

Submission to the Human Rights Council 3rd Intersessional meeting

The Indigenous Navigator and
the International Work Group for Indigenous Affairs



Joint submission made by the Indigenous Navigator Initiative and the International Work Group on Indigenous Affairs on **‘Building back better: Integrating human rights in sustainable and resilient recovery from the COVID-19 pandemic’**.

Human Rights Council HRC 3rd intersessional meeting on Human Rights and the 2030 Agenda

The Indigenous Navigator, together with the International Work Group for Indigenous Affairs (IWGIA) would like to start by congratulating the Human Rights Council for its organisation of these three intersessional dialogues and its cooperation on Human Rights and the 2030 Agenda for Sustainable Development.

The theme of this third session is ‘Building back better: Integrating human rights in sustainable and resilient recovery from the COVID-19 pandemic’. The COVID-19 pandemic is undermining progress across the globe in implementing the 17 SDGs, reversing socio-economic gains and magnifying pre-existing forms of discrimination and inequalities.

Indigenous Peoples today, in all parts of the world, are still fighting discrimination and targeted violence, struggling against a shrinking civic space, lacking recognition of their rights as peoples, and suffering from land dispossession, evictions and the negative consequences of climate change and conservation efforts. Indigenous Peoples are also disproportionately suffering the effects of COVID-19 and its consequences, including increased repression by states that are using the pandemic as a way to enact laws that further encroach on their rights. For Indigenous Peoples, the long-term consequences of the pandemic may be devastating. These issues are central to the event held on January 14th, 2021 and promise to not only block the achievement of the SDGs, but also to push Indigenous Peoples further behind.

Therefore, In the context of the Human Rights Council’s 3rd intersessional session on this theme, we would like to submit a statement on impacts of the COVID-19 pandemic on Indigenous Peoples and best practices in achieving the SDGs.

The Indigenous Navigator is a monitoring framework that enables indigenous communities to track progress in the implementation of international standards concerning indigenous peoples, which are contained in the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and other relevant human rights instruments.¹ It also gives indigenous communities the opportunity to assess by

¹ Namely, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Universal Declaration of Human Rights (UDHR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention against Torture (CAT).



themselves the degree to which the goals set out in the 2030 Agenda for Sustainable Development have been met. Since 2017, the consortium partners have been working with local partners in 11 countries across the world to support indigenous communities' efforts to increase understanding and awareness of their rights, as well as to voice their most pressing demands.²

The Indigenous Navigator has also been recognised as one of 16 success stories in: SDG Good Practices: A compilation of success stories and lessons learned in SDG implementation practices for the achievement of the SDGs³.

In October we issued a report, the Impact of COVID-19 on Indigenous Communities: Insights from the Indigenous Navigator⁴, which on the basis of a collaborative, community-led data-gathering effort and testimonies from indigenous communities, informs this submission.

The following recommendations rely on first-hand reports and statements on the situation of indigenous peoples in 11 countries where communities have participated in the Indigenous Navigator initiative.

We strive to highlight the differentiated impact that COVID-19 is having on indigenous peoples, which also varies from community to community, and impact clearly recognised in reports from UN agencies, including the UNPFII and the UNSR on the rights of indigenous peoples⁵.

Indigenous Peoples have historically, and continue to, face barriers in access to health, social security and education. This historical marginalisation has never been more clear than in the differentiated impacts Indigenous Peoples are facing in the COVID-19 pandemic.

The COVID-19 pandemic and its social and economic consequences are dramatically changing the trajectory towards achieving the Sustainable Development Goals (SDGs), including for the more than 476 million indigenous and tribal peoples throughout the world⁶. In this context, the need for high-quality data on the situation of indigenous peoples, which can support targeted interventions for this group, becomes even more striking. So far, accessing disaggregated data on such groups has been a challenge, as the collection and disaggregation of data on indigenous peoples tends to be inadequate or even non-existent⁷.

