**47th Anniversary of the International Indian Treaty Council Conference**

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**"Situation of the Rights of Indigenous Peopoles in the World".**

**March 1, 2020**

It is an honor for me to participate in the 47th Anniversary of the International Indian Treaty Council.

Today I have been asked to present on the situation of Indigenous Peoples around the world. Obviously, this is not an easy thing to do because it would take more than an hour to talk about what is happening globally, so in today's intervention I will simply highlight some aspects of human rights violations on issues that I consider to be of great importance to my mandate. In particular, I will speak to:

1. Violations of the right to land, territories, and resources;
2. The situation of indigenous human rights defenders;
3. The threat to indigenous rights and ways of life posed by both climate change and the development of environmental projects and protected areas;
4. Violations of the right to autonomy, self-determination, and self-government;
5. Discrimination as it pertains to the individual rights of Indigenous Peoples ; and
6. Indigenous good practices and resilience.

The information on which this presentation is based comes from the two thematic reports I submitted last year to the United Nations, the reports of my predecessors, and testimonies I have collected during my official and unofficial visits.

**One issue of great importance is the protection of the right to land, territories, and resources.**

Despite the fact that this right to land, territory, and resources is well established at the international level -- in the United Nations Declaration on the Rights of Indigenous Peoples (Art. 26) and ILO Convention 169 (Arts. 13-19) as well as in the jurisprudence of the Inter-American Court and other United Nations bodies -- this right is one of the most violated.

The application of the right to indigenous land and territory requires that States recognize the titles issued to Indigenous Peoples by the Crown, or when these do not exist, respect the provisions of international law according to which Indigenous Peoples possess communal property rights over the lands and resources that they have historically used and occupied by virtue of their customary land tenure systems.

This Rapporteurship has documented over the years how conflict over the control of land and resources ancestrally belonging to Indigenous Peoples is one of the most fundamental problems facing Abya Yala and other continents and prevents the effective exercise and enjoyment of the rights recognized at the international level as belonging to Indigenous Peoples. Unfortunately, I have been able to confirm that numerous States are failing to comply with their obligation to recognize the right to land and their duty to grant land titles. For example, in Asia States are appropriating lands without title, repressing Indigenous Peoples' efforts to obtain communal titles to their territories, and delaying or complicating processes to recognize customary forests.

Where titling does exist, we are witnessing occupation of indigenous territory by non-indigenous people and failure on the part of States to take action on land titling. During my official visit to Costa Rica, I was able to verify that more than 40 years of occupation of indigenous territories by non-indigenous people lies at the very foundation of a pattern of violations of the human rights of Indigenous Peoples. For instance, there are indigenous areas of Costa Rica where more than 50 percent of the inhabitants are non-indigenous. To date Costa Rica has not adopted an effective sanitation policy. This is just one example; I know that many indigenous territories are in the same situation.

The right to land must also be accompanied by the recognition of effective control over the use of resources and respect by States for indigenous land management in accordance with the way of life as defined by each Indigenous Peoples. It is often pointed out that, although Indigenous Peoples have title to their lands, States impose economic plans and development policies that do not conform to the Indigenous Peoples' worldview or vision. State policies affecting indigenous territories should be promoted only with the consent and full participation of Indigenous Peoples and with respect for their right to self-determination.

As you know, the international human rights law of Indigenous Peoples recognizes the right to self-determination, which has as a corollary the right to decide their own development according to their worldview. Also, as established in Art. 6 of ILO Convention No. 169 and Art. 36 of the UN Declaration on the Rights of Indigenous Peoples, governments are obliged to consult Indigenous Peoples prior to adopting any development project affecting their lands and resources. Even more broadly, any decision at all that directly affects Indigenous peoples, and their self-determination requires their consultation and consent.

Despite these international rights, obligations, and protections, violations have only been exacerbated by the COVID-19 pandemic, as demonstrated by alarming data in the report on "Indigenous peoples and the Recovery from Coronavirus Disease (COVID-19)" that I presented to the Human Rights Council in 2021.

Throughout the course of the COVID-19 pandemic, Indigenous Peoples , as in the case of Kenya, have reported illegal evictions. Moreover, governments have prioritized extractive industries and agricultural development in the ancestral territories of Indigenous peoples as a method of economic recovery from the pandemic. States have labeled as strategic and then accelerated projects that have substantial impact on both the environment and human rights and have too often used the COVID-19 health emerge no approve projects and policies despite a lack of good faith consultation and the free, prior, and informed consent of Indigenous Peoples. In addition, States have reduced penalties for environmental violations, criminalized human rights defenders, and weakened or eliminated environmental impact assessment and public participation requirements.

