

COVID-19 & Indigenous Peoples



Access to COVID-19 information

COVID-19 related information is not always **translated** into indigenous languages, may not be **culturally relevant** in content, or may be presented in formats that are **inaccessible** to certain indigenous peoples.¹ When information is not accessible, the pandemic poses even greater **risks for indigenous peoples**. In Guatemala, some COVID-19 measures were only published and disseminated in Spanish, despite that they are legally bound to include indigenous people's languages.²

Recommendation

Ensure access to **periodic, timely** and **accurate** COVID-19 related information to indigenous communities. This information should be **developed in consultation with indigenous peoples**, accessible in content and format, including in their indigenous languages; and disseminated through their own institutions and channels.³



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Specific Recommendations:

The rights of indigenous peoples in Latin America and the Caribbean in the context of the exceptional measures adopted during the pandemic⁴

- “Establish policies that allow access to or improvement of information and communications technology infrastructure, based on the recognition that territorial rights include use of the ether. Such measures should include digital literacy, full access to new technologies, the availability of translators and interpreters when needed, and the promotion of indigenous peoples’ own community networks.”

Report of the Special Rapporteur on the rights of indigenous people⁵

- “Indigenous peoples in urban and rural settings should receive timely and accurate information on care and prevention during the pandemic, as well as, for instance, on support services for victims of gender-based violence during any periods of confinement, in accessible languages and formats (radio, social media, easy-read) that have been identified by the communities. States should also fund indigenous peoples’ own initiatives in this regard.”

OHCHR: COVID-19 and Indigenous Peoples’ Rights⁶

- “Ensure that timely, accessible and accurate information about prevention and care, how to seek help in case of symptoms, and what is being done to address the pandemic, is made available to indigenous peoples living in their ancestral territories and in urban contexts, in as many indigenous languages and formats (oral, written, child- friendly) as possible.”
- “Support information campaigns with and for indigenous peoples on the pandemic, including health information specific to persons with disabilities, communicated in accessible modes, means and formats and developed in consultation with (...) indigenous representatives. Provide information on preventive measures in indigenous languages, and through their own representatives and institutions, to ensure information is accessible and culturally appropriate and inclusive to all, including indigenous persons with disabilities. Involve indigenous youth in the dissemination of COVID-19 related messages within the communities, particularly through social media.”

Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights⁷

- “Accurate and accessible information about the pandemic is essential both to reduce the risk of transmission of the virus and to protect the population against dangerous disinformation. Accurate and accessible information is also crucial in reducing the risk of stigmatizing, harmful conduct against vulnerable groups, including those infected by COVID-19. Such information should be provided on a regular basis, in an accessible format and in all local and indigenous languages. Measures should also be taken to expedite access to affordable Internet services (...).”

The right to information for indigenous peoples is expressly recognized in:

ILO Convention No.169⁸

- “Article 30:
 1. Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.
 2. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.”

Convention on the Elimination of all forms of Discrimination Against Women:⁹

- “Article 10:

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.”

International Convention on the Elimination of All Forms of Racial Discrimination¹⁰

- “Article 7:

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.”

General comment No. 34 on Freedoms of Opinion and Expression¹¹

- “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.”

General Comment No. 14 on the Right to the Highest Attainable Standard of Health¹²

- “The right to health in all its forms and at all levels contains the following interrelated and essential elements, the precise application of which will depend on the conditions prevailing in a particular State party:
 - (b) *Accessibility*. Health facilities, goods and services⁶ have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:
 - i) Non-discrimination: health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds;”
 - iv) Information accessibility: accessibility includes the right to seek, receive and impart information and ideas concerning health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality;”

UN Declaration on the Rights of Indigenous Peoples¹³

- *“Article 16:*
 1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
 2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.”

Other sources that could be applicable in some contexts:

UN Declaration on the Rights of Peasants¹⁴

- *“Article 11:*
 2. States shall take appropriate measures to ensure that peasants and other people working in rural areas have access to relevant, transparent, timely and adequate information in a language and form and through means adequate to their cultural methods so as to promote their empowerment and to ensure their effective participation in decision-making in matters that may affect their lives, land and livelihoods.”

References

1. United Nations General Assembly 75th session: Report of the Special Rapporteur on the rights of indigenous peoples (A/75/185), para. 27, at <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F185&Language=E&DeviceType=Desktop>
2. La Academia de las Lenguas Mayas de Guatemala (The Academy of Mayan Languages of Guatemala), Article 4 (D) and 5 (D), at <https://www.acnur.org/fileadmin/Documentos/BDL/2008/6701.pdf>
3. Office of the United Nations High Commissioner for Human Rights: COVID-19 and Indigenous Peoples’ Rights, p. 7, at https://www.ohchr.org/Documents/Issues/IPeoples/OHCHRGuidance_COVID19_IndigenousPeoplesRights.pdf
4. United Nations Permanent Forum on Indigenous Issues (E/C.19/2021/9), para. 63
5. United Nations General Assembly 75th session: Report of the Special Rapporteur on the rights of indigenous peoples (A/75/185), para. 101
6. Office of the United Nations High Commissioner for Human Rights, p. 7
7. Committee on Economic, Social and Cultural Rights (E/C.12/2020/1), para. 18
8. International Labour Organization, Indigenous and Tribal Peoples Convention (No. 169), Part VI. Education and Means of Communication
9. Committee on the Elimination of Discrimination Against Women, Part III
10. Committee on the Elimination of Racial Discrimination, Part I
11. Human Rights Committee: General Comment No. 34 on Article 19 of the International Covenant on Civil and Political Rights, para.19
12. Committee on Economic, Social and Cultural Rights: General Comment No. 14 on Article 12 of the International Covenant on Economic, Social and Cultural Rights, para. 12
13. United Nations Declaration on the Rights of Indigenous Peoples, p. 14-15
14. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, p. 8