² www.indigenousnavigator.org

³ <https://sdgs.un.org/sites/default/files/2020-11/SDG%20Good%20Practices%20Publication%202020.pdf>

⁴ <https://iwgia.org/en/resources/publications/3878-ini-covid-19-report.html>

⁵ <https://www.un.org/development/desa/indigenouspeoples/covid-19.html>

⁶ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_735607.pdf

⁷ <https://www.un.org/development/desa/indigenouspeoples/mandated-areas1/data-and-indicators.html>



There has been a rise in food insecurity, related to loss of livelihoods and lack of access to land and natural resources. Yet despite these challenges and the incredible obstacles they face, Indigenous Peoples and communities continue to play a central role in building the response and recovery to the global crisis resulting from the pandemic.⁸

Pre-existing inequalities shape the way indigenous peoples' lives and livelihoods are being affected by the COVID-19 pandemic. In a context of lack of qualitative and quantitative data on indigenous peoples' realities, the information collected through the Indigenous Navigator Initiative provides valuable insights into the conditions of life of indigenous peoples before and during the public health crisis. It provides elements for the identification of key components for the construction of a targeted response to the pandemic that is anchored in indigenous peoples' realities and their needs. Indigenous Navigator data has shown that significant gaps in access to adequate and culturally appropriate health, social security and education run the risk of leaving indigenous peoples further behind.

Furthermore, the loss of livelihoods and obstacles in access to land are among the causes of rising food insecurity among indigenous peoples. Considering the indigenous realities described in this report, the following recommendations are presented:

1. Increase efforts to provide indigenous communities with the necessary elements to prevent further transmission of COVID-19, including masks, soap, an adequate water supply and safe drinking water, as well as appropriately equipped and culturally appropriate healthcare facilities and services, including access to information in indigenous languages.
2. Ensure that communities participate in the management of health services and preventive measures are communicated and applied in a way that is respectful of indigenous peoples' cultures.
3. Undertake inclusive, community-based risk and needs assessments of the impact of the COVID-19 crisis on indigenous peoples and include indigenous peoples as an integral component of mitigation strategies.
4. Establish or strengthen state institutions in charge of indigenous issues and ensure that government strategies to tackle the pandemic are respectful of indigenous peoples' rights and responsive to indigenous peoples' realities.

⁸ <https://www.facebook.com/356063970816/videos/341545060252528> (Launch event of the Indigenous Navigator report: The Impact of COVID-19 on Indigenous Communities: Insights from the Indigenous Navigator)



5. Adopt measures to ensure protection of indigenous peoples against encroachment on their traditional lands and ensure indigenous peoples' access to natural resources that are essential to their traditional activities.
6. Ensure respect for the labour rights of indigenous peoples, including in the context of crisis response and recovery measures; maintain and promote indigenous entrepreneurship and strengthen indigenous peoples' livelihoods and local economies in order to ensure sustainability of their communities and achieve resilience and self-reliance.
7. Ensure access to distance learning opportunities for indigenous men and women, particularly young persons, taking into consideration infrastructure obstacles to their access to the internet.
8. Ensure the participation of indigenous peoples in the organization and monitoring of the return to school, and guarantee the necessary safety conditions for teachers, students and parents alike.

Indigenous Peoples' resilience

Notwithstanding the challenges posed by the COVID-19 pandemic, indigenous organizations around the world have been quick to respond and indigenous peoples have turned to traditional practices⁹ and community-based initiatives to help them during the pandemic¹⁰. Many respondents reported that communities were undertaking “self-imposed lockdowns”, based on traditional practices (Interviews 1, 5, 6 and 8). In Bangladesh, indigenous peoples of the Chittagong Hill Tracts (CHT) have been putting their traditional lockdown practices into place to deal with the pandemic¹¹.

The Indigenous Navigator's local partners have also developed their resilience capacities and worked to find ways to support indigenous communities, while providing them with logistical and technical support to cope with the crisis. In the **Philippines**, communities are building on previous experiences of crisis (e.g. droughts and rat infestation) and increasingly retrieving traditional seeds and crops, as well as rejuvenating traditional food production systems, as they have realized that reverting to their food production systems and practices makes the community more resilient. In **Tanzania**, for instance, the Pastoralists Indigenous Non-Governmental Organization's Forum (PINGO's Forum), in collaboration with community health workers, has

⁹ https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/publication/PB_70.pdf

¹⁰ <https://www.decentjobsforyouth.org/resource-details/Blogs/733>

¹¹ http://www.oit.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_753064.pdf



trained indigenous community members in the use of sanitation supplies. In **Peru**, the National Organization of Indigenous Women has embarked on awareness-raising campaigns relating to the risks associated with COVID-19 in indigenous communities, including through community radio. In **Colombia**, the National Indigenous Organization of Colombia (ONIC) has been working on monitoring cases of COVID-19 infections within indigenous territories. In **Cameroon**, the indigenous Baka-led Association Okani has provided sanitation supplies and awareness-raising on COVID-19 to 50 indigenous communities, including developing awareness-raising materials in indigenous languages for local radio stations.

