



United Confederation of Taíno People

• Borikén (Puerto Rico) • Haiti / Kiskeia (Dominican Republic) • Barbados
• Bimini (United States) • U.S. Virgin Islands • Kuba • Guadeloupe

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July 10th, 2022

Honorable Ahmed Shaheed

United Nations Special Rapporteur on Freedom of Religion or Belief

Via email: hrc-sr-freedomofreligion@un.org

Re: Joint submission from the United Confederation of Taíno People (UCTP) and the Caribbean Amerindian Development Organization (CADO) on the call for input on *“Indigenous Peoples and the right to freedom of religion or belief – GA report of the Special Rapporteur on freedom of religion or belief”*

Esteemed and Honorable Special Rapporteur,

Hahom (Thank you) for affording us this important opportunity to relay to you the situation we, Indigenous Peoples, in our case, Indigenous Peoples of the Caribbean and the Diaspora, have been enduring on matters related to our Human Right to Freedom of Religion or Belief, as well as our rights as recognized in many other International and Regional Human Rights Treaties, Agreements, Conventions and Declarations such as the American Declaration on the Rights of Indigenous Peoples of the Organization of American States, as well as our United Nations Declaration on the Rights of Indigenous Peoples. It is always important to note that these declarations represent minimum standards.

The Taíno Peoples, also known as insular Arawaks, are the First Indigenous Peoples to endure and survive the infamous European encounter and invasion of our lands led by Christopher Columbus under the auspices of what we now know as Spain and the avail and approval of the Roman Catholic Church. Our ancestral territory includes the northern Lesser Antilles, the Greater Antilles and Southern tip of Florida in the continental USA. We were the First Indigenous Peoples to have been called “Indians” and the First Peoples to have been dispossessed of our lands and territories. It is important to highlight the fact that we have been and continue to be promoted as an extinct Peoples, even when there has always been evidence to the contrary. Furthermore, contemporary scientific studies have affirmed the biological survival of Indigenous Peoples of the Caribbean.

On early contact, Columbus referred to our ancestors as “the most God-like people he had ever seen”, yet the moment our ancestors realized what their intentions were, that turned into the demonization of our Peoples, our spirituality, practices, and belief systems, a practice that has prevailed and is promoted up until the very present, particularly by dominant Christian religions, their followers and by people in positions of authority at State and Federal Agencies that are either “guardians” of our Cultural Heritage, including our Indigenous Sacred and Ceremonial Sites, etc.

As evidence that the Taíno Peoples have been addressing these issues and forms of discrimination for many years at the United Nations, we have enclosed one of the many



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examples of our advocacy and reporting. On January 23, 2008, the UCTP along with other Taíno Peoples Organizations, presented a Shadow Report to the Committee for the Elimination of Forms of Discrimination (CERD). Issues such as Access to Sacred and Ceremonial Sites; Repatriation and Protection of Ancestral Human Remains and Sacred Indigenous Relics; the continued failure for Consultation and Free, Prior and Informed Consent especially on matters related to Sacred, Ceremonial and Burial sites. We highlight and present these issues to you, as they pertain to our rights as Indigenous Peoples, our Right to freedom of religion or belief and the continued violations we encounter.

Access to Sacred and Ceremonial Sites

In Borikén (Puerto Rico), our exposed - many areas remain buried - Sacred Indigenous Ceremonial Sites, Caguana Ceremonial Indigenous Heritage Center in the Town of Utuado, under the care of the Institute of Culture of Puerto Rico, and Tibes Indigenous Ceremonial Center in Ponce, one of the largest and most important Indigenous Archaeological sites of the Caribbean with a burial site nearby for approximately 186 ancestors, under the care of the Municipality of Ponce, are managed as “Parks”. As we have expressed in the past, our spiritual practices, ceremonies and gatherings did not and do not follow a 9:00AM to 3:00PM Tuesday to Saturday schedule. Even when we visit our Ceremonial sites during official “hours of operation”, **we are closely monitored by park staff and even asked what we are intending to do** at our ancestral *Batei* (*Batayes* or Ceremonial Plazas/courtyards), a clear violation of article 12 of the UNDRIP. We have been **forbidden to leave any type of offerings** at our *Bateyes* and **our practices are still being demonized**. We are **still promoted as an extinct Peoples in our own Sacred Ceremonial Centers**, in line with the colonial and religious rhetoric that has dominated the academic and political discourse in the Caribbean, and contrary to our Human Rights, including the right to self-determination, which includes self-identification, and our Rights as Indigenous Peoples.

