



## Tom Lantos Human Rights Commission Hearing

### The Rights of Indigenous Peoples in the Americas

Friday, November 20, 2020

10:00 – 11:30 AM

Virtual via Cisco WebEx

**Rep. Christopher H. Smith**

#### Excerpt of Remarks

Good morning. I'd like to thank my co-chair, Congressman Jim McGovern, for convening today's hearing, as well as to commend Congresswoman Debra Haaland in particular for her commitment to the issue of indigenous rights. It is my understanding that she helped bring about today's hearing, so thank you.

It is of course fitting that we hold this hearing this month, as November is Native American Heritage Month. While there is much we could talk about with regard to the contributions of Native American

citizens of our country, today's hearing focuses more broadly on the Americas – the countries of South and Central America in particular.

Over the years I have engaged in a number of issues adversely impacting the indigenous people of the Americas, a pattern of which bespeaks a historical indifference to their welfare.

Peru is perhaps the country I have been most concretely engaged with, a country I have visited many times, most recently, in 2014 at the invitation of the then Speaker of Peru's legislative chamber on the occasion of Peru's adoption of anti-trafficking legislation, modeled in part on our Trafficking Victims Protection Act. Trafficking is a crime that affects most directly indigenous women and girls, not only in Peru, but throughout the Americas.

Trafficking in persons is often "export" oriented, but it also occurs domestically, and both labor and sex trafficking are often associated with the extractive industries, as men are often forced to work in conditions of near servitude in a dangerous occupation, while women

are dragooned into sex slavery. All too often it is the indigenous people who are exploited.

Extractive industries also often impact indigenous communities in other ways, despoiling the environment and creating hazards which manifest themselves in high rates of diseases like cancer and autism. I held a hearing in 2012 entitled “[Poison Harvest: Deadly U.S. Mine Pollution in Peru](#)”, which examined the impact which a smelter facility had on the Andean mining town of La Oroya, considered one of the most polluted places on earth.

Too often members of indigenous communities are considered secondary citizens, exploitable and ultimately expendable in pursuit of profits or utopian societal goals. The latter was revealed in another, immensely impactful hearing which I chaired back in 1998 that concerned the [forced sterilization](#) of indigenous women in Peru under the regime of Alberto Fujimori.

What is common in all these cases is neglect of a fundamental principle of human rights discourse – that a person can never be used

as a means to an end. Each rights-bearing individual bears the mark of the *Imagio Dei*, and is endowed by the Creator with certain inalienable rights, in the words of our Declaration – a document whose lofty aspirations we all too often have fallen short of fulfilling.

Which leads me to a note of caution, which bears relevance to today's hearing. It is individuals who are rights bearers. While we can and must talk about rights and wrongs as they impact a community, we must nonetheless be cautious not to extinguish the individual in our discussion of the communal.

In much of the Americas, in part to make up for past injustices done to indigenous communities, we see an elevation of communal laws and customs – often called “usos y costumbres” – done at the expense of the individual in indigenous communities.

For example, we see in certain Mexican communities and elsewhere in the Americas the denial of [women's right to run for office](#) in the community, or in some cases even to vote. We see in Colombia and Mexico communities which [mandate only one religion for the](#)

[entirety of the community](#), with an expectation that its members all participate in public rituals. Those who do not conform because they in good conscience subscribe to different set of religious beliefs are often excluded from the community, or at times jailed or beaten for their nonconformity.

And, in perhaps the most extreme case of denial of the most fundamental right of the individual, we see [cases in Brazil](#) where in tribal jurisdictions children who are born with physical deformities or later manifest mental deficiencies are deemed cursed, and put to death in the most horrific way, burial alive.

In such extreme cases, the rights of the community cannot supersede the rights of the individual. We therefore must be mindful, in the words of one commentator on the right of women to vote in native communities, of the need to keep the “I” in indigenous.

Thank you.