In a Latin American country, a respondent reported:

“Something we’ve done is a kind of section called “Our sisters report in real time.” Basically, it has been to focus on being able to have direct communication with the grassroots sisters so that they can tell through an audio how they are experiencing the state of emergency in their communities, how it has affected them on the issue of access to health, in the education issue with their girls, on the issue of whether or not they have cases of COVID.”¹².

In various instances, local partners have emphasized that COVID-19 responses proposed and implemented by governments are often blind to local realities and therefore rejected by indigenous groups. A respondent from Latin America highlighted that the government’s lack of involvement of indigenous institutions in the response to COVID-19 is actually having negative effects on the community. The respondent stressed that community leaders are key actors in ensuring that the community adopts preventive measures to halt the pandemic (Interview 8). Similarly, a respondent from Asia highlighted that indigenous communities and organizations hold knowledge that would be essential in the design of the response to the COVID-19 pandemic. By conducting data collection under the Indigenous Navigator initiative, for example, many communities gathered relevant information in order to diagnose which communities are in a situation of greater vulnerability. As this Asian respondent clearly explained:

“Government should engage indigenous representatives and also indigenous-led institutions and traditional institutions in all government public response programmes. Government do not engage indigenous leadership, traditional leaders. So it will be [a] mess, they will not find out who (...) need[s] to go first, who should get priority, which community needs urgent support.”¹³.

¹² <https://iwgia.org/en/resources/publications/3878-ini-covid-19-report.html>

¹³ [ibid](#)



Community engagement has also been identified by various UN organizations as crucial to ensuring the effectiveness of responses to COVID-19^{14,15}). Indigenous young persons, in particular, have also shown themselves to be important actors in building the response, as they articulate demands and innovate community-based solutions that build on traditional knowledge¹⁶. As a respondent from Asia explained:

“They [indigenous people returning to their communities] had to maintain quarantine, so they have to build some quarantine houses, apart from their familiar houses. So, (...) in the case actually then local villagers and also youth (...) help them to build some house[s] (...).”¹⁷

Building inclusive COVID-19 responses with indigenous peoples: a rights-based approach to achieving the SDGs in times of COVID-19

Establishing institutions to tackle the COVID-19 crisis with indigenous peoples

As this Statement and our reports have demonstrated, the COVID-19 crisis has sparked drastic changes in the lives and livelihoods of indigenous peoples. The disruption of cultural and economic activities that accompanies the health crisis endangers the survival of many indigenous communities across the world. The OHCHR has observed that “States are failing to adopt specific policies and at times neglecting even to include indigenous peoples in general COVID-19 responses” ([OHCHR 2020](#)¹⁸). Unfortunately, this finding resonates with the experiences of the Indigenous Navigator’s local partners.

The pressure for targeted measures to address the current needs of indigenous peoples – which go beyond health needs – should lead, first and foremost, to the establishment or improvement of state institutions in charge of indigenous issues. This is essential to ensure that government measures adopted to tackle the pandemic are coordinated and consistent with international standards on indigenous peoples. Moreover, it ensures that their actions are responsive to their indigenous peoples’ realities and reach out to the most remote indigenous communities. In light of Article 33 of ILO Convention No. 169, such institutions should have the necessary means for the proper fulfilment of their functions and should administer programmes in cooperation with the peoples concerned.

