

COVID-19 & Indigenous Peoples



General non-discrimination clause

Indigenous Peoples are being **disproportionately impacted** during the pandemic.¹ Their way of life, culture, cosmovision and connection to their land and resources are a vital source of their **resilience** to the pandemic. However, inadequate government support for indigenous peoples, in the response to COVID-19, has further **threatened their right to health** as well as other **civil, cultural, economic, political and social rights**.² For example, in Brazil, “the structural and pervasive discrimination affecting indigenous peoples, Afro-Brazilians and *quilombolas* has been exacerbated by the seriousness and magnitude of the spread of COVID-19.”³



Recommendation

States, as a matter of priority, and following **consultation** with affected communities, should adopt targeted measures including through international cooperation, to mitigate the impacts of, and ensure the equitable recovery from, the COVID-19 pandemic on indigenous peoples.⁴ Special consideration must be given to indigenous peoples’ rights and their needs, as well as the **intersecting forms of discrimination** they faced prior to and during the pandemic.⁵



Franciscans International
A voice at the United Nations

Specific Recommendations:

International expert group meeting on the theme “Indigenous peoples and pandemics”⁶

- “Governments should ensure the effective participation of indigenous peoples in all recovery efforts, and culturally appropriate health services and education are integral to these recovery plans. It is essential that recovery efforts take into consideration the impacts of the pandemic on indigenous women and girls and include actions to address these.”

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

- “All States parties should, as a matter of urgency, adopt special, targeted measures, including through international cooperation, to protect and mitigate the impact of the pandemic on vulnerable groups (...) Such measures include, among others, providing water, soap and sanitizer to communities that lack them; implementing targeted programmes to protect the jobs, wages and benefits of all workers, including undocumented migrant workers; imposing a moratorium on evictions or mortgage bond foreclosures against people’s homes during the pandemic; providing social relief and income-support programmes to ensure food and income security to all those in need; taking specially tailored measures to protect the health and livelihoods of vulnerable minority groups, (...) as well as those of indigenous peoples; and ensuring affordable and equitable access to Internet services by all for educational purposes.”

Human rights and indigenous peoples⁸

- “Encourages all stakeholders, in their responses to and recovery from the COVID-19 pandemic, to work in collaboration with indigenous peoples’ representatives and institutions”
- “Encourages States to give due consideration to the rights of indigenous peoples and the multiple and intersecting forms of discrimination faced by indigenous peoples and individuals, including potential setbacks and aggravated barriers caused by COVID-19, in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the formulation of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;”
- “Encourages States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them, to include the specific needs and priorities of indigenous peoples in addressing the global COVID-19 outbreak and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda.”

UN Women: Response to COVID-19⁹

- Consult indigenous women’s groups through innovative means, to secure their views on equitable approaches for designing, reviewing and implementing stimulus packages.

Indigenous Peoples' Rights are expressly recognized in the:

UN Declaration on the Rights of Indigenous Peoples¹⁰

- *Article 1:*

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

ILO Convention No. 169¹¹

- *Article 1:*

1. This Convention applies to:

(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

General Recommendation No. 23 of the International Convention on the Elimination of All Forms of Racial Discrimination¹²

- The Committee affirms that, “that discrimination against indigenous peoples falls under the scope of the Convention and that all appropriate means must be taken to combat and eliminate such discrimination.”

Other sources that could be applicable in some contexts:

UN Declaration on the Rights of Peasants¹³

• *Article 1:*

3. The present Declaration also applies to indigenous peoples and local communities working on the land, transhumant, nomadic and semi-nomadic communities (...)



References

1. United Nations Permanent Forum on Indigenous Issues: The rights of indigenous peoples in Latin America and the Caribbean in the context of the exceptional measures adopted during the pandemic (E/C.19/2021/9), para. 24, at <https://undocs.org/Home/Mobile?FinalSymbol=E%2FC.19%2F2021%2F9&Language=E&DeviceType=Desktop>
2. United Nations Permanent Forum on Indigenous Issues (E/C.19/2021/9), states that “The pandemic has exacerbated inequality and conditions of extreme poverty for most indigenous peoples by suspending the activities by which they earn their livelihoods, such as the sale of handicrafts or trade in agricultural products. The income from these activities has not been replaced by meaningful State financial support to alleviate hunger or provide access to goods (...)”, para. 22, at <https://undocs.org/Home/Mobile?FinalSymbol=E%2FC.19%2F2021%2F9&Language=E&DeviceType=Desktop>
3. Public Letter to Brazil from the Committee on the Elimination of Racial (CERD/EWJAP/101st session/2020/Brazil/CA/ks), at https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/BRA/INT_CERD_ALE_BRA_9239_E.pdf
4. Committee on Economic, Social and Cultural Rights: Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights (E/C.12/2020/1), para. 15, at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2020%2f1&Lang=en
5. Resolution adopted by the United Nations Human Rights Council 45th session: Human rights and indigenous peoples (A/HRC/RES/45/12), para. 17, at <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F45%2F12&Language=E&DeviceType=Desktop>
6. United Nations Permanent Forum on Indigenous Issues (E/C.19/2021/7), para. 54
7. Statement by the Committee on Economic, Social and Cultural Rights (E/C.12/2020/1), para. 15
8. Resolution adopted by the United Nations Human Rights Council 45th session (A/HRC/RES/45/12), para. 12, 17 and 25
9. 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 “Window 2: Mitigate the socio-economic impact and safeguard people and their livelihoods”, p. 7
10. United Nations Declaration on the Rights of Indigenous Peoples, p. 7-8
11. International Labour Organization, Part I. General Policy
12. Committee on the Elimination of Racial Discrimination, para. 1
13. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, p. 5