**Call for Inputs**

**Report of the Special Rapporteur on the rights of Indigenous Peoples to the General Assembly**

**Impact of COVID-19 on indigenous peoples**

**Deadline: 19 June 2020**

**Questionnaire for responses by States, indigenous peoples and other actors:**

This is a response from the International Indian Treaty Council (IITC). The IITC has 98 affiliates (*see attachment 1*) located in 5 UN regions and will be reporting on 5 states from which information has been received. Others have submitted on behalf of their own peoples and Nations.

1. **How does the State collect and analyse information on the impact of COVID-19 on indigenous peoples and individuals? Is disaggregated data on indigenous peoples, including health impacts, available?**

IITC was not made aware of any State which disaggregates data regarding Indigenous Peoples. In turn, IITC believes that this is one of the main recommendations that should to be made to States alongside funds for Indigenous Peoples to lead testing, track their own results and control distribution of their data.

1. **Please provide information and specific examples showing the increased risks and/or disproportionate health impact of the pandemic on indigenous peoples. What measures have been taken to provide health care and other forms or urgent assistance for remote communities?**

IITC asks you to pay special attention to the separate submission made regarding the Navajo Nation, the most impacted area in all of the United States. An inadequate and failed health system directly contributed to the spread of COVID-19 across their lands and state. The Navajo Nation is a powerful example however this is a blanket issue across the United States and Canada.

In Brazil, COVID-19 was brought into the community by the unlawful entry of missionaries known to have spread the COVID into multiple communities. Additionally; illegal logging, rainforest clearing, and mining activities are continuing to happen and threaten the health and wellbeing of Indigenous peoples and communities further contributing to the vulnerability of their peoples.

1. **How are indigenous peoples supported in their own initiatives to fight the pandemic, protect health and provide assistance in their own communities? What lessons can be learnt from indigenous traditional practices and community-based programs in lock down and emergency?**

Unfortunately, Indigenous Peoples are not receiving support and the vast majority of responses indicated that people were unaware of any programs in place to assist them and have not been consulted regarding needs of their communities or to incorporate Indigenous led solutions.

Although traditional Indigenous practices around the world have protocols in place to distance themselves and use traditional medicines for cleansing, internally and externally.

Many are displaying best practices. Examples include:

* **US**: South Dakota Tribes set up their own checkpoints to make up for a failed response by cities and the state. The governor did not implement a full lockdown at any point so Tribes took exerted their sovereignty and began patrolling entry points to their Nations. On May 8th, Governor Kristi Noem responded with an official letter to Tribes and threatened to take legal action against the Cheyenne River and the Oglala Sioux Nations if they did not remove checkpoints. She later requested that President Trump intervene and later that month the Bureau of Indian Affairs officially threatened to withdraw federal funding, further violating the Nation to Nation treaties, if the Cheyenne River and Oglala Sioux Tribes do not remove their COVID-19 checkpoints. *\*Please see attachments 2 and 3 for supporting documents.*
* **BRAZIL**: Indigenous Peoples attempting to defend their communities are often targeted, resulting in the deaths of human rights defenders. In Canada. How countries are utilizing to push for projects that are not only against the right of IP but will further undermine health and increase vulnerability, now and in the future.

1. **How are indigenous peoples given the possibility to shape the national COVID-19 response to ensure it does not have discriminatory effect on their communities? Is their input sought and respected in the programs that could affect them?**

* In the **United States** with the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), a law intended to address the economic fallout of the COVID-19 pandemic in the United States. The federally recognized Tribes in the US, 572 out of over 800 total, were designated to receive a portion of the funds through the Act. The US Federal Government stalled distribution and it had to be taken to the Supreme Court. The ruling was in favor of Tribes but most still have not received the funding.

Additional Information: “Treasury Can't Hold Back $679M For COVID-19 From Tribes”- <https://www.law360.com/articles/1283325/treasury-can-t-hold-back-679m-for-covid-19-from-tribes>

* **Canada** – Treaty 6 Territory: An arbitrary amount was set aside for COVID 19 relief, but the numbers fell far short of what was really needed on the ground. When COVID 19 began it was agreed that lockdowns and security stops at the Nations’ entrances were essential, however, the Canadian government reneged and that has caused some Nations to take down their security stops because it is taking a way too long for the government to provide the promised funds. The Nations see that having the security stops/lockdowns are helping as there are no COVID 19 cases within our Treaty No. 6 territory in Alberta, however, they cannot continue to pay for all the security personnel without some relief from the government. It places them in a catch 22 situation because it causes them to fall short on other essential services for their Nations. As it is their Nations are already the poorest of the poor in Canada with numerous underlying health issues and never enough money to provide for the Nations. As for the legislations that the Alberta Government is passing, there has been no consultation.

