

COVID-19 & Indigenous Peoples



Right to adequate food

Some governmental measures during the pandemic, such as **limits on freedom of movement**, can negatively affect indigenous peoples' right to adequate food and therefore reduce their ability to sustain themselves. **Availability of and access to adequate food is vital to the enjoyment of all other rights.**¹ In Guatemala, restrictions of movement, coupled with government failure to support local sellers and communities, adversely impacted the livelihoods and the ability of indigenous and rural families to have adequate food². In contrast, transnational companies, particularly agroindustry, were authorized by the government to move throughout the country to the detriment of self-sustainable food models.³

Recommendation

Support policies and measures that **address and alleviate** threats to adequate food for indigenous peoples including threats to their traditional livelihood and food sovereignty.⁴ Special attention is needed to ensure **access to adequate food** for indigenous children⁵ and women, as well as indigenous communities in remote areas. Disaster relief packages must be respectful of traditional dietary requirements.⁶



Franciscans International
A voice at the United Nations

Specific Recommendations:

OHCHR: COVID-19 and Indigenous Peoples' Rights⁷

- “Put in place support schemes to address the socio-economic effects of COVID-19, including threats to their traditional livelihood, food insecurity and food sovereignty. For indigenous peoples not to be left behind, there should be an expansion of safety net programs to include those most affected by the coronavirus, including ensuring food access in isolated areas.”
- “Include indigenous peoples in economic and disaster relief packages, which must be respectful of traditional dietary requirements.”

UN Women: Response to COVID-19⁸

- “Address malnutrition among indigenous children and meet their ongoing food and educational needs through school meal programmes and access to learning opportunities. In doing so, take full account of potential discrimination against indigenous girls in the distribution and implementation of such services.”

The right to adequate food is expressly recognized in:

International Covenant on Economic, Social and Cultural Rights⁹

- *“Article 11:*
 1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
 2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - a. To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
 - b. Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.”

Convention on the Rights of the Child¹⁰

- *“Article 24*
 1. States parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health ...
 2. States parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(...)

 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, (...) the provision of adequate nutritious foods and clean drinking water (...)

General Comment Nr. 12 on the Right to Adequate Food¹¹

- “The Committee affirms that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights. It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all.”
- “Accessibility. (...) Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many indigenous population groups whose access to their ancestral lands may be threatened.”

General Comment Nr. 25 on Science and Economic, Social and Cultural Rights¹²

- “Scientific and technological advancements have increased agricultural productivity, contributing to higher availability of food per person and reduction of famine. Nevertheless, the environmental impacts of certain technologies associated with the Green Revolution and the risks associated with increased dependency on technology providers has led, inter alia, the General Assembly to acknowledge that peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. Thus, the right to participate in and to enjoy the benefits of scientific progress and its applications in agriculture should preserve, not violate, the right of peasants and other people working in rural areas to choose which technologies suit them best. Low-input eco-friendly agronomic techniques that increase organic matter content in soil, carbon sequestration and protect biodiversity should also be supported.”
- “In addition, States parties should take appropriate measures to ensure that agricultural research and development integrates the needs of peasants and other people working in rural areas and to ensure their active participation in the determination of priorities and the undertaking of research and development, taking into account their experience and respecting their cultures.”

Other sources that could be applicable in some contexts:

United Nations Declaration on the Rights of Peasants¹³

- “Article 15:
 1. Peasants and other people working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.
 2. States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs.
 3. States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding.

► *continues*



4. Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.
5. States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present Declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the present Declaration.”

References

1. General Comment No. 12 on the Right to Adequate Food (art.11) of the International Convention on Economic, Social and Cultural Rights, para. 1, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f1999%2f5&Lang=en
2. See: UN Inter-Agency Support Group states that, “Indigenous peoples are three times more likely to be living in extreme poverty, making it harder for them to buy and store food, or to pay for medicines or treatment, and to sustain themselves whilst they are unable to work”, p. 1, at https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2020/04/Indigenous-peoples-and-COVID_IASG_23.04.2020-EN.pdf. In addition, according to the Report on the Situation of human rights in Guatemala of the United Nations High Commissioner for Human Rights (A/HRC/46/74), “The severe social and economic impact of COVID-19 has underscored inequalities in a country where even before the pandemic, 6 out of 10 people lived in poverty. Among indigenous peoples, the rate was even higher, with poverty affecting 8 out of 10 people”, para. 7, at <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F74&Language=E&DeviceType=Desktop>
3. Statement submitted by Franciscans International to the United Nations Economic and Social Council (E/CN.9/2021/NGO/18), 19-23 April 2021, available at <https://digitallibrary.un.org/record/3897757?ln=en>
4. Office of the High Commissioner for Human Rights: COVID-19 and Indigenous Peoples’ Rights, p. 9, at https://www.ohchr.org/Documents/Issues/IPeoples/OHCHRGuidance_COVID19_IndigenousPeoplesRights.pdf
5. UN Women: “Making Indigenous Women and Girls Visible in the Implementation of the UN Framework for the Immediate Socio-Economic Response to COVID-19 Accessing Funds Through Multi-Partner Trust Fund, section “Recommended Actions”, p.7, at <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2020/04/Prioritizing-indigenous-women-in-the-MPTF-April-2020.-UN-Women.pdf>
6. Ibid n (4)
7. Office of the High Commissioner for Human Rights, p. 9
8. UN Women: “Making Indigenous Women and Girls Visible in the Implementation of the UN Framework for the Immediate Socio-Economic Response to COVID-19 Accessing Funds Through Multi-Partner Trust Fund, section “Recommended Actions”, p.7
9. Committee on the Economic, Social and Cultural Rights, Part III
10. Committee on the Rights of the Child, Part I
11. Committee on Economic, Social and Cultural Rights: General Comment No. 12 on Article 11 of the International Covenant on Economic, Social and Cultural Rights, para. 4 and 13
12. Committee on Economic, Social and Cultural Rights: General comment No. 25 on Article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights para. 64 and 65
13. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, p. 10-11