



Rep. James McGovern, *Co-Chair*
Rep. Chris Smith, *Co-Chair*
Tom Lantos Human Rights Commission

November 19, 2020

RE: Amnesty International USA Statement for the Record on The Rights of Indigenous Peoples in the Americas

On behalf of Amnesty International USA and our members and supporters in the United States, we are grateful to the Tom Lantos Human Rights Commission for holding its November 20 hearing on the rights of Indigenous people in the Americas and for the opportunity to submit this statement for the record.

Across the hemisphere, Indigenous people are routinely marginalized and face discrimination in law and in fact, leaving them at risk of violence and other abuses. An astonishing 15% of people around the world who live in extreme poverty are Indigenous, though they make up only 5% of the world's population – a stark reflection of the systemic discrimination they face around the globe.¹ Indigenous human rights defenders who speak out against discrimination and in support of their communities routinely face smear campaigns, intimidation, judicial harassment, arbitrary detention, and violence, often directly by the state or with the acquiescence or support of the state.

Indigenous leaders in countries including Colombia, Guatemala, Brazil, Mexico, and Honduras continue to be threatened and killed for their work defending rights related to land, territory, and the environment. Human rights defenders in the Americas who work on these issues are among the most threatened in the world.

Efforts by Indigenous people to maintain their cultural identity or exercise control over their traditional lands – which are often rich in resources and biodiversity – have been met with reprisals and criminalization. Indigenous women and girls face particular risks on account of their gender and Indigenous identities.

The COVID-19 pandemic has only served to exacerbate the risks Indigenous people already face. Due to systemic discrimination, Indigenous people face significant barriers in accessing healthcare. Large-scale economic development projects have contaminated and destroyed Indigenous peoples' lands and led to escalating threats and attacks against Indigenous communities, and now risk spreading the virus to highly vulnerable populations. To make matters worse, Hurricanes Eta and Iota, which ravaged Central America and the Caribbean this month, have taken a particularly devastating toll on Indigenous communities in the region.²

¹ Amnesty International, "Indigenous Peoples," <https://www.amnesty.org/en/what-we-do/indigenous-peoples/> (last accessed Nov. 19, 2020).

² Sandra Cuffe, "Hurricane Eta Devastates Central America as U.S. Withdraws from Climate Accord," The Intercept, Nov. 16, 2020, <https://theintercept.com/2020/11/16/hurricane-eta-central-america/>.

This hearing is taking place at a critical and urgent moment, as the survival of Indigenous communities hangs in the balance, imperiled by threats of climate change, the pandemic, extractivism, and legacies of discrimination and marginalization.

Below are some key concerns Amnesty has identified in its research and advocacy across the region, as well as recommendations to Congress to address these issues.

Impact of COVID-19 on Indigenous Communities

Across the Americas, governments have failed to uphold Indigenous peoples' right to health during the COVID-19 pandemic. States have failed to provide adequate medical treatment and supplies to attend to the needs of Indigenous people affected by COVID-19, and social and food security programs in place to address the economic devastation wrought by the pandemic have not reached Indigenous people.

In Ecuador, approximately 290,000 Indigenous people live in the Ecuadorian Amazon, where they are facing a high risk of infection and death from COVID-19. As of July 2020, there were 1,215 confirmed cases of COVID-19 among Indigenous persons, and 45% of those tested were positive for the virus. Many of these communities are at risk of extinction due to the small size of their populations and their reduced immune capacity. As one Ecuadorian human rights attorney has explained, while the protocols the state developed to combat the virus, like mandatory quarantine, are designed for urban populations, they are unsuitable for Indigenous communities, which frequently lack water and electricity.³ Amnesty International issued an urgent letter to President Lenin Moreno, urging him to implement and design an action plan to protect Indigenous People in the Ecuadorian Amazon from the COVID-19 pandemic.⁴ The plan cannot wait: as one Indigenous rights defender living in the Ecuadorian Amazon has explained, "It is no longer an option not take action. If we do not act now, we will be witnesses to ethnocide."⁵

Similarly, in Brazil, COVID-19 and land seizures have been described as "twin threats" to the survival of Brazil's Indigenous people. There is a long history of the outsize impact of epidemics on Indigenous communities in the country, particularly considering that the state agency charged with safeguarding the health of these communities – Brazil's Special Secretariat of Indigenous Health (SESAI) – has been operating on a shoestring budget. One Indigenous nurse in Brazil's Amazon region told Amnesty: "We are over 400 people in this Indigenous territory. If one person gets COVID-19, it can contaminate us all."⁶

In Colombia, Indigenous people have described themselves as "invisible" to the government.⁷ Long at risk of attacks and threats at the hands of paramilitaries and guerillas, they are now

³ Leonie Rauls, "Q&A: The Double Crises in Ecuador's Amazon," Americas Quarterly, Oct. 27, 2020, <https://americasquarterly.org/article/qa-the-double-crises-in-ecuadors-amazon/>.