Moreover, during the pandemic governments have completely stripped the right to free, prior and informed consent of its value by favoring virtual consultations that are not culturally appropriate and not technologically accessible for many communities.

There are too many examples to mention here. Throughout the course of my Rapporteurship I have sent numerous communications to States about the development of megaprojects in indigenous territory without the consent of Indigenous Peoples. I invite you to visit my website[[1]](#footnote-1) to see all of the communications I have sent to States on this issue. To note just a few of the most recent ones:

* + In Chile on the case of implementation of a commercial project (a supermarket) in the territory of the Marta Cayulef tribe in the commune of Pucón without their consent; [[2]](#footnote-2)
  + In Namibia and Botswana on the impact of oil and gas exploration and extraction on the lands of indigenous San peoples; [[3]](#footnote-3)
  + In Oaxaca, Mexico on the impact of large-scale wind farms on the human rights of the Indigenous Peoples of Unión Hidalgo; [[4]](#footnote-4)
  + On the alleged violation of the rights of Newar Indigenous peoples over their lands, resources, and religious and cultural sites by Nepal and the U.S. The Newars face threats of forced evictions and displacement due to the construction of the Terai/Madhesh FastTrack highway and in connection with the construction of the Chhaya Center business complex in Kathmandu's Thamel tourist district. [[5]](#footnote-5)

The other great scourge that affects Indigenous Peoples is the impact of these projects on our lands, for example through contamination by agrochemicals, mercury, petroleum, and other dangerous pollutants. Particularly alarming are the consequences to the health of women and children of water pollution. In the case of Peru, the State has not taken sufficient precautionary and corrective measures to protect the human rights of members of indigenous communities of Indigenous Peoples living in the Department of Loreto who are suffering the repercussions of 50 years of oil exploitation in their territories that has affected the quality of water and soil. [[6]](#footnote-6)

**Another fundamental issue is the situation of indigenous human rights defenders.**

The 2021 reports by Front Line Defender and Global Witness show alarming figures on attacks against indigenous defenders. In 2020 alone, indigenous activists made up almost one third of the total 331 human rights defenders killed worldwide, despite the fact that Indigenous Peoples represent only 6% of the world's population. Attacks against indigenous defenders were recorded in Mexico, Guatemala, Brazil, Colombia, the Philippines, Saudi Arabia, and Indonesia, among other countries.

These data are confirmed by the abundance of information I receive directly from Indigenous Peoples and NGOs. Since the beginning of my appointment as Special Rapporteur in May 2020, some 63% of the communications I have sent in collaboration with other special procedures experts have concerned attacks, arbitrary arrests, violations of freedom of assembly, criminalization, and killings of indigenous human rights defenders. In the vast majority of cases, these violations occurred in the course of protests or actions to protect indigenous lands from development projects approved without the consent of Indigenous Peoples.

The criminalization of indigenous human rights defenders is so significant that this mandate is committed to analyzing the underlying causes of these numbers and events.

In 2017, my predecessor Victoria Tauli-Corpuz devoted an entire thematic report for the Human Rights Council to the "Attacks and Criminalization of Indigenous Human Rights Defenders: Availability of Prevention and Protection Measures."[[7]](#footnote-7) According to my predecessor's report, one of the root causes of the current escalation of attacks is lack of respect for the collective land rights of Indigenous Peoples and the failure to provide indigenous tribes with secure land tenure, which in turn negatively impacts their ability to effectively defend their lands, territories, and resources from harm caused by large-scale projects. As documented by the former Special Rapporteur, instances of criminalization and violence arise, in most cases, when indigenous leaders and members of their communities express their opposition to large-scale projects related to extractive industries, agribusiness, infrastructure, hydroelectric dams, and logging.

Consistent with my predecessor's findings, the report on COVID recovery measures that I submitted to the Human Rights Council in 2021 shows that implementation of COVID-19 measures has been used to reinforce authoritarian and militarized responses and repression of civic space, as laws are enacted that restrict freedom of expression and target human rights defenders. The result is that indigenous human rights defenders are experiencing high levels of violence, intimidation, harassment, and even killings.

