelihoods, forced them into exploitative agricultural labor systems, and induced seasonal labour migration away from the river delta. In the 1990s, the government of Nepal introduced legal reforms to address conflicts between park management and locals nationally, and introduced the policy of managing the peripheral villages as buffer zones to be jointly managed by buffer zone residents and park administration. In 1996, buffer zone area was declared in BNP.</p>
Nicaragua	Central and South Am + Carribean	<p><b>Anti-terror legislation</b> introduced in July, widening the definition of terrorism to include those accused of damaging property; the vague wording of the legislation has already seen dozens of protesters arrested and facing terrorism charges and carries a penalty of up to 20 years in prison. The law also penalises the “financing of terrorism”, charges which were used to shut down a number of vital human rights NGOs in December.</p>
Peru	Central and South Am + Carribean	<p><b>Cordillera Escalera Regional Conservation Area (ACR-CE), a natural protected area</b> created by supreme decree in 2005, without any consultation with the Kichwa indigenous people. <b>ACR-CE overlaps 1,314 hectares of the community’s territory.</b> In Feb 2016, the State, through the Regional Government of San Martin, recognized the legal personality of The Native Community of Nuevo Lamas de Shapaja, of the Kichwa people, located in the San Martin region of the Peruvian Amazon when it determined the extension of its territory to cover <b>1,651 hectares, of which it granted in property only 31.</b> The remaining 1,620, considered “<b>land with aptitude for forestry and protection</b>”, were transferred through a leasehold contract, known in Peru as ‘<b>cesión en uso.</b>’ <b>A type of contract that establishes numerous prohibitions and restrictions</b> that pertain to the community’s traditional activities, including traditional agroforestry and forest food cultivation, hunting, fishing and logging. <b>The imposition of the ACR-CE has resulted in a series of limitations and restrictions to access and use of the territory and its natural resources and has caused criminalisation of some members of the Kichwa peoples as well as situation affects not only their ability to feed themselves, but also their right to reproduce their customs and choose their own futures.</b> [E.g. *Between 2009 and 2013, six members of the Kichwa community of Ankash Yaku de Achinamisa were prosecuted for the alleged crime of logging as a result of carrying out their traditional agricultural activities within the ACR-CE. (p.30, para2)In 2010, eight people from the Kichwa community of Alto Pucalpilllo were prosecuted due to carrying out traditional agricultural activities. The criminal proceedings ended in acquittal in 2012, due to a legal technicality. As a consequence, the threat of further criminal proceedings for carrying out traditional activities continues for community members. <a href="https://www.forestpeoples.org/sites/default/files/documents/CERD_Peru_ShadowReport_95_29thMarch2018_Eng1.pdf">[--source: https://www.forestpeoples.org/sites/default/files/documents/CERD_Peru_ShadowReport_95_29thMarch2018_Eng1.pdf]</a> while members of the community of Mishkiyakillo have been threatened by ACR-CE authorities with being denounced for the illegal hunting of a protected species, the huangana, and the construction of a communal tambo (rest house).</p>

Peru	Central and South Am + Carribean	The Peruvian State resorts indiscriminately to <b>states of emergency, as demanded by Article 137 of its Constitution, for the restriction of fundamental rights and allows police or military intervention, without accrediting the existence of a serious affectation to public order.</b> The best example is the systematic extension of the state of emergency in the districts affected by the Las Bambas mining project. Indeed, as is known, a state of emergency was decreed along the Apurímac-Cusco-Arequipa Road Corridor, which is 482 km long, including 500 meters on each side of the road. In these places, states of emergency have been declared in a preventive manner, restricting fundamental rights such as individual freedom, freedom of assembly, transit and the inviolability of the home. In fact, the population is prevented from meeting along the road. They cannot perform public and private events, much less political ones
Peru	Central and South Am + Carribean	<b>Third paragraph of Article 200 of the Criminal Code, which makes the taking of roads and public places an offense of extortion, including in contexts of social protest.</b> The corresponding penalty is 5 to 10 years of prison, and from 15 to 25 years when more than two people participate. This Article is part of a set of criminal and procedural-criminal rules that promote the criminalization of protest actions by the population
Philippines	Asia	Republic Act 9372: An Act to Secure the State and Protect our People from Terrorism (Human Security Act, HSA): The HSA defined new crimes such as terrorism and conspiracy to commit terrorism; and made terrorism “a crime against the Filipino people, against humanity, and against the law of nations.”