⁴ Amnesty International, "Ecuador: COVID-19 Threatens Indigenous Peoples' Lives," July 3, 2020, <https://www.amnesty.org/en/documents/amr28/2643/2020/en/>.

⁵ Nandino Calapucha, "Los indígenas no nos hemos quedado esperando ayuda que sabemos nunca llegará," El Pais, August 8, 2020, https://elpais.com/elpais/2020/08/06/planeta_futuro/1596705673_429627.html (available in English at <https://www.amnesty.org/en/latest/news/2020/08/pueblos-indigenas-amazonia-covid19/>).

⁶ Richard Pearshouse & Jurema Werneck, "Land Seizures and COVID-19: The Twin Threats to Brazil's Indigenous People," Amnesty International, Apr. 6, 2020, <https://www.amnesty.org/en/latest/news/2020/04/land-seizures-and-covid-19-the-twin-threats-to-brazils-indigenous-peoples/>.

⁷ Integrante del asentamiento indígena de El Porvenir, "El Gobierno colombiano se ha olvidado de los pueblos indígenas," VICE News, May 8, 2020, <https://www.vice.com/es/article/n7w9d8/el-gobierno-se-ha-olvidado-de-los->

doubly endangered because of COVID-19. A civil court ruled in July that the fight against COVID-19 had been “useless and ineffective” in several of the country’s departments, and it affirmed that Indigenous people in Colombia are in a situation of particular vulnerability given the high level of contagion in neighboring states, including Brazil.⁸

In October 2020, Amnesty International published a detailed report about the plight of Colombian human rights defenders, which profiled, among other communities, the people of the Kubeo-Sikuani Ancestral Indigenous Settlement in resource-rich Meta Department, who have been ceaselessly threatened with displacement. There, failure to recognize the land rights of Indigenous communities contributes to attacks against leaders and other members of the community.⁹ A human rights defender belonging to this community described how, in addition to being threatened by ex-paramilitaries and landowners whose properties border their territory, they also have failed to receive protection from the state since the pandemic. While the community has access to health insurance, they have not received any assistance from departmental or national governments and cannot engage in traditional craftwork, a primary means of livelihood.¹⁰

Impact of Economic Activities on Indigenous Communities

At the same time, continued large-scale economic development projects are imperiling Indigenous lives and encroaching upon protected territory. Historically, these activities have led to unlawful land grabs, threats and attacks against land and environmental human rights defenders, and contamination and destruction of Indigenous land. Now, they additionally threaten to spread the virus to Indigenous communities who could be decimated as a result of it – especially since many extractive activities have been classified as essential services and thus allowed to continue.

In Ecuador in April 2020, the collapse of the bases and pipelines of the Trans-Ecuadorian Pipeline System and Crude Oil Pipeline caused a devastating spill into the waters of the Coca river, affecting 105 Indigenous communities and over 120,000 people.¹¹ The oil spill left these communities without water and has endangered the communities who depend on the environment to survive. Because many communities depend on fishing as their primary source of food, they faced risks of starvation and dehydration as a result of the oil spill. At the same time public health experts were urging hand-washing as the primary safeguard against COVID-19, Indigenous communities barely had a small amount of water to drink.¹² An Indigenous rights

[pueblos-indigenas-de-colombia](https://www.amnesty.org/en/latest/news/2020/08/olvidado-pueblos-indigenas-colombia/) (available in English at <https://www.amnesty.org/en/latest/news/2020/08/olvidado-pueblos-indigenas-colombia/>).

⁸ Letter to Colombian government signed by Amnesty International & other human rights organizations, Aug. 20, 2020, <https://www.amnesty.org/download/Documents/AMR2329182020SPANISH.pdf>.

⁹ Amnesty International, “Why Do They Want to Kill Us?: Lack of Safe Space to Defend Human Rights in Colombia,” Sept. 2020, <https://www.amnesty.org/download/Documents/AMR2330092020ENGLISH.PDF>, at 30.

¹⁰ Integrante del asentamiento indígena de El Porvenir, “El Gobierno colombiano se ha olvidado de los pueblos indígenas,” VICE News, May 8, 2020, <https://www.vice.com/es/article/n7w9d8/el-gobierno-se-ha-olvidado-de-los-pueblos-indigenas-de-colombia> (available in English at <https://www.amnesty.org/en/latest/news/2020/08/olvidado-pueblos-indigenas-colombia/>).