In several regions, peaceful protests are being restricted in the interest of public health, while the expansion, construction, and operation of commercial and extractive industries continues in order to promote economic recovery. Meanwhile, illegal land invasions that destroy Indigenous Peoples' forests, lands, and natural resources have increased while governments have focused on anti-pandemic measures and have devoted less attention or taken less action to protect lands and natural resources.

Indigenous Peoples are at increased risk of criminalization and eviction from their lands due to regulatory rollbacks in determining the environmental impact of development projects. In Bangladesh, there have been reports of increased military surveillance and harassment of Indigenous Peoples in the Chittagong Hill Tracts.[[8]](#footnote-8) Community members are being subjected to death threats and arrest for peacefully opposing a large-scale tourism complex initiated by the military on Indigenous Peoples ' traditional lands. In Mexico, the construction of the large Tren Maya railway project has been assigned to the Army, and indigenous land rights defenders have been intimidated and threatened. [[9]](#footnote-9) In Kenya, the Maasai, Ogiek, and Sengwer face threats, evictions, and criminalization for defending their lands and resources. [[10]](#footnote-10)

During my experience as Special Rapporteur, I frequently see that indigenous women as human rights defenders suffer gender-related effects. They are often subjected to discrimination, physical and psychological threats, and violence. In her report, my predecessor shows that, although the majority of indigenous defendants are men, women are the most affected by the absence of men, as they have to assume all the functions of obtaining resources to support the family by themselves, including food and the means to send their children to school.

It is paramount that States adopt protection measures that are collectively and culturally appropriate for Indigenous Peoples and in consultation with affected communities. States must also address the root causes of violence against indigenous human rights defenders. States must end impunity for crimes committed against indigenous human rights defenders and must respect and protect indigenous collective rights to lands, territories, and resources as well as the right to free, prior, and informed consent before developing projects that may affect the fundamental rights of Indigenous Peoples.

**A very important issue for this mandate is violation of the rights of Indigenous Peoples in the context of the development of environmental and conservation projects and protected areas, as well as the adverse effects of climate change on Indigenous Peoples.**

Globally, the adverse effects of climate change, such as forest fires, deforestation, drought, sea level rise, coral reef degradation and other natural disasters, are exacerbating involuntary migration and urbanization of Indigenous Peoples. According to UN Habitat, Indigenous Peoples who are forced to migrate as a result of climate change often end up occupying precarious housing in the poorest urban areas, exposed to natural disasters and environmental pollution. In sub-Saharan Africa, drought causes the migration of nomadic Indigenous Peoples. Climate change-induced droughts are forcing Tuareg pastoralists to abandon traditional herding practices and move to cities.

I am also particularly concerned about an ambitious new conservation target known as the 30 x 30 global campaign. It is a commitment by States to protect 30% of land and water by 2030 as a way to halt global biodiversity loss and slow climate change. However, if the plan does not focus on the rights of Indigenous Peoples, it has the potential to create conflict, violence, and increase human rights violations around the world. History shows us that when States create protected areas, Indigenous Peoples suffer serious human rights violations. Protected areas can take different forms in different countries, such as national parks and forests or UNESCO World Heritage sites.

For centuries, the main idea behind protected areas has been that humans cannot live in or use them. This conceptualization of protected areas is rooted in the colonial approach to conservation, which considers protected areas as "natural spaces" that should not be used or occupied. This approach has led to the violent eviction and dispossession of Indigenous Peoples around the world. This has occurred in many countries for hundreds of years, starting with the U.S. national park system. This "fortress conservation" model leads to human rights abuses, displacement, and militarized forms of violence.

As an example, in June 2021 I sent a communication to the UNESCO World Heritage Center and the State of Thailand regarding the Kaeng Krachan Forest Complex, Thailand's largest national park. [[11]](#footnote-11) In 2013, the Government applied to have the park listed as a UNESCO World Heritage site without consulting the Indigenous Karen Peoples living there. We received numerous reports that the Karen were being forcibly evicted from their communities, harassed and arrested by state officials, and that a prominent Karen leader was killed after being arrested by national park officials. We urged the World Heritage Committee to postpone Thailand's nomination for the park to be listed as a World Natural Heritage site because of these ongoing human rights violations. However, in July 2021, UNESCO approved the application. Our reports indicate that members of the Thai military and armed national park officials continue to harass and detain Karen, using the park's checkpoints and video surveillance to monitor their movements, and continue to deny entry to the park to independent observers.