Russia	Eastern Europe, Russian Federation, Central Asia and Transcaucasia	Russia's State Duma passed the third and final reading of a new bill expanding the scope of the country's controversial “ <b>foreign agent</b> ” law.  The first iteration of the law appeared in 2012, and introduced the term “foreign agent” to refer to NGOs which receive foreign funding. It's a loaded term in Russian, with strong associations with espionage. In November 2017, mass media organisations got to labelled “foreign agents” if they received funding from overseas; the move came soon after the state-funded news outlet RT was made to register as a “foreign agent” by the United States authorities. Since then, several organisations have been declared “foreign agents” by the Russian authorities, such as the Anti-Corruption Foundation of opposition politician Alexey Navalny in October 2019.
Tanzania	Africa	laws that limits freedom of expression and exemplifies shirinking of civic space: <b>Cyber Crimes Act of 2015; the Statistics Act of 2015; the Media Services Act of 2016; the Access to In- formation Act of 2016; and the Electronic and Postal Communications (Online Contents) Regulations of 2018 (find a sample case)</b>
Thailand	Asia	ruling handed on 18.06.2018: <b>Karen communities denied to return to their lands</b> , which is iwhtin the Kaeng Krachan National Park; the case involves <b>Authorities removing nearly 400 Karen from the Kaeng Krachan National Park, saying they were encroachers.</b> When some returned, <b>officials burned down their shelters.</b> A lower court held that <b>authorities had acted within the law</b> , while ordering compensation of 10,000 baht (\$302) to each of the plaintiffs. The Karen - a hill tribe people thought to number about 1 million in Thailand - appealed the verdict. Earlier this month, the Supreme Administrative Court ordered the plaintiffs be paid 50,000 baht each, but <b>held that they had no proof of ownership - and therefore no claim - of the land.</b>
Thailand	Asia	Thailand’s campaigners have long called for amending the 1961 National Park Act to protect villagers and indigenous people from being evicted from land they consider theirs by birthright, because of disputes over ownership.

Thailand	Asia	<b>Return Forest Policy/NCPO Orders 64 and 66/2014.</b> Complementing these is the <b>Forestry Master Plan</b> . NCPO Order <b>64, issued on 14 June 2014, orders government agencies to take action against forest encroachers to put an end to deforestation in all forest reserves.</b> It clarified this order days after by issuing another order on June 17th , NCPO Order 66/2014, stating that operations carried out under NCPO 64/2014 “must not must not impact the poor, people with low incomes, and the landless who have lived on the land prior to the order. However, <b>military units have carried out the forced evictions without apparent regard for Thai law or order 66/2557.</b> ” These <b>orders were followed up in August with the Forestry Master Plan on the implementation of Order 64/2557.</b> The Master Plan’s end goal is to increase forest cover in Thailand to 40% within ten years.
Thailand	Asia	The government has, in various times, promulgated three special laws to deal with what it perceived as national security threats. These laws are: (i) the Martial Law 1914; (ii) the Emergency Decree 2005; and (iii) the Internal Security Act, 2007.
Thailand	Asia	Community Forest Bill
Vietnam	Asia	A typical dispute dates from July 2018 when a Nung person from Quang Truc commune, Tuy Duc district, Dac Nong province was convicted and sentenced to death because he had shot and killed three people and injured 16 more. This violence was the consequence of a land dispute that had been continuing for many years with a private company that wanted to encroach on the land claimed by the IP man.
Vietnam	Asia	Cyber Law: grants sweeping authority to the state to persecute any online discourse or posted information deemed to be offensive, defamatory, or threatening to the state and to require the localised storage of all data used by companies providing online services to Vietnamese citizens.
	Global	Goal 15, 15.c Enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities