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Annual report of the Expert Mechanism on the Rights of Indigenous Peoples*

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I. Introduction

1. In its resolution 6/36, the Human Rights Council established the Expert Mechanism on the Rights of Indigenous Peoples as a subsidiary body to assist the Council in the implementation of its mandate by providing it with thematic expertise on the rights of indigenous peoples, as requested by the Council. In the resolution, the Council established that the thematic expertise would focus mainly on studies and research-based advice, and that the Expert Mechanism might put forward proposals to the Council for its consideration and approval.
2. In September 2016, the Human Rights Council adopted resolution 33/25 amending the mandate of the Expert Mechanism to provide the Council with expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples and to assist member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfilment of the rights of indigenous peoples. The specific elements of the new mandate are set out in the resolution.
3. Owing to the coronavirus disease (COVID-19) crisis, the Expert Mechanism conducted its thirteenth session virtually, in two parts. It held the first part virtually from Geneva from 22 to 24 June 2020 and the second part in the form of four regional meetings held from 30 November to 3 December 2020 (see sect. V below).

II. Intersessional activities and country engagement

4. Since its twelfth session, held in July 2019, the Expert Mechanism has undertaken several official intersessional activities. In September 2019, the Chair held an interactive dialogue at the forty-second session of the Human Rights Council as part of the process of submission of its study entitled “Indigenous peoples’ rights in the context of borders, migration and displacement” (A/HRC/EMRIP/2019/2/Rev.1). In the same month, the Chair served as moderator of the annual half-day discussion on the rights of indigenous peoples held by the Council, which focused on the promotion and preservation of indigenous languages. The focal points on the Steering Committee for the International Year of Indigenous Languages, Kristen Carpenter and Lounes Belkacem, engaged in various activities throughout the year. In September 2020, the Chair of the Expert Mechanism held an interactive dialogue at the forty-fifth session of the Council as part of the process of submission of the study entitled “Right to land under the United Nations Declaration on the Rights of Indigenous Peoples: a human rights focus” (A/HRC/45/38) and the report entitled “Repatriation of ceremonial objects, human remains and intangible cultural heritage under the United Nations Declaration on the Rights of Indigenous Peoples” (A/HRC/45/35).
5. On 4 and 5 March 2020, the Expert Mechanism held a seminar in Vancouver, Canada, on the repatriation of ceremonial objects and human remains under the Declaration with the objective of obtaining substantive input for its study on the same theme. The Expert Mechanism would like to acknowledge the support of the University of British Columbia in organizing and sponsoring the seminar.
6. Owing to the COVID-19 crisis, the Expert Mechanism held its expert seminar on the theme “Rights of the indigenous child under the United Nations Declaration on the Rights of Indigenous Peoples” virtually, during two afternoons on 16 and 17 November 2020. The Expert Mechanism is grateful to the Centre for Children, Youth and Family Research of the University of Greenland for co-organizing that seminar, the main objective of which was to gather substantive input for a study on the rights of the indigenous child. The seminar brought together approximately 25 participants, including members of the Expert Mechanism, practitioners from several regions, indigenous human rights advocates, academics and staff of the Office of the United Nations High Commissioner for Human Rights. The Expert Mechanism held an intersessional meeting virtually, in the afternoon of 18 November 2020.
7. The Expert Mechanism took part in consultations held in view of the fact that the nineteenth session of the United Nations Permanent Forum on Indigenous Issues was postponed owing to the COVID-19 crisis.

8. The planned country engagement mission of the Expert Mechanism to the Democratic Republic of the Congo, which had been scheduled for February 2020, was postponed for security reasons. Between 2018 and 2020, the Expert Mechanism conducted a country engagement process following a request for the repatriation of a Yaqui ceremonial deer head (*maaso kova*) from the National Museum of World Culture in Sweden. As part of the process, the Expert Mechanism facilitated a day-long dialogue held between representatives of the Museum and representatives of the Yaqui people on 6 March 2020 in Vancouver, Canada, after the above-mentioned seminar (see para. 5 above). Following the dialogue, the Expert Mechanism conveyed to the Government of Mexico that the parties were open to the repatriation of the *maaso kova* and other parts of the Museum's Yaqui collection to the Yaqui people in Mexico. The matter is still ongoing.¹

III. Adoption of studies, reports and proposals

A. Studies and reports

9. At its thirteenth session, the Expert Mechanism adopted its study entitled "Right to land under the United Nations Declaration on the Rights of Indigenous Peoples: a human rights focus", prepared pursuant to paragraph 2 (a) of Human Rights Council resolution 33/25. The Expert Mechanism also adopted its report entitled "Repatriation of ceremonial objects, human remains and intangible cultural heritage under the United Nations Declaration on the Rights of Indigenous Peoples", prepared pursuant to paragraph 2 (b) of Council resolution 33/25. The Expert Mechanism wished to replace paragraph 64 of the latter report with the following:

64. The Ethnographical Museum of Geneva has a strategic plan seeking "new relational ethics between those who have long been described as and opposed to each other as collectors and collected".⁴⁸ In addition to having taken a proactive role in the process of repatriating a Maori *mokomokai*,⁴⁹ the Museum has also sought to build relationships with indigenous peoples. One example is the Museum's ongoing project with the Yolju people of Milingimbi, in Northern Australia. In 2017, the Museum signed a collaboration agreement with a research project of the Australian National University and with Museums Victoria in order to work with the Museum's collection of objects from Milingimbi. In September 2018, the Museum received a visit from Ellen Ganalmirriwuy and Ruth Nalmakarraa, two Aboriginal women artists from the Milingimbi Art and Culture Centre. In addition to examining and interpreting the collection, the artists gave a workshop to Museum staff. The visit also led to the Museum obtaining consent for the study of two skulls in the Museum's possession in order to carry out research on their exact origin with a view to possible repatriation. The Museum's curator of Oceania collections also visited the Milingimbi Art and Culture Centre, sharing documentation and photographs of the Museum's entire Milingimbi collection.