As in the case of the Karen in Thailand, many other initiatives related to climate change and also "green economy" development can lead to the forced eviction of Indigenous Peoples, directly threatening livelihoods, crops and livestock, housing, access to land and resources, employment, and basic services. On all continents, the creation of national parks and protected areas has led to the forced relocation, destruction of livelihoods, and detention of many Indigenous Peoples living in these areas, driving them to abandon their traditional livelihood activities.

For all these reasons I have decided to dedicate my next annual report to the General Assembly to "Protected Areas and the Rights of Indigenous Peoples: The Obligations of States and International Organizations."

I consider it urgent to examine the issue of protected areas and the rights of Indigenous Peoples and to investigate recent developments with a focus on the obligations of States and international organizations to respect, protect, and promote the rights and perspectives of Indigenous Peoples.

I would also like to take this opportunity to tell you about the second thematic report that I will present to the Human Rights Council in September 2022. The title of that report is: “Indigenous Women and the Development, Application, Preservation and Transmission of Scientific Knowledge.”

The report will focus on the role of indigenous women as guardians of scientific and technical knowledge in the context of international human rights law and will identify the current threats and challenges indigenous women face as women and indigenous women. The report will provide recommendations for securing and protecting indigenous women's capacity to develop, apply, maintain, and transmit knowledge and will propose best practices for State and international support as well as for indigenous women-led initiatives.

Indigenous women play a vital role as holders of scientific and technical knowledge related to medicines and food, conservation and preservation of language, culture, and generational histories. Their knowledge is critical to creating solutions to conflicts through indigenous justice, addressing climate change and the preservation and protection of biodiversity, maintaining indigenous identity and knowledge, achieving sustainable development, and building resilience to pandemics and other extreme events.

The terminology "scientific and technical knowledge" is used instead of the more common "traditional knowledge" to emphasize that indigenous knowledge is contemporary and dynamic, not static and fixed in time. It further emphasizes that indigenous knowledge is a sophisticated set of understandings that is no less valuable than other types of knowledge and often forms the basis of "Western" science.

In the absence of culturally appropriate legal frameworks that conform to international human rights standards, indigenous women's knowledge can be exploited or misused by outside interests, such as the tourism, pharmaceutical, and fashion industries. Indigenous women are also often excluded from decision-making processes, as their contributions are overlooked by international and national institutions.

**Returning to the violations of the collective human rights of Indigenous Peoples, I would like to mention the violation of the right to autonomy or self-government.**

I would like to recall that the right to self-government is a corollary of the right to self-determination. As stated in Article 4 of the UN Declaration on the Rights of Indigenous Peoples: "Indigenous Peoples , in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions." This latter right, however, can be guaranteed only by recognizing in Indigenous Peoples, as stated in Article 5 of the Declaration, the "right to maintain and strengthen their own political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State."

While many State constitutions to date do not recognize the right to self-determination and/or the right to indigenous self-government, those that do must ensure that these rights are implemented in accordance with international standards. One of the main problems relates to the failure to include indigenous territorial governance structures among the structures of decentralized political power on a par with, for example, provinces or municipalities.

The State, in order to effectively fulfill the right to self-determination, must attribute to Indigenous Peoples the title of public subject of law, taking into account and respecting the form of government established by each indigenous tribe and involving Indigenous Peoples in this recognition process.

It is also essential to promote positive actions to ensure equitable political participation of Indigenous Peoples , as well as to guarantee the participation of Indigenous Peoples, particularly women, in all state institutions.

For example, according to my report on the rights of Indigenous Peoples living in urban areas, Indigenous Peoples living in cities often face obstacles to participation in public life, including representation in local and national government and the right to vote. Indigenous Peoples who cross international borders face even greater exclusion and have restricted access to political power and participation in the electoral process.

In terms of political representation, in 2014 only 979 of the 44,000 parliamentarians worldwide were indigenous (of which 80% were men). Political participation is limited as well, In Australia, for example, only 50% of Aboriginal and Torres Strait Islander People are on the Australian electoral roll. This is partly due to the eligibility criteria for voting, including the requirement of a fixed abode and the prohibition on voting for prisoners serving a sentence of more than three years, which disproportionately affect Indigenous Peoples.