The archipelago of Borikén was devastated by Hurricanes Irma and Maria in September of 2017; our ceremonial sites were not an exception and they too, were hit by the wrath of these powerful hurricanes. It is important to note that in the case of Caguana, members of the Taíno community had long been pointing out and addressing the lack of care of our ancestral *Bateyes* and the area in general. The structures, overall maintenance of the place and the *batei* left much to be desired even years after the 2008 report to the CERD that we have referenced herein. The Hurricanes just compounded to an already mismanaged site that is sacred to Taíno people.

The lack of care of our sacred sites and the limitations we face when seeking to exercise our ancient spiritual responsibilities are by themselves violations to our right to freedom of religion or belief. In addition, Indigenous Cultural Presentations are at times permitted in these parks, but only by the Taíno Group or Organization that the Institute of Culture of Puerto Rico has contracted with. It is important to highlight that the post-hurricane cleanup at our Tibes Ceremonial Site, and the cleanup and repairs of Caguana, were initiated and undertaken by members of the Taíno community and allies. **Access to our ancestral, sacred Ceremonial Sites requires we pay a fee, like any other tourist or visitor.**

After the COVID-19 shutdown, and during the strict curfews in Borikén, our Ceremonial Centers were closed to the Public, for as we stated, they are treated as just “Parks”. Regular citizens were already gathering at their churches, while still following some precautions. Two Taíno mothers along with their three young children, went to teach and conduct ceremony at Caguana; they were asked to leave the premises.

Repatriation and Protection of Ancestral Remains -Consultation & Right to Free, Prior and Informed Consent

Once again, due to the colonial status of Borikén (Puerto Rico), as well as the other issues non self-governing territories and non-incorporated territories face, Taíno religious freedoms are restricted and oppressed. While the United States



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has its own Native American Graves Protection and Repatriation Act (NAGPRA), this act is only applicable to US federally recognized Tribes. Even after the adoption of the UN Declaration on the Rights of Indigenous Peoples, the United States fails to implement the commitments made with the adoption of the Declaration. Neither US Federal agencies or the relevant entities of the Insular government seek contact with Indigenous Taíno Organizations, whenever a new burial site and/or archaeological site is uncovered.

In 2019, during the project known as Dorado 19 by the Army Corps of Engineers, in the town of Dorado, while preparing terrain for the building of a dam, approximately 7 human remains were uncovered, along with broken pottery, and other relics, including a quartz semi (utmost sacred indigenous relic for Taíno Peoples). The human remains were left there out in the open, without any respect, heavy equipment continued to be ran through the premises, contrary to what they are supposed to do, which is to halt the use of any form of heavy equipment. The remains of our ancestors were unceremoniously exposed to the elements, mud, dirty buckets, etc. This situation represented to us as Taíno a great and total disrespect to our cultural and spiritual beliefs. No member of our Indigenous Community was ever officially contacted. We learned of this incident via concerned neighbors. The UCTP and other Taíno organizations, sent several communications to the related agencies both at the insular level, as well as at the federal. We stressed our right to exercise our right to Free, Prior and Informed Consent, including pertinent consultations with regards to Sacred Sites and Burial sites. Due to COVID-19 there was supposed to have been a halt to these operations, and the insular agencies, such as the Institute of Culture of Puerto Rico, remained closed for months. We learned the operations and further clearing of land took place when one of our Taino relatives, used a drone and shared the images!

In April 2022, a resolution at the Senate in Puerto Rico, intended to pass a legislative action that would transfer the Management of the aforementioned Caguana Ceremonial Center from the hands of the Institute of Culture of Puerto Rico to the Municipality of Utuado. If approved, the proposed resolution would have risked our Sacred Indigenous Ceremonial site falling into private hands. All of this made it to the Senate Floor **without any consultation, much less the Free, Prior, Informed Consent from the Indigenous Taino Community.**

In response to the proposed legislation, the Taíno Community mobilized both in Puerto Rico as well as in the Diaspora. Phone calls were made, letters were writing to the Puerto Rican Senators, etc., and a press conference and a protest was held in front of the Senate House. The resolution was withdrawn. While all of this was taking place in Puerto Rico, the Governor of Puerto Rico was in Spain negotiating Tourism opportunities.

