Title: Indigenous Peoples' Human Rights During the COVID-19 Pandemic

We, as a collective of diverse Indigenous peoples and Indigenous-led organizations, submit this statement to highlight human rights violations occurring in the United States, with a special focus on the disproportionate impacts of the COVID-19 pandemic on our peoples and communities.

This is how they almost wiped us out the first time - a thought that came to many of our minds when COVID-19 made headline news. In the words of Jerilyn LeBeau Church, CEO of the Great Plains Tribal Chairmen's Health Board: “There’s a lot of fear in our communities. You look at the history of diseases that have impacted our population - tuberculosis, smallpox - there’s a historical trauma trigger that is emanating in our communities and rightfully so.”

This pandemic threatens the physical, cultural and spiritual survival of our peoples as well as our economic viability as Indigenous Nations and Native communities. The historic and ongoing human rights violations against indigenous peoples have created conditions that predispose us to the worst impacts of this global pandemic. Additionally, the government is taking advantage of this opportunity to commit additional violations against our peoples.

My statement highlights the indigenous human rights violations that were included in reports submitted to the U.S. UPR Working Group while also acknowledging the emerging violations resulting from the COVID-19 pandemic. These violations and heightened concerns include: the right to water, the ongoing criminalization of human rights defenders, the easing of environmental regulation and the continued fast-tracking of extractive industry development, the impact on indigenous peoples’ right to exist and forced migration, and finally, the threat to the very existence of the Mashpee Wampanoag Tribe.

Right to Water
The report, “The Human Right to Water vs. Industrial Use: The Fight for Water,” submitted by the Center for the Right to Water Northwest, highlights how the right to clean water is being infringed upon by its privatization. Given that hand washing is a key measure for the prevention and spread of COVID-19, we are deeply concerned that Indigenous peoples and communities who have little access to clean water or sources of water are disproportionately vulnerable to COVID-19. For some native peoples, such as Navajo Nation, the large scale lack of access to water predisposes them to accelerated rates of infection and death. As we have already seen, Navajo Nation’s infection and deaths rates are disproportionate to its population size. Just as New York City is currently the epicenter, the Navajo Nation is the first Native community to face the COVID-19 directly and it is projected to become 1 of the top 3 hotspots in the country per capita for COVID-19 infections.

Criminalization of Human Rights Defenders
The report, “Criminalization of Indigenous Human Rights Defenders Resisting Extractive Industries in the United States” submitted by the Indigenous Peoples Law and Policy Program, Rogers School of Law, University of Arizona, outlines the threats faced by Indigenous leaders to criminalization and suppression of their opposition to projects like the Dakota Access Pipeline.
Already three states have criminalized peaceful protest during the COVID-19 crisis usurping the law and undertaking practices that wouldn’t be allowed against any other segment of society reflecting the perpetual racism and prejudice faced by indigenous peoples.

**Easing of Environmental Regulations and Fast Tracking of Oil & Gas Development**

A report submitted to the UPR Working Group by the Gwich’in Steering Committee, Cultural Survival, Land is Life, First Peoples Worldwide, and the University of Colorado’s American Indian Law Clinic noted concerning human rights violations due to the fast-tracking of oil and gas development in the Coastal Plain of the Arctic Refuge, which the Gwich’in refer to as “The Sacred Place Where Life Begins.” Amid unresolved concerns, the government expressed the intention to move forward with the lease sales in the middle of this global pandemic and at a time when oil and gas operations are shutting down due to COVID-19 concerns. We are deeply alarmed that natural resource exploration and exploitation and land grabs are occurring across Turtle Island and Hawai’i while entire peoples and communities are required to remain quarantined and unable to monitor threats to their communities and or voice their opposition.

**Indigenous Peoples’ Right to Exist and Forced Migration**

The submission, “Indigenous Peoples’ Rights to Exist, Self Determination, Language and Due Process” highlights how Indigenous peoples’ right to exist as distinct peoples free from discrimination and the right of self-determination including the right to due process in immigration are violated through the nexus of language, identity, and racism. In the framework of COVID-19, we are not being informed by the U.S. Federal or by state Governments about COVID-19 in our primary languages or languages we understand. Our basic human rights are denied and our needs unmet. This in turn generates conditions for the large-scale spread of COVID-19 in our respective communities and workplaces that include construction, agriculture, agroindustry, and cleaning amongst other essential jobs. Our lives are at risk, and the survival of our Peoples is threatened.

**Mashpee Wampanoag**

On March 27, 2020, in the midst of responding to the COVID-19 pandemic, Mashpee Wampanoag Tribe Chairman Cedric Cromwell was informed by the Bureau of Indian Affairs that the Tribe’s reservation will be “disestablished” as ordered by the Secretary of the U.S. Department of the Interior, David Bernhardt. The recent Bureau of Indian Affairs order removes the entirety of the Mashpee Wampanoag Tribe’s 320 acres of reservation land. This will mark the first time Native land has been taken out of trust since the “termination era” of the 1940s-1960s in which the US government intentionally attempted to assimilate Native Americans into the broader culture. The Mashpee Wampanoag tribe’s citizens are currently suffering a massive loss of resources and services due to the uncertainty of the trust status of the reservation.

**Conclusion**

Amid the chaos of COVID-19, the large-scale human rights violations of Indigenous peoples are exacerbated due to structural violence, discrimination, and racism from impose colonial systems and borders. Mindful that our collective resilience and resistance is grounded in our lifeways, cultures, cosmovision, and with a vision toward the future, we provide the following set of recommendations. Note that additional recommendations are available in each of the submitted reports.
Recommendations:

1. Consult with native leaders and communities to understand their key priorities and needs to ensure that they have access to needed resources and support to deal with the health, food, water, and security emergencies that have arisen during this global pandemic. Such needs and priorities must be fully considered in future Covid-19 related Federal legislation.

2. Ensure that the minimum human rights standards enshrined in the UN Declaration on the Rights of Indigneous Peoples are Implemented.

3. Call on the U.S. to extend an invitation to UN Special Procedures, specifically the UN Special Rapporteurs for: The Rights of Indigenous Peoples; Human Rights of Migrants; and Violence Against Women; to conduct an in-country visit and investigation with a specific focus on Indigenous children and families with a special emphasis of infringement of rights under COVID-19.