Another aspect that I consider extremely important to protecting the right to self-determination is the recognition of indigenous systems and conceptions of justice.

Recognizing indigenous justice means recognizing and respecting indigenous epistemology, which also means respecting the indigenous juridical tradition based on the indigenous cosmovision, on our idea of society, power, and social relations. This indigenous juridical tradition must be seen as a part of -- not as an antagonist to --the State juridical tradition. This means that the relationship between indigenous law and state law must be one of equality, and it is necessary to overcome racialized and discriminatory attitudes towards indigenous law.

1. As my predecessor James Anaya explains: Indigenous jurisdiction should not necessarily be limited to events occurring within the territorial scope of a particular community and between members of the same community or Indigenous People.
2. States should recognize the dynamic nature of indigenous law and the ability of indigenous justice systems to adapt to contemporary situations and contexts, and to judge new types of problems or disputes in a manner consistent with their own cultural, social, and political precepts.
3. State authorities should consider recognizing the power of indigenous justice authorities to adjudicate matters concerning non-indigenous persons and entities present on their lands. [[12]](#footnote-12)

Unfortunately, the 2019 mandate report[[13]](#footnote-13) shows that even when States grant legal recognition to indigenous justice systems, there are often laws that restrict the scope of indigenous jurisdiction, often limiting it to minor offenses in the areas of personal, material, and territorial jurisdiction that occur within the territorial boundaries of an indigenous community.

**Another relevant challenge is the discrimination suffered by Indigenous Peoples in the effective enjoyment of individual rights, such as economic, social, and cultural rights.**

Here I will offer some examples from my report on "The Rights of Indigenous Peoples Living in Urban Areas" that I presented last year to the UN General Assembly. These are only examples, and I invite you to download and read the report for more complete information.

On the issue of the right to housing.

Indigenous Peoples migrating to urban areas disproportionately inhabit substandard housing that is culturally inadequate. Reports indicate that a significant sector of the urban Indigenous Peoples lives in slum areas and informal settlements with limited access to basic services such as sanitation, potable water, and public transportation. Many indigenous families do not own their urban dwellings and are vulnerable to forced evictions without due process rights, leading to homelessness and extreme poverty. In Latin America, 36% of urban Indigenous Peoples are reported to live in slums. They often live in extreme poverty and in unsafe and unsanitary conditions, with limited access to water and sanitation, as well as being vulnerable to natural disasters.

Widespread discrimination against Indigenous Peoples in urban areas is a major and systematic obstacle to obtaining adequate housing. There are documented practices of discrimination in housing and in relation to forced evictions of urban Indigenous Peoples. For example, in the United States, according to a recent study conducted in New Mexico, Minnesota, and Montana, indigenous people in the United States were treated unfavorably 28% of the time when they tried to rent housing in competition with a white, non-indigenous, equally qualified person.

I would like to emphasize that indigenous women as women and indigenous women suffer multiple forms of discrimination. For example, indigenous women living in cities have some of the most precarious levels of housing and land tenure security, as these systems can have a discriminatory effect on women. Cultural traditions often force women to depend on men for land and housing security, especially since property rights vested in men deny women legal protection. In addition, individual land titling systems are difficult to access for indigenous women of low socioeconomic status.

Furthermore, lack of adequate housing is a nexus of ongoing violence against indigenous women and children. When indigenous women leave an abusive partner, they often leave their community, increasing their vulnerability to violence. In these situations, the housing available to them is inadequate, while economic marginalization and criminalization increase dramatically. Moreover, indigenous women and children who migrate to urban areas are at greater risk of being trafficked.

On the issue of the right to education.

In most regions, illiteracy among Indigenous Peoples is high. Indigenous Peoples in cities face difficulties enrolling their children in school and large disparities in the completion of primary education. As a result, they are less likely to obtain a degree, diploma, certificate, or vocational training than their non-indigenous counterparts. This educational gap is due to several factors:

1) lack of a multilingual education based on the mother tongue;

2) culturally inadequate curricula;

3) poor quality of teaching and infrastructure;

4) insufficient staffing;

5) schools located in remote areas and lacking access to adequate public transportation.

Structural barriers can further limit access to education for indigenous women and girls, who are more likely to drop out of school due to pregnancy or the need to care for family members or help with household and child-rearing responsibilities.