¹⁴ <https://www.unwomen.org/en/digital-library/publications/2020/06/ianwge-compendium-on-integrating-gender-considerations-in-the-response-to-covid-19>

¹⁵ <https://apps.who.int/iris/handle/10665/332172>

¹⁶ <https://www.decentjobsforyouth.org/resource-details/Blogs/733>

¹⁷ <https://iwgia.org/en/resources/publications/3878-ini-covid-19-report.html>

¹⁸ https://www.ohchr.org/Documents/Issues/IPeoples/OHCHRGuidance_COVID19_IndigenouspeoplesRights.pdf



Undertaking an inclusive risk and needs assessment of the COVID-19 crisis is equally important. The experiences and testimonies collected through the Indigenous Navigator have brought to light the differentiated impact that COVID-19 has had on indigenous peoples, which also varies from community to community. Such an assessment should be community-based, while being an integral part of government mitigation plans. Legislative or administrative measures that are to be developed, in response to identified needs of indigenous peoples, should be subject to consultation with the peoples concerned, in line with Article 6 of ILO Convention No. 169 and Article 19 of the UNDRIP.

Strengthening protection of land possession

The information emerging from the Indigenous Navigator suggests that progress in terms of securing land rights of indigenous peoples has been slow. A significant number of communities covered by the Indigenous Navigator have indicated that they lack title deeds for recognizing their ownership over their traditional lands. As recently emphasized by the ILO, “identification of lands traditionally occupied by indigenous peoples, and ultimately the recognition and protection of their rights to ownership and possession, continue to be critical issues” ([ILO 2019b](#)¹⁹).

As many indigenous communities are relying on their land and natural resources to survive during the COVID-19 crisis, it becomes urgent to establish mechanisms to ensure protection of indigenous peoples against encroachment on their traditional lands, particularly during the pandemic, when land grabbing or illegal extraction of natural resources tends to intensify. Furthermore, indigenous peoples should have access to natural resources that are essential to their traditional activities, such as the production of traditional medicine. In this regard, Article 8 of the UNDRIP calls on States to provide effective mechanisms for prevention of, and redress for, any action which has the aim of dispossessing indigenous peoples of their lands, territories or resources. According to Article 14 of Convention No. 169, this protection should extend to lands which, though not exclusively occupied by indigenous peoples, have been traditionally used by them for their subsistence and traditional activities.

Employment and support for traditional livelihoods

In the midst of a global recession triggered by the COVID-19 pandemic, which has caused the loss of a huge number of working hours in the first half of 2020 ([ILO 2020d](#))^{20,21} governments are expected to search for ways to stimulate their labour markets, as well as to address the

¹⁹ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_717509.pdf

²⁰ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_749398/lang--en/index.htm

²¹ According to the “[ILO Monitor: COVID-19 and the world of work. Fifth edition](#)”, there was a 14 per cent drop in global working hours during the second quarter of 2020, equivalent to the loss of 400 million full-time jobs ([ILO 2020e](#)).



challenges posed by informality and limited safety nets ([World Bank 2020](#))²². In this regard, it is critically important to protect vulnerable populations. The Indigenous Navigator has recorded cases of indigenous persons who have lost their jobs in urban areas in the context of the pandemic, including in industrial sectors. It has also revealed the difficulties that indigenous agricultural workers face with regard to selling their products on account of lockdown measures and restrictions on transportation.

In addition to adopting measures to maintain and promote entrepreneurship, avenues should be found to stimulate the participation of indigenous workers in economic activities that can be more easily adapted to the “new normal”, taking into account their cultural and living realities and with their close collaboration. To achieve this aim, actions should be put in place to ensure access to distance learning opportunities for indigenous men and women, particularly young persons. In this regard, vocational programmes should be designed in such a way that indigenous peoples can potentialize their skills taking into account the new labour market demands. At the same time, it is important to strengthen indigenous peoples’ livelihoods and local economies in order to ensure sustainability of their communities and securing resilience and self-reliance, as also suggested by the UN Inter-Agency Support Group on Indigenous Issues ([UN-IASG 2020](#))²³. Indigenous Navigator data can provide useful information for governments in the preparation of baseline studies on the labour situation of members of indigenous communities (both before and after the COVID-19 outbreak), so as to ensure that employment policies, as well as economic recovery programmes, are responsive to their specific realities.

At all stages of the implementation of labour recovery measures, it is important to ensure respect for the labour rights of indigenous peoples, particularly the four ILO fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour; and the elimination of discrimination in respect of employment and occupation. The latter principle is reinforced by the UNDRIP, which states the right of indigenous individuals “not to be subjected to any discriminatory conditions of labour”. Equally important, as required by ILO Convention No. 169, is to protect indigenous and tribal peoples from working conditions that are hazardous to their health.