⁴⁸ Presentation by Carine Ayélé Durand at the aforementioned expert seminar on repatriation, Vancouver, Canada, 4–5 March 2020.

⁴⁹ *Mokomokai*, or *Toi moko*, are preserved heads of Maoris, the indigenous people of New Zealand, the faces of which have been decorated by *tā moko* tattooing.

B. Proposals

10. At its thirteenth session, the Expert Mechanism adopted the proposals below, which were subsequently submitted to the Human Rights Council.

¹ See www.ohchr.org/Documents/Issues/IPeoples/EMRIP/Session12/MaasoKova.pdf.

1. **Proposal 1: Participation of indigenous peoples in the Human Rights Council**

11. The Expert Mechanism invites the Human Rights Council to facilitate, in consultation with indigenous peoples, the participation of indigenous peoples' representatives and representative institutions in the work of the Council, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, and, in the context of the COVID-19 pandemic, to commit to reducing as much as possible the barriers to indigenous peoples' online participation in the work of the Council.

12. The Expert Mechanism welcomes Human Rights Council resolution 42/19, in which the Council decided to continue to discuss further steps to facilitate the participation of indigenous peoples' representatives and representative institutions in the work of the Human Rights Council, in particular during the dialogue with the Expert Mechanism and the Special Rapporteur on the rights of indigenous peoples and in the annual half-day discussion on the rights of indigenous peoples. The Expert Mechanism invites the Council to reiterate that decision.

13. The Expert Mechanism proposes that the Human Rights Council take note of the second dialogue meeting organized by indigenous organizations and institutions on enhanced indigenous peoples' participation at the United Nations, held in Quito from 27 to 30 January 2020, and that it call upon States to support ongoing efforts to provide meaningful, effective and enhanced participation of indigenous peoples in the United Nations through their own representative institutions in all meetings relevant to the rights of indigenous peoples, including meetings of the Council, on issues affecting them. The Expert Mechanism also proposes that the Council encourage member States and indigenous peoples' representatives and representative institutions from the seven indigenous sociocultural regions to participate in the intersessional round table that was supposed to take place on the margins of the thirteenth session of the Expert Mechanism, from 30 November to 4 December 2020, on possible steps to enhance the participation of indigenous peoples' representatives and representative institutions in the meetings of the Council. That round table has been postponed until the fourteenth session of the Expert Mechanism, to be held in 2021. The Expert Mechanism further proposes that the Council take effective measures to follow up on the outcome of the round table, while maintaining a close dialogue with the Expert Mechanism, to ensure the continuation of the dialogue on enhanced indigenous peoples' participation.

14. The Expert Mechanism puts forward the present proposal without prejudice to the ongoing consultative process referred to in General Assembly resolution 71/321, aimed at enhancing the participation of the representatives and institutions of indigenous peoples in United Nations meetings.

2. **Proposal 2: Indigenous peoples' situation in the context of the global COVID-19 pandemic**

15. The Expert Mechanism proposes that the Human Rights Council hold a panel discussion during its forty-eighth session, to be held in September 2021, on the human rights of indigenous peoples in the context of the global COVID-19 pandemic, with a special focus on land rights.

16. The Expert Mechanism proposes that the Human Rights Council call upon member States and the World Health Organization, in addressing COVID-19 internally, nationally, internationally and globally, to work in collaboration with indigenous peoples' representatives and representative institutions, national human rights institutions and indigenous parliamentarians, to recognize and respect the human rights of indigenous peoples under the United Nations Declaration on the Rights of Indigenous Peoples and other international standards. The Expert Mechanism proposes that the Council encourage member States and United Nations entities and agencies to refer to the guidelines developed by the Office of the United Nations High Commissioner for Human Rights² and to the report of the

² See www.ohchr.org/Documents/Issues/IPeoples/OHCHRGuidance_COVID19_IndigenouspeoplesRights.pdf.

Special Rapporteur on the rights of indigenous peoples on protecting the rights of indigenous peoples during the COVID-19 pandemic (A/75/185).

3. Proposal 3: Increased engagement of member States and coordination between the mechanisms of indigenous peoples and the treaty bodies with the Expert Mechanism

17. The Expert Mechanism proposes that the Human Rights Council urge States to engage more actively in the activities of the Expert Mechanism and, in particular, that they attend and participate in its annual sessions and provide input and oral comments on its reports and studies, as fundamental elements in the development of the expertise of and advice provided by the Expert Mechanism.

18. The Expert Mechanism also proposes that the Human Rights Council encourage States to make use of the mandate of the Expert Mechanism to provide technical assistance and facilitate dialogue, including for the implementation of the recommendations pertaining to indigenous peoples arising from the universal periodic review, the treaty bodies and the special procedures.

19. The Expert Mechanism further proposes that the Human Rights Council recognize the coordination efforts between the mechanisms working on the rights of indigenous peoples and the treaty bodies, including the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, which are increasingly using the United Nations Declaration on the Rights of Indigenous Peoples to inform their work. In that regard, the Expert Mechanism proposes that the Council encourage further collaboration between the treaty bodies and the Expert Mechanism to ensure that indigenous peoples' human rights are properly addressed.

20. The Expert Mechanism also proposes that the Human Rights Council encourage member States to continue to promote the United Nations Declaration on the Rights of Indigenous Peoples and the participation of indigenous peoples in global mechanisms that may benefit from their contributions, in particular those mechanisms dealing with issues that threaten indigenous peoples' lives, such as climate change, migration and COVID-19.

4. Proposal 4: Promotion of the country engagement mandate of the Expert Mechanism

21. The Expert Mechanism proposes that the Human Rights Council encourage States and indigenous peoples to engage more proactively with the Expert Mechanism under its amended mandate, pursuant to Council resolution 33/25, including by submitting requests for technical assistance and dialogue facilitation. States should also be encouraged to respond positively to requests made by indigenous peoples under paragraph 2 (c) and (e) of the resolution and seize the opportunity for dialogue provided by such requests.