Over the course of the COVID-19 pandemic, barriers to educational access for Indigenous Peoples have increased due to lack of Internet access. A disproportionately high percentage of indigenous children do not have Internet access at home, creating barriers to education and leading to disengagement from learning. Closing the technology gap will give Indigenous Peoples more opportunities to work and study remotely.

In many countries, Indigenous Peoples have suffered structural discrimination in education, including boarding and residential school policies based on forced relocation. Loss of culture, language, and identity has exacerbated indigenous displacement from lands, territories, and natural resources. The traumatic history of assimilation, discrimination, and violence in many parts of the world is one of the main underlying factors in contemporary discrimination. For this reason, in order for the individual rights of Indigenous Peoples to be effectively implemented and protected it is necessary to adopt a cultural approach. It is not enough simply to guarantee education; that education must be based on culturally appropriate curricula and respect for our history, science, etc.

For this reason, Article 15 of the United Nations Declaration on the Rights of Indigenous Peoples establishes that: "Indigenous Peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information."

The UN Committee on Racial Discrimination in its General Recommendation No. 23 urges State parties in particular to recognize and respect the culture, history, language, and way of life of Indigenous Peoples as a factor enriching the cultural identity of the State and to ensure their preservation.

On health-related issues.

The need to adopt a cultural approach also applies in the field of health protection where, for this right to be effective, it is necessary to guarantee culturally appropriate medical services based on the recognition of indigenous medicine.

To conclude this part on violations of the individual human rights of Indigenous Peoples I would like to mention that my reports, too, show that COVID-19 for indigenous women and girls has further exacerbated existing inequalities and marginalization. For women and girls, some major areas of concern emerged in the report:

1. In education, school closures have led to increased levels of pregnancy and early marriage among school-aged girls. Girls are also less likely to receive support to continue their education due to increased domestic responsibilities;

2.Reports from the Americas, Asia, and Africa indicate a correlation between confinement and an increase in domestic and other violence against indigenous women and girls;

3.Indigenous women are particularly affected economically. Women are experiencing the highest rates of unemployment during the pandemic, and violence against women is correlated with economic insecurity;

4. Maternal mortality rates are increasing due to the lack of prioritization of non-COVID treatments;

5. Women's workload increased when families were confined to the home. In addition to performing their usual chores, they often have been responsible for ensuring preventive hygienic measures, which has increased their need for drinking water that must be collected from longer distances while respecting restrictions and for caring for the sick;

6. Indigenous women and girls are the first to suffer the adverse social, economic, and cultural effects of the encroachment on indigenous lands during the pandemic; and

7. Finally, indigenous women, who are often on the front lines of protecting indigenous territories and lands, have been disproportionately affected by the repressive actions of States against human rights defenders during the pandemic.

**I would like to dedicate the last part of my intervention to indigenous resilience.** My reports illustrate both indigenous resilience and good practices on the part of Indigenous Peopoles.

States should not view the exercise of the right to indigenous self-determination as a threat to their territorial integrity but rather as an opportunity. The reports of this mandate are full of cases demonstrating that when Indigenous Peoples are allowed to exercise their self-determination, it is beneficial to society as a whole.

For example, my predecessor's report shows that indigenous justice systems are generally considered to be more accessible and culturally adapted and are often the main source of dispute resolution for indigenous communities. In some countries, around 90% of cases are brought before indigenous justice systems. In Timor-Leste, where the vast majority of disputes are settled in the customary justice system, the spiritual traditions of sacred practice have for many centuries regulated community relations. This also means a great saving of public resources for the States.

In many cases over the past two years, Indigenous Peoples have devised their own measures to respond to the pandemic in ways that exercise their right to self-determination and expand their sovereignty, especially where States have been slow to act. They have exercised their own jurisdiction and control over territories and resources by proactively distributing food and goods, restricting, or closing borders, suspending tourism to prevent transmission of the virus, and taking legal action to protect their communities.

Throughout Latin America, Indigenous Peoples and organizations have promoted containment measures, instituting health protocols and collecting and distributing food and basic necessities. For example, in Ecuador, communities have provided food kits to those living in urban areas and promoted the exchange of products for mutual aid between the countryside and the city.

On the Navajo Nation in the United States, local tribe members have launched initiatives to provide donated food, firewood, and other necessities to vulnerable families and the elderly when off-reservation store inventories were depleted or stores closed in response to the pandemic. In Kenya, Endorois women have distributed face masks and hand sanitizers in their community.