1. **How is information about COVID-19 and prevention measures disseminated in indigenous communities? Is such information available in indigenous languages?**

In the US, Navajo and Anishinaabe Nations translated symptom and safety procedures into their traditional languages, see attachments. However, that was done by individual Nations using their own resources, IITC has not received any reports of this type of assistance being provided to Indigenous Peoples by States.

1. **Please provide examples of good practices and targeted measures to redress the disproportionate impacts of the pandemic on indigenous peoples’ health. If these are being carried out by State, provincial and local governments, please explain how these measures were designed in consultation and implementing free prior and informed consent with the indigenous peoples concerned in order to ensure that such measures are adapted to the cultural and other specific needs of these indigenous communities.**

* The UN **Global** Indigenous Youth Caucus, Harvard Medical School COVID-19 Student Response Team, UN Secretary General’s Youth Envoy, John Hopkins Center for American Indian Health, Members of the UN Permanent Forum on Indigenous Issues (UNPFII), International Fund for Agricultural Development (IFAD, UN International Children’s Emergency Fund (UNICEF), UN Food and Agriculture Organisation (UN FAO), Cultural Survival and Tribal Link collaborated to translate COVID response into global Indigneous languages. Please see the attachment “IITC Webinar COVID-19 Indigenous Health Partnership Information”. *\*Please see attachment 6 for additional information.*
* Please see the answer to Question 3 regarding Tribal checkpoints. Additional information can be found here:
* “Native American tribal nations take tougher line on COVID-19 as states reopen”- <https://thehill.com/homenews/state-watch/503770-native-american-tribal-nations-take-tougher-line-on-covid-19-as-states>
* “Chairman Frazier to Noem: We will not apologize for being an island of safety in a sea of uncertainty and death” - <https://www.westrivereagle.com/articles/chairman-frazier-to-noem-we-will-not-apologize-for-being-an-island-of-safety-in-a-sea-of-uncertainty-and-death/>

1. **Please provide information on the economic, social and cultural impact of lockdowns, quarantines, travel and other restriction of freedom of movement on indigenous communities. Please provide information on measures taken to ensure indigenous communities do not experience discriminatory impacts on their access to livelihoods, food and education. How are indigenous peoples taken into account in the development of assistance and relief programmes? Where are the gaps if any?**

Indigenous Peoples by nature have close extended family ties and due to inadequate housing in Indigenous communities, many are living multi-generational and in close quarters, making social distancing nearly impossible.

It is essential that Indigenous Peoples connect root causes with threats such as capitalism, colonialism and over emphasis on carbon, and how that then manifests into our pursuit of seeking intersectional justice; gender, climate, disability justice, those already disproportionately impacting structurally marginalized people, mostly low income, Black, Indigenous and communities of color.

Please see Questions 3 and 6 regarding checkpoints.

1. **Please provide information on how indigenous women, older persons, children, persons with disabilities and LGBTI persons are or may be facing additional human rights challenges during the pandemic. Please provide information on targeted measures taken to prevent intersecting forms of discrimination, and ensure indigenous women, children, older persons, persons with disabilities and LGBTI persons’ access, protection and services with due regards to their specific needs within indigenous communities.**

Indigenous communities around the world are disproportionately impacted by access to food, health care and services and clean or accessible water. These barriers have amplified the risk of COVID-19 in already vulnerable communities such as the Navajo Nation, Indigenous Peoples of the Amazon the Kuna Yala Nations of Panama. IITC has not received specific targeted measures being taken but as in all Indigenous communities specific measures are always put in place to take special care of elders.

1. **Please provide information on how States of emergency may contribute to threats or aggravate ongoing human rights violations against indigenous peoples, including with regards to the freedom of assembly and the protection of their traditional lands and resources. What measures have been taken to protect the lands, territories and resources of indigenous peoples against invasions and land-grabbing by external actors during the pandemic?**

Since the pandemic began, Indigenous Peoples are experiencing increased risks regarding discrimination, criminalization and environmental violence. Indigenous Peoples and human rights defenders are seeing increased criminalization for simply trying to protect their lands and peoples. IITC has received reports regarding communities facing increased militarization in their territories, threats from State officials, lack of acknowledgement of established rights and attacks on Tribal sovereignty.