22. The Expert Mechanism also proposes to the Human Rights Council that it acknowledge States and indigenous peoples that have already engaged with it under its amended mandate and made progress towards the realization of the aims of the United Nations Declaration on the Rights of Indigenous Peoples.

5. Proposal 5: Protection of human rights defenders

23. The Expert Mechanism urges the Human Rights Council to call upon States to ensure that indigenous human rights defenders are guaranteed due protection during the COVID-19 pandemic and thereafter, including a safe working environment and security, and to review laws that criminalize the work of indigenous human rights defenders, in compliance with the United Nations Declaration on the Rights of Indigenous Peoples and other international standards. In light of the information set out in its report entitled "Ten years of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned – 2007–2017" (A/HRC/36/56), the Expert Mechanism proposes that the Council request States to ensure that all human rights violations against indigenous communities and human rights defenders, including indigenous women, are investigated and the perpetrators are brought to justice.

6. Proposal 6: Reprisals against human rights defenders, mandate holders and indigenous leaders

24. The Expert Mechanism calls upon the Human Rights Council to reiterate the concerns and proposed action set out in Council resolution 42/19 (paras. 27–28), including the concern about the increase in cases of reprisals against indigenous human rights defenders, among others. It also calls upon the Council to urge States to adopt emergency responses to ensure due protection of indigenous leaders and their communities experiencing further pressure by the COVID-19 pandemic and by global economic crises and to address all allegations and condemn all reprisals against indigenous human rights defenders, including United Nations mandate holders working on the rights of indigenous peoples and representatives of indigenous peoples attending the sessions of the Expert Mechanism.

7. Proposal 7: Indigenous peoples and the International Decade of Indigenous Languages

25. The Expert Mechanism proposes that the Human Rights Council note with appreciation the proclamation by the General Assembly of the period 2022–2032 as the International Decade of Indigenous Languages (resolution 74/135, para. 24) and that is also note the progress, outcomes and lessons learned from the 2019 International Year of Indigenous Languages through the activities led by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Expert Mechanism also proposes that, in preparing for the Decade, the Council urge UNESCO, States and other stakeholders to ensure that indigenous peoples are able to participate in leading and holding activities to mark the Decade through their own representative institutions and, especially, that it urge States to notify and provide funding to indigenous peoples to ensure their participation in that process.

8. Proposal 8: International repatriation of indigenous peoples' sacred items and human remains

26. Recalling paragraph 27 of the outcome document of the World Conference on Indigenous Peoples (Assembly resolution 69/2), articles 11 and 12 of the United Nations Declaration on the Rights of Indigenous Peoples and the recommendations of the Permanent Forum on Indigenous Issues, the Expert Mechanism proposes that the Human Rights Council encourage the development of a mechanism to facilitate the international repatriation of indigenous peoples' sacred items and human remains and that the development of such a mechanism be informed by the report of the Expert Mechanism entitled "Repatriation of ceremonial objects, human remains and intangible cultural heritage under the United Nations Declaration on the Rights of Indigenous Peoples".

9. Proposal 9: Indigenous peoples in voluntary isolation or initial contact

27. The Expert Mechanism proposes that the Human Rights Council prepare a specific expert report on the human rights situation of indigenous peoples in voluntary isolation or initial contact, taking into account the relevant international and regional human rights standards and expert advice on the legislative, administrative and policy measures and actions to be adopted at all levels to ensure their protection.

10. Proposal 10: National action plans and legislation to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples

28. The Expert Mechanism proposes that the Human Rights Council remind States of the commitment undertaken in the outcome document of the high-level plenary meeting of the General Assembly known as World Conference on Indigenous Peoples to cooperate with indigenous peoples to develop and implement national action plans, legislation or other measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples. In that regard, it proposes that the action plans be used as tools to implement the recommendations of international human rights mechanisms, including the universal periodic review, the treaty bodies and the special procedures, and that States consider seeking the collaboration and support of their national human rights institutions and the Expert Mechanism in the elaboration of those action plans.

11. Proposal 11: United Nations Voluntary Fund for Indigenous Peoples

29. The Expert Mechanism reiterates its proposal that the Human Rights Council continue to urge States to contribute to the United Nations Voluntary Fund for Indigenous Peoples.

12. Proposal 12: Collaboration with the universal periodic review process

30. The Expert Mechanism reiterates its proposal that the Human Rights Council and member States continue to draw increasingly on the United Nations Declaration on the Rights of Indigenous Peoples in the universal periodic review process. It also reiterates its proposal that, in future universal periodic review cycles, the Declaration be explicitly included in the list of standards on which the universal periodic review process is based.

IV. Organization of the session, election of officers, coordination with the United Nations human rights mechanisms, future work of the Expert Mechanism on the Rights of Indigenous Peoples and attendance

31. Owing to the COVID-19 crisis, the Expert Mechanism conducted its thirteenth session virtually, in two parts. The first part, which was held virtually from Geneva from 22 to 24 June 2020, was attended by the members of the Expert Mechanism only, for the purpose of finalizing reports and proposals for submission to the Human Rights Council at its forty-fifth session. While it had intended to resume its thirteenth session in person from 30 November to 4 December 2020, owing to the ongoing COVID-19 crisis it decided to convert the second part of the thirteenth session into four regional meetings (see sect. V below).

32. The first part of the thirteenth session opened with the election of officers: Laila Susanne Vars was elected Chair-Rapporteur and Lounes Belkacem and Megan Davis were elected Vice-Chairs. All three were appointed by acclamation.

33. Two reports (A/HRC/45/35 and A/HRC/45/38) were adopted, as were the proposals set out above (see paras. 11–30). The provision of written contributions to these reports by stakeholders outside of the normal process was much appreciated by the Expert Mechanism.