Indigenous Peoples have restricted external intrusions and reduced COVID-19 transmission through roadblocks, sanitary barriers, checkpoints, and disinfection points. However, in some cases these initiatives met with resistance from government authorities. For example, in North America, reports indicate that governments have taken steps to prevent the establishment of checkpoints on roads into indigenous territories, intended to limit exposure to and spread of the virus, by filing lawsuits and threatening to cut funding to the Indigenous Peoples instituting these measures.

In Latin America, Indigenous Peoples have taken political and legal action to obtain equal access to healthcare and to oppose the development of mega-projects in their territories. Indigenous Peopoles have established alliances with non-governmental organizations, international actors, and religious entities to provide emergency responses to COVID-19 and to protect indigenous environmental defenders.

During the pandemic, indigenous communities have shown resilience and initiative in the face of State inaction as well. For example, Indigenous Peoples and organizations have taken measures to protect Indigenous Peoples in voluntary isolation and initial contact. In Ecuador, the Waorani have demanded precautionary measures to protect the Tagaeri and Taromenane Indigenous Peoples from the spread of COVID-19 in their communities. In the Pluractional State of Bolivia, indigenous organizations have implemented isolation measures to protect voluntarily isolated tribes. In Brazil, indigenous organizations obtained a Supreme Court ruling ordering the federal government to install health barriers for Indigenous Peoples living in voluntary isolation and initial contact, as well as equal access to healthcare for Indigenous Peoples.

On a positive note, the COVID pandemic has led many Indigenous Peoples to revitalize, reinforce, and use indigenous worldviews to respond innovatively to the challenges of COVID. The COVID 19 report shows initiatives for the revitalization of indigenous knowledge, reconnection with traditional lands, and recovery of indigenous food resources.

Pre-existing food insecurity in Indigenous Peoples has been exacerbated by climate change and pandemic confinements. Communities have responded by relying on food sovereignty networks and traditional food systems to ensure their food and nutrition security. According to one report, "during the pandemic, there has been a strengthening of traditional diets, either because of a lack of access to processed foods or because of a critical reflection on the habit of consuming these products and the damage they cause to people's health."

The Indigenous Seeds and Food Sovereignty for COVID-19 Relief project, implemented by Indigenous Peoples in the United States, "supports Indigenous Peopoles ' food sovereignty and the restoration of traditional use of seeds, foods and medicinal plants. The project facilitates and supports the creation of home and community gardens for reservation households to supply and supplement their food needs and provides access to freshly grown food...in response to the pandemic and for long-term health and resilience."

In Latin America, youth have played a key role in designing solutions for COVID-19, revitalizing indigenous knowledge and languages, promoting food security, and protecting ancestral territory. Indigenous youth have planted gardens of medicinal plants and traditional indigenous foods, developed cultural and intergenerational information materials on COVID-19, distributed masks with indigenous cultural motifs, used street art to promote indigenous languages and knowledge, documented the knowledge of elders, and created cultural maps to protect their ancestral territory.

In Colombia, Indigenous Peoples have reinforced ancestral practices to promote food sovereignty in order to collaborate in COVID-19 recovery and prevention efforts. In Paraguay, indigenous organizations coordinated with government institutions to train Indigenous Peoples in forest monitoring in protected areas. In Ecuador and the Plurinational State of Bolivia, indigenous organizations have promoted the experience of the Numi project, which restores territories of life based on indigenous science to restore the Amazon ecosystem and protect it from deforestation.

In Latin America, the Confederation of the Kayambi People, in collaboration with the municipality of Cayambe, Ecuador, implements programs for young children by sending community educators on home visits, providing food for infants, and promoting family farms in urban areas. In Peru, an indigenous organization, the Shipibo Koibo Xetebo Council, broadcasts culturally appropriate radio and television programs in Shipibo. In Guatemala, the Abuelas Comadronas Nim Alaxik is a national movement promoting the recognition and valuing of indigenous knowledge in the national health system.

In the case of access to health through the course of the pandemic, Indigenous Peoples have promoted the application of indigenous medicine and knowledge. Indigenous Peoples are contributing to the fight against the pandemic through traditional medicine and cross-cultural medical approaches to strengthen their immune systems and their resistance to the virus.