Involving indigenous communities in controlling transmission of COVID-19

Local partners of the Indigenous Navigator have mentioned that access to health and sanitary services during the pandemic has been inadequate. Before the pandemic, local communities

²² <https://www.worldbank.org/en/news/press-release/2020/06/08/covid-19-to-plunge-global-economy-into-worst-recession-since-world-war-ii>

²³ https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2020/04/Indigenous-peoples-and-COVID_IASG_23.04.2020-EN.pdf



covered by the Indigenous Navigator had already indicated that they have experienced limitations in accessing quality health services, and that this lack has affected indigenous women in particular. As a matter of priority, governments should increase efforts to provide indigenous communities with the necessary elements to prevent further transmission of COVID-19, including masks, soap, an adequate water supply and safe drinking water, as well as support for the community-based production of sanitary and hygiene products.

The majority of communities covered by the Indigenous Navigator have reported having no participation in the management of health programmes. The WHO, however, has emphasized that “the community is not a passive actor but, rather, has an active role in addressing and helping to resolve the health issues” ([WHO 2020b](#))²⁴. Also, the UN calls on governments to “include indigenous peoples’ representatives, leaders and traditional authorities in emergency and health entities in their communities, overseeing responses to COVID-19” ([UN 2020a](#))²⁵. Article 25 of Convention No. 169 requires that health services shall, to the extent possible, be community-based. In the context of the pandemic, this is crucial to ensure that preventive measures are communicated and applied in a way that is respectful of indigenous peoples’ cultures.

In the particular case of indigenous peoples, the COVID-19 pandemic could also be seen as an important moment to promote research on traditional medicines, practices and customs, ensuring that access to this knowledge is based on their free, prior and informed consent and respects community protocols.

Overcoming barriers to education faced by indigenous peoples during the pandemic

The Indigenous Navigator data gives us a picture of the limitations of infrastructure and equipment in schools in indigenous areas. A considerable number of communities across the world have reported the absence of internet access in schools, and only a few have indicated that schools have infrastructure that is responsive to the needs of persons with disabilities (See Figure 13 and Table 4).

Indigenous children and young persons have had their education interrupted during the pandemic through school and university closures. Even though governments have tried to ensure continuity of education by promoting the use of distance learning methods, many indigenous peoples are excluded from this option because of the absence of adequate technical equipment or proper internet connectivity ([UNESCO 2020a](#))²⁶.

²⁴ <https://apps.who.int/iris/handle/10665/332172>

²⁵ https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2020/04/COVID19_IP_considerations.pdf

²⁶ <https://en.unesco.org/news/indigenous-peoples-and-covid-19-pandemic-global-overview>



One of the underlying elements of the human right to education is accessibility. Under “accessibility”, it is understood that education must be accessible to all (non-discrimination); physically accessible or via modern technology (physical accessibility) and affordable (economic accessibility) ([UN 1999](#)²⁷). Article 26 of ILO Convention No. 169 calls on governments to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community. Leaving unaddressed the specific needs of indigenous peoples to access education at the time of the COVID-19 pandemic impedes the full enjoyment of their right to education, exacerbating existing inequalities.

Pending the re-opening of schools or the provision of the necessary tools for online education, alternative solutions to guarantee continuity of education for indigenous peoples may include the use of other traditional means of communication such as community radio stations, which are still the most effective means of mass communication in several communities. Some countries have re-opened schools in rural areas where remote education is not possible ([Government of Peru 2020](#)²⁸) and UNESCO has issued guidelines for this purpose ([UNESCO et al. 2020](#)²⁹). In such cases, it is important to guarantee the necessary safety conditions (clean water, soap, hand sanitizer and proper sanitation facilities) and ensure that teachers, students and parents are all ready to adapt to measures aimed at reducing the risk of transmission. In this context, it is important to ensure the participation of indigenous peoples in the organization of this transition and its monitoring, which is in line with the right of indigenous peoples to establish and control their educational system, set out in Article 14 of the UNDRIP.

END

²⁷ <https://www.refworld.org/pdfid/4538838c22.pdf>

²⁸ <https://www.gob.pe/institucion/minedu/noticias/187380-minedu-dispone-condiciones-para-la-apertura-de-escuelas-rurales-de-manera-excepcional>

²⁹ https://es.unesco.org/sites/default/files/marco_reapertura_escuelas_es.pdf