34. During its thirteenth session, the Expert Mechanism discussed updates on its country engagement mandate, the seminar and intersessional meeting held in November 2020 and the study to be prepared for submission in 2022. The Expert Mechanism decided that the study, to be prepared pursuant to paragraph 2 (a) of Human Rights Council resolution 33/25, would be a follow-up to its study entitled “Right to land under the United Nations Declaration on the Rights of Indigenous Peoples: a human rights focus” and include information on the responses to and the aftermath of the COVID-19 pandemic as regards the protection of indigenous peoples’ rights. It also decided to prepare a report, pursuant to paragraph 2 (b) of Council resolution 33/25, on the militarization of indigenous lands, territories and resources. Both reports will be presented to the Council at its fifty-first session in September 2022.

35. The Expert Mechanism nominated Kristen Carpenter to continue in her role as representative of the Expert Mechanism and nominated Lounes Belkacem to take up the role of representative of the Expert Mechanism. Ms. Carpenter and Mr. Belkacem would be involved in the preparation and pursuit of activities to be carried out in the framework of the International Decade of Indigenous Languages.

36. During the thirteenth session, the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, and the Chair of the United Nations Voluntary Fund for Indigenous Peoples, Diel Mochire, participated in a coordination meeting to share updates on the work of those mechanisms. On 26 June, the Expert Mechanism held a virtual meeting with the Permanent Forum on Indigenous Issues on coordination and activity updates.

37. The seven members of the Expert Mechanism – Lounes Belkacem (Algeria), Kristen Carpenter (United States of America, Chair-Rapporteur), Megan Davis (Australia), Binota Dhamai (Bangladesh), Rodion Sulyandziga (Russian Federation), Laila Susanne Vars (Norway) and Erika M. Yamada (Brazil) – attended both parts of the thirteenth session.

Representatives of States, indigenous peoples, national and regional human rights institutions and non-governmental organizations took part in the regional meetings.

V. Regional meetings of the Expert Mechanism on the Rights of Indigenous Peoples on the impact of COVID-19 on indigenous peoples³

38. As already mentioned, owing to the ongoing situation related to the COVID-19 pandemic, including related travel restrictions, the Expert Mechanism decided to convert the second part of its thirteenth session into four regional virtual meetings that were held from 30 November to 3 December 2020.⁴ Moreover, it held a closed meeting for members and secretariat staff only on 4 December.

39. The topic of the regional meetings was “The impact of COVID-19 on the rights of indigenous peoples under the United Nations Declaration on the Rights of Indigenous Peoples”.⁵ In addition to hearing about the challenges, the Expert Mechanism sought to learn about emerging good practices adopted by indigenous peoples and States in relation to COVID-19. During the four days of the meetings, 50 interventions were made by representatives of indigenous peoples, national human rights institutions, States and other stakeholders, as well as by members of the Expert Mechanism. Priority for participation was given to representatives of indigenous peoples. The Expert Mechanism received approximately 80 written submissions prior to the regional meetings, which, along with the content of the discussions, have informed the present report.⁶ The regional meetings were held using a closed circuit platform and were broadcast simultaneously by the United Nations in the relevant official languages of the Organization.⁷ Viewers could submit questions to the Expert Mechanism by email.⁸

A. Overall impact of COVID-19 on indigenous peoples

40. Since the outbreak of COVID-19, numerous reports, including the report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly at its seventy-fifth session (A/75/185), and statements and guidance notes⁹ have attested to the disproportionate impact of COVID-19 on indigenous peoples globally, in terms of both the spread of the virus and the application of containment measures. As it indicated in its statement of June 2020,¹⁰ the Expert Mechanism is aware of the challenging situation many indigenous peoples are facing. The Expert Mechanism recognizes that indigenous people are more likely to die of COVID-19, that they are being hit the hardest by its socioeconomic consequences and that inadequate access to health care and other key services increases the likelihood of them catching the virus. The Expert Mechanism observes that certain States are seizing the crisis as an opportunity to undermine rather than to protect the rights of indigenous

³ All submissions received for the regional meetings are available at www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/Session13.aspx.

⁴ Following advice from conference services and bearing in mind the different time zones, the Expert Mechanism held four meetings covering the following areas: Africa and North America (30 November), Asia and the Pacific (1 December), the Arctic, Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia (2 December) and Central and South America and the Caribbean (3 December).

⁵ For the concept note, see www.ohchr.org/Documents/Issues/IPeoples/EMRIP/Session13/ConceptNoteEMRIPRegionalMeetingsEN.pdf.

⁶ The information on the impact of COVID-19 on indigenous peoples contained in the present report is an analytical representation of the discussions held during the regional meetings and submissions received. It should not be understood as a comprehensive study on the impact of COVID-19 on indigenous peoples globally.

⁷ See <http://webtv.un.org/>.

⁸ See www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/Session13.aspx.

⁹ See www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx.

¹⁰ See www.ohchr.org/Documents/Issues/IPeoples/EMRIP/StatementEMRIPPre-sessionJune2020Final.pdf.

peoples, which is why it has chosen the topic of the global impact of COVID-19 on indigenous peoples. Another aim is to support all stakeholders to build back better. The Expert Mechanism acknowledges all those who have lost their lives owing to COVID-19 and dedicates the present report to them.

41. The written submissions and regional discussions highlighted not only the heightened impact of COVID-19 on indigenous peoples but also the often disproportionate impact of containment measures, as well as the need to monitor the effect of both on indigenous peoples and their rights. While the discussions demonstrated that the nature of the impact of COVID-19 differed among indigenous peoples, they also showed that globally the pandemic has had a differentiated, and mostly disproportionate, impact on indigenous peoples as a whole and on their rights.

42. Indigenous peoples' representatives stated that the virus was a threat to humankind and that we must find a way to coexist with the virus, as it was part of the cycle of life. Like the rest of the world, indigenous peoples were suffering but would survive the crisis.