¹¹ “Ecuador: Indigenous Communities of the Ecuadorian Amazon, Whose Lives and Safety Are Threatened by an Oil Spill and Covid-19, Demand Respect for Due Process as They Take Legal Action to Defend Their Rights,” May 2020, <https://www.amnesty.org/download/Documents/AMR2822942020ENGLISH.pdf>.

¹² Nandino Calapucha, “Los indígenas no nos hemos quedado esperando ayuda que sabemos nunca llegará,” El País, August 8, 2020, https://elpais.com/elpais/2020/08/06/planeta_futuro/1596705673_429627.html (available in English at <https://www.amnesty.org/en/latest/news/2020/08/pueblos-indigenas-amazonia-covid19/>).

defender described how the “uncontrolled extractive activities of hydroelectric, oil, mining, and timber companies” pose a grave threat to the health and safety of Indigenous communities.

In Brazil, along with COVID-19, land seizures risk the lives of Indigenous people in the Amazon. Because lockdowns have reduced Indigenous peoples’ ability to patrol and monitor their territories against unlawful incursions by *grileiros* (land grabbers), incidences of land-grabbing have increased. While Brazil has decreed environmental protection an “essential service” during the pandemic, this guarantee has not manifested in practice: the state’s agencies for the protection of the environment and Indigenous people (IBAMA and FUNAI, respectively) are operating at reduced capacities during the pandemic.¹³ Roughly one-third of IBAMA’s field operatives^{s?} will not go to the field because of preexisting conditions that place them at higher risk from the virus, and are operating in an environment in which President Jair Bolsonaro has significantly undermined Brazil’s system for inspecting and monitoring protected areas.¹⁴ Amnesty International has previously extensively documented the growing phenomenon of illegal cattle-grazing in the Amazon, enabled by the Bolsonaro administration’s gutting of environmental protections, and recently reported that cattle illegally grazed in the Amazon wound up in the supply chain of JBS, a Brazilian-based multinational company and the largest producer of beef in the world – whose top export market is the United States.¹⁵

In Canada, Indigenous women, girls, and two-spirit persons are disproportionately impacted by energy development in Canada and yet are often left out of decision-making processes regarding large-scale energy development processes. Despite some positive steps like mandating intersectional gender-based analysis in the assessment process for some projects, much work remains to address harmful, unintended consequences – including elevated levels of gender-based violence – of resource development on Indigenous women, girls, and two-spirit persons.¹⁶

Recommendations

- Call on governments in the region, particularly the states of Brazil, Ecuador, and Colombia, to provide robust protection for Indigenous people and proactively develop culturally sensitive plans to safeguard their health and welfare during the COVID-19 pandemic. Governments in the Americas must recognize the human rights of Indigenous Peoples, including the right to territory, as well as their economic, social and cultural rights, including the right to a healthy environment.
- Call on USAID to fully implement its Policy on the Promotion of the Rights of Indigenous People to provide for free, prior, and informed consent, among other measures, before commencement of development projects in the region.¹⁷

¹³ Richard Pearshouse & Jurema Werneck, “Land Seizures and COVID-19: The Twin Threats to Brazil’s Indigenous People,” Amnesty International, Apr. 6, 2020, <https://www.amnesty.org/en/latest/news/2020/04/land-seizures-and-covid-19-the-twin-threats-to-brazils-indigenous-peoples/>.

¹⁴ *Id.*

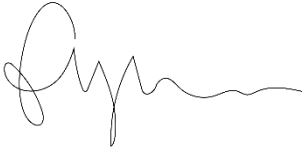
¹⁵ Amnesty International, “From Forest to Farmland: Cattle Illegally Grazed in Brazil Found in JBS’s Supply Chain,” July 2020, <https://www.amnesty.org/download/Documents/AMR1926572020ENGLISH.PDF>.

¹⁶ Amnesty International, “Out of Sight, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia, Canada,” 2016, <https://www.amnesty.ca/sites/amnesty/files/Out%20of%20Sight%20Out%20of%20Mind%20EN%20FINAL%20web.pdf>.

¹⁷ USAID, “Policy on Promoting the Rights of Indigenous Peoples,” March 2020, <https://www.usaid.gov/sites/default/files/documents/1866/USAID-IndigenousPeoples-Policy-mar-2020.pdf>.

- Ensure that any planned or future trade deals, development projects, and bilateral cooperation between the United States and countries in the region contain strong protections for Indigenous rights and for safeguarding of the environment, adhering strictly to the principles of free, prior, and informed consent, and include a consultation process with affected communities and human rights organizations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charanya', followed by a long, wavy horizontal line.

Charanya Krishnaswami
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Amnesty International USA