Examples include:

* **UNITED STATES**:
  + South Dakota, in particular, has challenged Indigenous Tribal sovereignty during the pandemic. On March 18th, 2020, Governor Noemi signed *SB 151:* *New Penalties for Protest Near Pipelines and other Infrastructure*; criminalizing lawful protest and increasing penalties from misdemeanors to felonies. West Virginia and Utah have passed similar bills since the pandemic began with at 13 additional states introducing corresponding legislation.
  + During the Covid-19 lockdown, US federal agencies have eased fuel-efficiency standards for [new cars](https://www.theguardian.com/environment/2020/mar/31/trump-epa-obama-clean-car-rules-climate-change), frozen rules for [soot air pollution](https://www.theguardian.com/environment/2020/apr/14/trump-epa-soot-pollution-clean-air-standards), proposed to drop review requirements for environmental toxics including liquefied natural gas terminals, continued to lease public property to oil and gas companies, sought to speed up permitting for offshore fish farms, advanced a proposal on mercury pollution from power plants that could make it easier for the government to conclude regulations are too costly to justify their benefits and the government has also [relaxed](https://www.hcn.org/articles/climate-desk-trumps-epa-halts-environmental-law-enorcement-during-coronavirus-pandemic) reporting rules for polluters during the pandemic. \*Follow blue links for further information.
  + A federal judge ruled that California can pursue [climate litigation against fossil fuel companies](https://t.co/0BH1f2PVWP) in state court, where its chances of success are far better than at the federal level.  In May, a federal judge ruled in favor of a bid to move forward with a uranium mine south of the Grand Canyon, in opposition with the Havasupai Tribe whose lands, waters and sacred sites would be directly impacted. \*Follow blue links for further information.
  + “The Trump Administration Is Reversing 100 Environmental Rules.” - <https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks.html?ct=t(RSS_EMAIL_CAMPAIGN)>
  + A list of new laws enacted or in progress regarding the criminalization of protests. - **International Center for Not for Profit Law US Protest Law Tracker** follows initiatives at the state and federal level that restrict the right to peaceful assembly **-**<https://www.icnl.org/usprotestlawtracker/?location=&status=&issue=&date=6&type=>

**CANADA**:

* The energy minister of Alberta, Canada, tells an industry group that this is a [good time to build tar-sands-oil pipelines](https://www.theglobeandmail.com/canada/alberta/article-alberta-minister-says-its-a-great-time-to-build-a-pipeline-because/) because coronavirus restrictions limit gatherings of protesters to 15 people.
* [Bill 1, the Critical Infrastructure Defence Act,](https://www.assembly.ab.ca/net/index.aspx?p=bills_status&selectbill=001&legl=30&session=2) meant to protect essential infrastructure, pipelines and extractive industry equipment, from damage or interference caused by blockades, protests or similar activities, which can cause significant public safety, social, economic and environmental consequences.
* “Here’s every environmental protection in Canada that has been suspended, delayed and cancelled during COVID-19” - <https://www.nationalobserver.com/2020/06/03/news/heres-every-environmental-protection-canada-has-been-suspended-delayed-and-cancelled>
* “Alberta Government announces funding for Keystone XL Pipeline” - <https://www.offshore-technology.com/news/keystone-funding-alberta-construction/>
* **ARGENTINA**: Racist and discriminatory attacks are taking place against Indigenous Peoples including name calling and physical violence. *\*Please see attachments 4 and 5 for supporting documentation.*
* **BRAZIL**:
  + “Land seizures and COVID-19: the twin threats to Brazil’s Indigenous Peoples” - <https://news.trust.org/item/20200404122526-s5463>
  + “Brazil minister calls for environmental deregulation while public distracted by COVID”-<https://www.reuters.com/article/us-brazil-politics-environment/brazil-minister-calls-for-environmental-deregulation-while-public-distracted-by-covid-idUSKBN22Y30Y>
* **COLUMBIA**: The systematic criminalization of their leaders is on the rise, 27 leaders have been assassinated in the 1st quarter of 2020 alone, leaving the communities wondering who will protect their lands if their leaders have been killed. Additionally, in **Amazonian territories**, they are facing the pandemic as well as increased threats regarding climate change, infrastructure, criminalization and racism. More damns are being built, there are increased petroleum and other mining activities and deforestation. Input by Robinson Lopez, Inga Nation, Colombia, Director for Climate Change and Biodiversity, COICA (Indigenous Coordinating Body for the Amazon Basin) //  Robinson Lopez,Nación Inga, Colombia, Director de Cambio Climático y Biodiversidad, COICA (Coordinadora Indígena de la Cuenca Amazónica)

IITC launched a webinar series specifically addressing Indigenous Peoples and COVID-19 impacts using a rights-based approach. Each week has had a different theme; women, treaties, persons with disabilities, environmental health and a youth focus. Links to the presentations can be found at <https://www.iitc.org/online-trainings-webinars/#training>

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