43. Indigenous peoples' representatives described universal challenges, including the fact that the pandemic had exacerbated underlying structural inequalities for indigenous communities, particularly in terms of unequal access to adequate health care and potable water. Participants referred to the intersectional forms of discrimination experienced by indigenous women and indigenous persons with disabilities, their systemic exclusion and the disproportionate impact that the pandemic had on them. They referred to the fact that indigenous peoples were underrepresented in decision-making and lacked information in indigenous languages, that there had been an increase in violence against women and children, the loss of elders and, with them, of traditional knowledge. They drew links with climate change. They reported facing discrimination by the broader community and being targeted as carriers of the virus. They also expressed concern about an increase in cases of intimidation and repression of indigenous human rights defenders, including women, during the pandemic.

44. Participants from all regions cited good practices by indigenous communities, including self-isolation and other self-reliance measures, and a resurgence of traditional practices in exercise of the right to self-determination, as well as the critical importance of self-determination in general. One indigenous representative noted: "As the stewards of our territories, defending the rights of indigenous peoples is an act of defending all the natural world, both humans and non-humans."¹¹

45. A number of participants referred to the experiences of their ancestors with earlier pandemics and the impact of viruses brought by outsiders to their communities in the past. Several expressed a renewed appreciation for their ancestors who had successfully adapted to meet such challenges. They spoke of the pandemic as a cause for reflection, of a return to their communities, of a reinvigoration of traditional practices, including medicinal, cultural and ecological practices, and of taking comfort in the realization that they already had the skills and knowledge needed to confront COVID-19. They also expressed hope that the wider society would see the value in their approaches and that the world would turn to indigenous knowledge.

B. Underlying infrastructural inequality, including in the enjoyment of economic, social and cultural rights

46. The disproportionate impact of COVID-19 on the economic, social and cultural rights of indigenous peoples emerged as a common theme at all regional meetings. Universally, the underlying structural inequalities faced by indigenous peoples were seen to lead to a disproportionate impact of the virus and of containment measures on the enjoyment of economic, social and cultural rights of indigenous peoples.

¹¹ Statement made on 1 December 2020 by the representative of the Asia Indigenous Peoples Pact at the regional meeting for Asia and the Pacific.

47. Participants consistently referred to pre-existing infrastructural issues that exacerbated the impact of COVID-19, including issues related to access to adequate medical attention, potable water and information and technology. Participants noted that public services in their regions were not designed with indigenous peoples in mind and were not adequately delivered either to urban or to rural indigenous communities. Structural discrimination, marginalization, exclusion, poverty and economic and social changes in recent years, including due to globalization, had left many indigenous peoples behind. Moreover, States tended to neglect indigenous peoples in urban areas, including those in a situation of homelessness. Those pre-existing inequalities had been highlighted and exacerbated by the pandemic.

48. Indigenous peoples' representatives described situations of extreme vulnerability. Indigenous representatives from Australia spoke about overcrowding in remote regions and unsanitary situations, such as sewage overflow and a general lack of adequate indoor plumbing. A representative of Inuit peoples also referred to the lack of running water in many homes, which increased the risk of transmission. Indigenous representatives from North America noted issues related to the lack of access to clean water in indigenous communities.

49. Participants, including States, noted the importance of addressing those underlying infrastructural inequalities. Indigenous peoples' representatives emphasized the need for new infrastructural investments in indigenous communities, to prioritize the provision of basic services such as housing, water and sanitation and to ensure that such infrastructure was climate resilient, including in places, like the Arctic, that had already experienced significant impacts of climate change.

1. Impact on health, including mental and spiritual health, and risk to life

50. Indigenous peoples' representatives described the impact that the virus was having on their communities, including the deaths of community members, and noted the increased susceptibility of indigenous peoples due to overcrowding and underlying health concerns. They referred to the high rates of non-communicable diseases and health problems of their peoples, including respiratory illnesses such as tuberculosis, which makes them increasingly vulnerable to the virus. They noted the disproportionately high fatality rates among indigenous people in many areas, including the many elders who had perished. Indigenous peoples' representatives from Australia reported complicating factors from underlying health conditions (such as diabetes, kidney disease and renal failure) that were experienced by indigenous peoples at much higher rates than by non-indigenous peoples.¹²

51. The Expert Mechanism heard from indigenous peoples' representatives from the Amazon, where the virus had caused many deaths, particularly of elders. It was reported that an indigenous person in the Colombian Amazon was 49.7 times more likely to die of the virus than the national death rate.¹³ The need for an increased focus on the impact of the virus on elders was highlighted by indigenous peoples' representatives from the Russian Federation and the Arctic region. Reference was also made to the increased risk to indigenous peoples with few remaining members, including those in voluntary isolation, and the risk of extinction of entire peoples and cultures. One Central American non-governmental organization reported that there were currently more than 462 indigenous groups with fewer than 3,000 members and that approximately 200 of those in voluntary isolation were already being exposed to the risk of extinction.¹⁴

¹² Statement made on 1 December 2020 by a representative of the Indigenous Peoples Organisation at the regional meeting for Asia and the Pacific.

¹³ Statements made on 3 December 2020 by representatives of the Organización Nacional de los Pueblos Indígenas de la Amazonia Colombiana, the Amazon Conservation Team, Dejusticia, Fundación Gaia Amazonas, Sinergias and the Clínica Jurídica de Medio Ambiente y Salud Pública of the Universidad de los Andes at the regional meeting for Central and South America and the Caribbean.

¹⁴ Statement made on 3 December 2020 by a representative of the Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y El Caribe at the regional meeting for Central and South America and the Caribbean, citing the report available at https://indigenascovid19.red/wp-content/uploads/2020/05/FILAC_FIAY_primer-informe-PI_COVID19.pdf.

52. The toll of the crisis and related measures on mental and spiritual health was also emphasized, as was the lack of adequate support. Participants from various regions referred to increases in suicides in indigenous communities during the pandemic and noted the need to include families at all levels of support services.