This recent action on the part of the Puerto Rican government has demonstrated that there is no regard for the sacredness of our ancestors, their human remains, our ancestral ceremonial relics and our cultural and spiritual practices; hence the repeated violations to our Right to Freedom of Religion or belief.

6.b) From the Suggested topics by the SR- Spreading of prejudice and negative stereotyping of Indigenous Peoples, including by the media, politician, academics, and other public figures.

This is an area for which we could present examples in almost every single area. The dominant religions in the Insular Caribbean are Christian faiths in all their denominations and diversity. **Spiritual practices that do not conform to Christianity are demonized and many times categorized as “witchcraft”.** As indicated above, this is something Taíno people still encounter and although our governmental system promotes the “separation of church and state,” from our perspective, that could not be further from the truth. The Insular Governmental Management of these sites tends to be Christians that undermine and often demonize our spiritual practices, hence hindering our spiritual practices and ceremonies at our sacred indigenous ceremonial sites.



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Taíno Arawak Women were the first women in the Americas to die to, and/or survive the wrath of sexual abuse and violence by the European invaders. While we wish we did not have to report that the oversexualization of Taíno Women prevails up until the present in many islands of our Taíno Ancestral territories, it is a fact. We have not seen any action nor response from the part of the States, in these examples, neither the insular Government of Puerto Rico nor any United States Federal Agency; nor the Dominican Republic, etc.

In Puerto Rico, a theatre company decided to present a comedy skit where a Taíno daughter gets her menstrual period for the first time and seeks her mother's help. Among the Taíno daughter depiction is a very vulgar way to state how "sexually aroused" she is. This skit created an outrage among community members and after Public Statements made by various Taíno Leadership, the video clip was removed, although with great displeasure, as they could not understand why we (the Taíno – Arawak – Jíbaro) were so upset. We never heard any comments from any government agency. The release of the YouTube video by Kiko El Crazy, Lary Over, Rodrigo Films – Taína Video Oficial, took place in 2021. This video currently has 4,126,694 views. (See [Kiko El Crazy, Lary Over, Rodrigo Films - Taína \(Video Oficial\) - YouTube](#)) In this video, a pair of young men enter a Museum with Sacred Indigenous Taíno Relics, all of a sudden, a Behike (our version of a shaman) offers them a smoking pipe. It is inferred they partake in our sacred Kohoba ceremony, and they are transported back in time to ancient Taíno life, with lots of Taíno Women, surrounded by our sacred semí (stone icons). The vulgar and graphically explicit song and dance is focused on having sexual intercourse with our women, the condition of their genitalia, and impregnating them.

Although this again, created outrage among the Taíno Community and we went publicly with it, including publishing an article in one of the most popular Dominican internet news, no representative of the Government of the Dominican Republic ever contacted us, even when we had been in communication with regards to other Sacred Spiritual Relics. It was not as if they did not who to contact. The video is still up while States are also supposed to take measures to ensure that Indigenous Women and children enjoy the full protection and guarantees against all forms of violence and discrimination, as it is stated on Article 22.2 of the UNDRIP. Cases as the ones presented could help perpetuate the dehumanization and objectification of our Indigenous Women and Girls, and the risk of an increase on the Missing and Murdered Indigenous Women Pandemic, as well as the continued increase in cases of Domestic Violence and Sexual Abuse. All of that, compounded to the total disregard for our Spiritual beliefs and Practices.

To conclude, it is our understanding that for the rights of Indigenous Peoples, particularly the Right to Freedom of Religion and Belief to be upheld, it is important that States fulfill their obligations and commitments of implementation on the instruments, treaties, conventions and declarations they adopt and are signatories to. In cases such as ours in Puerto Rico, where we live in a colonial setting, there must be an effective link of communication in the federal and insular agencies to ensure that the decisions that are made at the International Level make it down from the States to the National levels, including all territories, and that further mechanisms and/or procedures be created to ensure it reaches all municipalities and communities.

Hahom (Thank you).

For more information or to follow up, please contact Tai Pelli, UCTP Human Rights and International Relations Officer at taipelli@uctp.org