In Bangladesh, an indigenous community is taking traditional germ-killing herbs and has resumed the practice of dobok johar, a traditional greeting system that maintains physical distance. In the Mato Grosso region of Brazil, the Kuikuro established partnerships with hospitals, set up their own health center, and hired doctors and nurses to stay with them and help with prevention. By combining traditional treatments, indigenous foods, and a safe environment, they managed to keep the community safe. In Nicaragua, the disease was managed and treated with ancestral knowledge using plants, roots, and medicinal practices traditionally used to treat respiratory diseases and strengthen the immune system, which apparently led to some communities being less affected by the pandemic. In Canada, the Tŝilhqot'in Nation reported that new positive relationships had emerged as a result of the pandemic, such as the delivery of food and virtual access to healthcare specialists. In Thailand, the Karen have performed rituals by closing their villages and not letting anyone in, and in Bangladesh the Indigenous Mro Peoples have placed a bamboo fence (khasur) at the entrance to their territory to isolate their villages.

Indigenous women in particular have shown great resilience during the course of the pandemic. COVID was also an opportunity for women to demonstrate their resistance, strength, and hope for the future. If COVID has taught us anything, it is that we need to change our relationship with Mother Earth. It has been scientifically proven that there is a correlation between deforestation and zoonotic diseases. In this regard, women and girls have played a key role in protecting nature and ecosystems. They have led initiatives to recover from the pandemic in ways that exercise indigenous rights to self-determination and self-governance while reconnecting with their traditional lands and revitalizing cultural practices.

For example, indigenous midwives have redoubled their efforts to meet the growing demand for care, as indigenous women have preferred not to go to official health centers for fear of contagion.

Indigenous women and organizations have promoted initiatives to address the violence and discrimination they suffer. In Brazil, they have denounced cases of sexual violence and femicide and have disseminated information on gender violence, depression, and suicide prevention in indigenous communities.

**In closing, I would like to summarize the main challenges facing Indigenous Peopoles that are of the utmost importance for this mandate to investigate, denounce, and report upon:**

1) Violations of the right to land, territory and resources, in particular due to the occupation of indigenous territory by non-indigenous people and the development of mega-projects without consent.

2) The dramatic situation of indigenous human rights defenders.

3) The emerging risk derived from the promotion of new environmental protection policies such as the 30 x 30 global campaign. In my intervention I have shown the risks involved in the creation of protected areas.

4) Violations of the right to self-determination, in particular the non-recognition by States of legitimate indigenous governance structures and self-justice, as well as the lack of indigenous participation in all State institutions.

5) Discrimination in the enjoyment of individual rights of Indigenous Peoples, as well as the absence of a cultural approach by the State and its implementation.

In addition:

1) This mandate has a mission to protect the rights of women and to give voice to the multiple forms of discrimination they suffer.

2) Finally, it is important to promote and strengthen the programs and practices that have been developed at the local level and that are an expression of the right to self-determination, self-development, and resilience.

I would like to thank you again for the invitation and leave space for questions.

Thank you.

1. <https://www.ohchr.org/sp/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx> and https://un.arizona.edu/ [↑](#footnote-ref-1)
2. [CHL 10/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26862) [↑](#footnote-ref-2)
3. [OTH 252/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26806); [OTH 255/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26824); [NAM 2/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26802); [CAN 7/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26805); [BWA 3/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26804) [↑](#footnote-ref-3)
4. [MEX 11/2020](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25562) [↑](#footnote-ref-4)
5. [NPL 1/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26282) [↑](#footnote-ref-5)
6. [PER 3/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26349) [↑](#footnote-ref-6)
7. [A/HRC/39/17](https://undocs.org/es/A/HRC/39/17) [↑](#footnote-ref-7)
8. [BGD 8/2020](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25810) [↑](#footnote-ref-8)
9. [MEX 11/2020](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25562) [↑](#footnote-ref-9)
10. [KEN 3/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26488); [KEN 3/2020](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25492); [KEN 2/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26442) [↑](#footnote-ref-10)
11. [THA 4/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26518); [OTH 209/2021](https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26517) [↑](#footnote-ref-11)
12. [A/HRC/42/37](https://undocs.org/es/A/HRC/42/37) [↑](#footnote-ref-12)
13. [A/HRC/42/37](https://undocs.org/es/A/HRC/42/37) [↑](#footnote-ref-13)