53. Lack of access to adequate medical attention was an issue that cut across the regions: indigenous peoples from developed and less developed States, particularly in remote areas, highlighted this as the principal issue affecting them in the context of the COVID-19 pandemic. While the varying degree of the impact on indigenous peoples from countries with stronger welfare systems, particularly those with free universal health-care systems, was noted, indigenous peoples' representatives from all regions consistently reported the lack of access to health care as the principal concern. Participants referred to a lack of access to regular medical attention and supplies, to shortages and the high cost of essential sanitary products and to a lack of medical clinics and doctors in indigenous communities. Indigenous women from Brazil reported having to raise money for oxygen and basic personal protection equipment, including masks. Representatives of the Mbororo indigenous people in Cameroon reported not having soap, clean water, hand sanitizer, COVID-19 tests, information or medical care.

54. Participants also noted that the diversion of resources to address COVID-19 had increased the challenges related to other health needs. For example, pregnant women were unable to travel from remote locations for prenatal controls and attention. The fact that many indigenous people were not registered or lacked documentation affected access to timely health-care services, including for indigenous persons with disabilities.

2. Good practices related to health, including the revitalization of traditional medicinal knowledge and practices

55. Indigenous peoples' representatives referred to a resurgence of and focus on traditional medicine since the beginning of the pandemic, including for preventing the spread of the virus and treating those who had contracted it. They described community initiatives related to health care. For example, some indigenous peoples of the Caribbean had initiated relief efforts, including the provision of masks. Several indigenous peoples' representatives noted the utility of combining knowledge and practices involving the use of traditional and modern, indigenous and non-indigenous medicines. Using their traditional medicines, the Lokono (Arawak) people had developed an organic hand sanitizer that they had made commercially available online. States mentioned having developed assistance programmes: for example, Mexico had developed a community health model that took into account of first aid, food, education and territorial management issues.

56. The role of indigenous women in local responses to COVID-19 was highlighted, as they were the ones holding and transmitting traditional knowledge of medicinal plants and their uses, growing and exchanging seeds with other communities and generally acting as caretakers of the well-being and resilience of communities. A representative of Guatemala noted the important role that midwives played in containing the virus in indigenous communities and noted the good cooperation that had been established with them in those efforts.

3. Food security

57. COVID-19 has affected the traditional ways of life of indigenous peoples, and their food security. Measures limiting movement have disrupted the ability of indigenous peoples to conduct traditional subsistence activities such as fishing and hunting, as has the non-provision of permits. The impact of the virus and related measures on the food security of indigenous peoples was noted at all the regional meetings, in broad terms at the regional meeting covering Central America and in specific terms at the meeting covering the Arctic and North America, at which reference was made to the challenges faced by low-income families. Some States, like the Russian Federation, had created exemptions to restrictions for small-numbered indigenous groups.

58. Indigenous peoples' representatives reported good practices related to food security, including the revival and exchange of traditional seeds and food sharing. Representatives of

the Ulch and Yamal communities of the Russian Federation described volunteers organizing food and medicine deliveries, including by youth to elders and others in self-isolation. Indigenous peoples' representatives from Canada referred to hunting, fishing and sharing among the community. A representative of the Saami Council emphasized the need to focus on clean land and water in order to ensure future food security, adding that an increase in the extraction of natural resources and industrial projects would not be compatible with such an aim. The representative proposed improving the community monitoring systems of indigenous stewardship, as that would ensure that future generations would be able to live on and from the land.¹⁵

4. Impact of remoteness, including on the right to education of indigenous children

59. At times, the remoteness of many indigenous communities protected them; at other times, it exacerbated the impact of COVID-19. One Torres Strait Islander noted that the remoteness of the Torres Strait Islands had protected inhabitants from the impact of COVID-19. According to reindeer herders from the Yamal region of the Russian Federation, the nomadic tradition of following migrating reindeer had acted as a natural form of self-isolation during the initial stage of COVID-19; however, once the community had settled on summer pastures, cases of COVID-19 had been recorded. Indigenous peoples' representatives noted that the number of cases had started increasing and that the remoteness of their locations had become a threat, particularly because of the challenges related to accessing affordable health care and medicines to treat those with the virus.

60. Indigenous peoples' representatives spoke about the impact of the digital divide on the right to education of indigenous children, as many indigenous communities, particularly those in remote areas, had much lower rates of Internet access than their non-indigenous counterparts in the same States. With schools moving to online learning, many indigenous children were simply unable to gain access to their classes. Participants noted the risk that this situation could contribute to deepening the inequalities in access to education for indigenous children. Indigenous peoples' representatives, including the representatives of the Mbororo people of Cameroon, also linked the remoteness of their lands to the general lack of access to communications systems, including television, the Internet and even telephones, which resulted in a dearth of information about the virus.

5. No provision of information in indigenous languages

61. Another issue that arose in all discussions was the non-provision of information related to COVID-19 in indigenous languages, which left many communities without critical information, including on how to avoid spreading the virus. The representative of the Sami Parliament of Norway noted the paradox this represented after the International Year of Indigenous Languages, marked in 2019, and saw it as a confirmation of the need for the upcoming International Decade of Indigenous Languages, to be held from 2022 to 2032.

62. The representatives of several States, including Australia, Guatemala and Mexico, referred to the provision of COVID-19-related information in indigenous languages. The representative of Mexico reported that the Government had published a guide in 61 languages that included information on prevention and safety measures related to COVID-19, specific strategies for assisting indigenous migrants and economic recovery plans. Mexico also supported the dissemination of information on prevention measures in 35 indigenous languages through indigenous radio networks. The representative of Guatemala reported that the Government had shared its COVID-19 prevention and containment plan in 22 Mayan languages, through indigenous authorities and other key actors, and that it had disseminated a programme entitled "I learn at home" in various Mayan languages. Nevertheless, representatives of indigenous peoples in Guatemala referred to a lack of information in indigenous languages by the State, noting that much of what had been referred to had been

¹⁵ Statement made on 2 December 2020 by a representative of the Saami Council at the regional meeting for the Arctic, Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia.

provided through private radio and television channels or had been translated by non-governmental organizations.

