

COVID-19 & Indigenous Peoples



Traditional medicine

Indigenous peoples' particular understanding of health is rooted in their deep **traditional knowledge**, especially in their use of traditional medicine.¹ Combating COVID-19 in a medically plural society can be challenging but it is essential that a **culturally acceptable approach** be taken to ensure and protect indigenous peoples' rights.² Indigenous peoples' traditional medicine is not only vital to their culture, but it is central to their well-being.³

Recommendation

Ensure that indigenous peoples' distinctive understanding of health, including their **traditional knowledge and medicine**,⁴ are maintained, considered and supported alongside **inclusive** and **culturally adapted** health services as an integral part of COVID-19 responses.



Franciscans International
A voice at the United Nations

Specific Recommendations:

International expert group meeting on the theme “Indigenous peoples and pandemics”⁵

- “Member States must ensure that indigenous peoples have the right to their traditional medicines and that they can maintain their health practices by strengthening intercultural health services and indigenous health systems that are based on indigenous peoples’ values, physical and spiritual health and a sustainable and respectful relationship with nature.”

Report of the Special Rapporteur on the rights of indigenous people⁶

- “Health-care protocols and preventive measures applicable to indigenous peoples should take into account their distinctive concepts of health, including their traditional medicine. They should be jointly developed and delivered by State health institutions and indigenous health systems that complement each other. Where distinct indigenous health structures do not exist, States should support their creation. States should also coordinate with indigenous peoples to ensure continuity of medical care for non-COVID indigenous patients.”

OHCHR: COVID-19 and Indigenous Peoples’ Rights⁷

- “Take into account indigenous peoples’ distinctive concepts of health, which are inextricably linked with the realization of other rights, including the rights to self-determination, development, culture, land, language and the natural environment.”
- “Support indigenous peoples environmental conservation projects and initiatives in the Amazon region and elsewhere, including the conservation of their vital medicinal plants, animals and minerals, taking into account and highlighting their traditional knowledge, medicines and health practices.”

Indigenous peoples’ right to their traditional medicine is recognized in the:

ILO Convention No.169⁸

- “Article 25:
 2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the peoples concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.”

Convention on Biodiversity⁹

- “Article 8:
 - (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.”

Paris Agreement¹⁰

- “Article 7:
 5. Parties acknowledge that adaptation action should follow a country-driven, gender- responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.”

General Comment No. 14 on the Right to the Highest Attainable Standard of Health¹¹

- “27. (...) These health services should be culturally appropriate, taking into account traditional preventive care, healing practices and medicines. States should provide resources for indigenous peoples to design, deliver and control such services so that they may enjoy the highest attainable standard of physical and mental health. The vital medicinal plants, animals and minerals necessary to the full enjoyment of health of indigenous peoples should also be protected. (...)”

General Comment No. 25 on Science and Economic, Social and Cultural Rights¹²

- “39. Local, traditional and indigenous knowledge, especially regarding nature, species (flora, fauna, seeds) and their properties, are precious and have an important role to play in the global scientific dialogue. States must take measures to protect such knowledge through different means, including special intellectual property regimes, and to secure the ownership and control of this traditional knowledge by local and traditional communities and indigenous peoples.”
- “40. Indigenous peoples and local communities all over the globe should participate in a global intercultural dialogue for scientific progress, as their inputs are precious and science should not be used as an instrument of cultural imposition. States parties must provide indigenous peoples, with due respect for their self-determination, to both the educational and technological means to participate in this dialogue. They must also take all measures to respect and protect the rights of indigenous peoples, particularly their land, their identity and the protection of the moral and material interests resulting from their knowledge, of which they are authors, individually or collectively. Genuine consultation in order to obtain free, prior and informed consent is necessary whenever the State party or non-State actors conduct research, take decisions or create policies relating to science that have an impact on indigenous peoples or when using their knowledge.”

UN Declaration on the Rights of Indigenous Peoples¹³

- “Article 24:
 1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.”

Other sources that could be applicable in some contexts:

UN Declaration on the Rights of Peasants¹⁴

- *“Article 23:*
 2. Peasants and other people working in rural areas have the right to use and protect their traditional medicines and to maintain their health practices, including access to and conservation of their plants, animals and minerals for medicinal use.”

References

1. United Nations General Assembly 75th session: Report of the Special Rapporteur on the rights of indigenous people (A/75/185), para. 41 at <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F185&Language=E&DeviceType=Desktop>
2. Pan American Health Organization “Considerations on Indigenous Peoples, Afro-Descendants, and Other Ethnic Groups during the COVID-19 Pandemic”, p. 13 at https://iris.paho.org/bitstream/handle/10665.2/52251/PAHOIMSPHECOVID-19200030_eng.pdf?sequence=1&isAllowed=y
3. Ibid n (1)
4. Ibid n (1), para. 102
5. United Nations Permanent Forum on Indigenous Issues (E/C.19/2021/7, para. 55
6. United Nations General Assembly 75th session (A/75/185), para. 102
7. United Nations Office of the High Commissioner for Human Rights, p.3 and 9
8. International Labor Organization, Indigenous and Tribal Peoples Convention (No. 169), Part V. Social Security and Health
9. United Nations Convention on Biological Diversity, p. 6
10. Paris Agreement, at https://unfccc.int/sites/default/files/english_paris_agreement.pdf
11. 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. 27
12. Committee on Economic, Social and Cultural Rights: General Comment No. 125 on Article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights, para 39 and 40
13. United Nations Declaration on the Rights of Indigenous Peoples, p. 18
14. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, p.14