6. Further impact on economic and cultural rights, and restrictions on movement

63. Indigenous peoples' representatives referred to the multidimensional impact of losing elders to the virus. Participants from South America, where many indigenous elders had perished at the hands of the virus, stated that, in addition to losing lives, they had also lost traditional knowledge, which would have a long-lasting impact on their cultures. Representatives of indigenous peoples, including from Japan and Peru, noted the impact of limits to funerary rituals and the right to the repatriation of human remains.

64. Many indigenous peoples' representatives reported that COVID-19 containment measures had had an impact on their livelihoods. Participants referred to the economic impact for indigenous peoples working in the informal economy, for example those selling agricultural products or handicrafts. Others noted the loss of livelihoods for those who normally relied on tourism, work in the hospitality sector or as cleaners, particularly women. Restrictions on movement inhibited many from entering urban centres to obtain supplies to practice their traditional livelihoods, as was the case for reindeer herders in the Russian Federation.

65. With reference to article 36 of the United Nations Declaration on the Rights of Indigenous Peoples, Sami representatives focused on the impact of COVID-19-related measures on their right to freedom of movement across international borders and on their cultural rights. Sami traditional territories spanned across four different States. Sami representatives spoke about the impact that not being able to travel across national borders during the pandemic had on Sami society, including specifically on family and social relations, and the disproportionate impact on children and elders. They also noted the differentiated impact on their traditional livelihoods, which relied on reindeer herding and were already in jeopardy owing to changes in temperatures and land as a result of climate change, coupled with economic and travel restrictions leading to a lower demand for their products, as well as the impact on their food security. They also referred to possible impacts on access to health care and education for cross-border indigenous peoples.

66. Some indigenous peoples, including the Sami and Torres Strait Islanders, highlighted the positive impacts on cultural life of COVID-19, noting the opportunity for increased time in their communities, a resurgence in cultural practices and a focus on family kinship.

7. Links with the environment and climate change

67. At all regional meetings, indigenous peoples' representatives referred to the link between climate change and COVID-19, with some stating that the latter was a direct result of humankind's encroachment on nature. One indigenous person from Canada referred to climate change as a result of the abuse of the natural world and stated that COVID-19, like many previous viruses, was part of the natural world.¹⁶ Differentiated impacts of that link on indigenous peoples existed primarily owing to the intimate relationship that such communities had with their lands, territories and resources and directly affected their traditional territories. For example, Sami representatives referred to the recent thawing in the tundra, which had created challenges for reindeers and herding that had in turn been exacerbated by COVID-19-related measures. A representative of the Taíno people referred to traditional territory in the Caribbean having been ravaged by hurricanes and floods, a difficult situation that had been exacerbated by the pandemic.

68. A Torres Strait Islander noted that COVID-19 had also provided an opportunity to spend time in the community analyzing changes to the ecosystems due to climate change and re-envisioning how to adapt seasonal calendars accordingly. However, the lack of adequate State support for combating climate change, which had an effect on indigenous peoples' ability to exercise their right to self-determination and, by extension, their ability to face the virus, was also noted. Participants noted the need for post-COVID-19 efforts to be "green-

¹⁶ Statement made on 30 November 2020 by a representative of the Indigenous World Association at the regional meeting for Africa and North America.

based”, sustainable, based on the circular economy and focused on local employment in order to bring humanity back in harmony with nature. If that was not done, participants feared that “we risk a nature crisis that will make the COVID-19 pandemic pale in comparison”.¹⁷

8. Lack of disaggregated data

69. Indigenous peoples’ representatives noted that the true scale of the impact of COVID-19 on indigenous peoples, including the number of deaths, was not known due to the lack of disaggregated data. Participants referred to the lack of disaggregated data on indigenous peoples generally and on the virus’ impact on them in particular. Participants observed that such lack of data and indicators was discriminatory and rendered indigenous peoples invisible in terms of planning. It created an impediment to observing and monitoring the impact of the virus, including the long-term impact, and to developing appropriate policies. In the Russian Federation, separate monitoring on indigenous peoples was reported, with cooperation between the State and regional indigenous peoples’ councils, including on health in remote communities and nomadic populations and on measures such as the provision by helicopter of fuel, food and other supplies to remote communities.

9. Differentiated impact on women and girls

70. The disproportionate impact of the virus on women was highlighted, as was the risk that the pandemic would deepen gender inequality, including as regards the burden of caring for children, older persons and ill community members, which disproportionately fell on women and had increased further during the pandemic. Several participants noted the increase in reports of violence against women and children, and their limited options during the pandemic. A representative of Mexico, noting a nationwide increase in domestic violence against women and girls during the pandemic, reported on the dissemination of information materials for victims in 48 indigenous languages, including on how to report cases and seek support and protection.

C. Impact of actions of States and private actors during the pandemic

1. Intimidation and attacks on indigenous peoples, including human rights defenders

71. Participants expressed concern that some States appeared to be taking advantage of the pandemic to push ahead projects or developments and to be infringing on various rights, including by weakening and suspending safeguards and the rights of indigenous peoples. Participants from Latin America noted the violent repression of attempts by indigenous peoples to assemble and the increase in acts of intimidation and attacks, including killings, against indigenous human rights defenders. Indigenous peoples’ representatives from Asia and Africa noted an increase in the arrests of indigenous peoples during recent months. They reported increased efforts to repress indigenous peoples in Nepal during the pandemic, including by burning homes in Chitawan and other acts of intimidation, arrests and confrontations by State actors against the Chepang and Newa peoples.

2. Presence of outsiders

72. Indigenous peoples referred to the protection of traditional territories as a critical challenge during the pandemic. They noted the continued, and even increased, presence of outsiders in their territories. Participants from Africa noted the vulnerability of indigenous peoples living in conflict-affected regions, including in the western regions of Cameroon, where members of the Mbororo people had reportedly been kidnapped and where homes had been destroyed and cattle had been seized during the crisis. Participants referred to cases of industrial workers and military personnel bringing COVID-19 into indigenous communities. They reported that extractive companies continued to work through the pandemic, without adopting adequate protection measures, and were sources of cases of infection in indigenous

¹⁷ Statement made on 2 December 2020 by a representative of the Saami Council at the regional meeting for the Arctic, Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia.

communities, including in northern parts of the Russian Federation. Indigenous peoples' representatives from French Guiana reported an increase in illegal gold mining and the introduction of the virus to indigenous communities by miners.

3. Continuation of development projects and approval and passage of new laws and initiatives

73. Participants referred to some States having taken advantage of the pandemic for other purposes, such as the approval of laws or development projects, while attention was elsewhere. They expressed frustration that, while individuals and communities had to follow strict confinement measures, large companies, including agribusinesses in traditional Kekchi territories in Guatemala, continued to operate.

74. Participants reported that projects, laws and other government initiatives had gone ahead during the pandemic, including without the free, prior and informed consent of indigenous peoples. For example, a development strategy for the Arctic zone of the Russian Federation and for ensuring national security until 2035 was approved on 26 October 2020. Although the strategy would affect the traditional lands of various indigenous peoples, including the natural resources therein, it was reportedly done without adequate consultation.¹⁸ Participants also reported on the passage of an omnibus law in Indonesia that weakened environmental protections and affected traditional lands and on reforms and initiatives taken in India that would have an impact on indigenous peoples and the environment, including by extending mining development and decreasing consultations.¹⁹

75. Participants observed the continued destruction of the environment, including in the name of conservation and economic recovery. Representatives of indigenous peoples of North America spoke of rollbacks of environmental safeguards and the fast-tracking of development projects during the pandemic. Participants expressed the fear that the impact of COVID-19 on the economy, including increased unemployment, would accelerate the implementation of more new development projects. Indigenous peoples' representatives noted the pressure they were already under regarding the development of their territories and the extraction of natural resources from their lands. Participants expressed concern that pandemic recovery plans might include greater attacks on natural resources. They emphasized that recovery efforts should not come at the cost of human rights, nor of the environment, but should, rather, safeguard natural resources.

4. Militarization of traditional territories

76. Indigenous peoples from some regions, including Asia and Africa, noted the continued, and even increased, militarization of indigenous territories during the pandemic. Participants reported that during the pandemic there was increased militarization in the Chittagong Hill Tracts region of Bangladesh, traditional territories of the Jumma people. They said that new military camps were set up in 2020 and that arbitrary arrests had occurred and expressed concern regarding the treatment of those detained. Denmark, representing a group of States, shared its concern about disturbing reports of the militarization of indigenous lands and reiterated that COVID-19 should not be used as an excuse to bypass rights.

D. Impact on free, prior and informed consent and on participation in decision-making

77. Indigenous peoples' representatives noted the impact that COVID-19 had on free, prior and informed consent and on participation in decision-making, citing a general lack of inclusion of indigenous peoples in government responses to COVID-19. Participants

¹⁸ Statement made by the Aborigin Forum, available from <https://indigenous-russia.com/archives/8928>.

¹⁹ Statements made by the Asia Indigenous Peoples' Caucus and the Asia Indigenous Peoples Pact on 1 December 2020 at the regional meeting for Asia and the Pacific (reporting on the passage of an omnibus law in Indonesia on 5 October 2020 and on amendments to the Mines and Minerals (Regulation and Development) Act, 1956, and the draft environmental impact assessment 2020 in India).

observed that States had moved ahead with projects while the situation did not allow for consultations and noted a trend towards holding consultations online, which decreased indigenous peoples' ability to participate given the often lower levels of Internet access in their communities. Sami representatives also referred to the additional challenges indigenous peoples faced in participating in United Nations processes and meetings owing to the move to virtual meetings. States acknowledged the challenge of facilitating dialogues during the pandemic.

78. Participants linked the lack of consultation and participation to the lack of adequate culturally appropriate responses to the pandemic. A representative of the Taino people noted the lack of government assistance to their communities. Representatives of indigenous peoples from the Russian Federation noted the inadequacy of measures taken by the authorities, which, for example, did not consider their need to continue their traditional livelihoods during the pandemic. Participants noted that economic measures were seldom tailored to indigenous businesses. The Chair of the Expert Mechanism, Laila Susanne Vars, noted the worrying information the Expert Mechanism received regarding indigenous-run family businesses closing due to COVID-19. A representative of the Sami Parliament of Sweden emphasized the importance of financial support to indigenous-owned businesses.

79. Participants also noted examples of government support, including cooperation between States and indigenous peoples. Indigenous peoples of the Yamal region of the Russian Federation and local authorities cooperated in the development of a COVID-19 information campaign in Russian and indigenous languages, as well as government-supported drives for food and provisions, deliveries to remote communities and financial assistance. Canada had released funding to indigenous communities to support their own decision-making. Indigenous peoples' representatives noted positive practices by New Zealand during the pandemic, including the release of emergency funding and the holding of meetings with indigenous representatives. Australia linked its establishment of the Aboriginal and Torres Strait Islander Advisory Group on COVID-19 and the cooperation achieved through this group to the limited number of cases in indigenous populations.

80. Participants emphasized that indigenous peoples must control processes in their communities and that any cooperation with non-indigenous groups, including States, must be with their free, prior and informed consent. They underscored the need for all people to work together to confront the virus. They also stressed that neither the right to self-determination nor the right to participation in decision-making should be limited in extraordinary circumstances.

E. Self-determination

81. Indigenous peoples from all regions expressed pride at having protected their own communities through acts of self-determination. Indigenous leaders spoke of having stemmed the impact of the virus on their communities by exercising the right to self-determination, particularly through early lockdowns. They reported having relied on self-care and self-governance to meet many of their communities' basic needs during the pandemic.

82. Indigenous peoples presented many examples of good practices: they spoke of closing down their communities to outsiders, often long before wider State-mandated lockdowns, establishing checkpoints on tribal borders, stopping flights into their territories, organizing their own culturally appropriate biosecurity measures in line with ancestral practices, returning to and using traditional medicine, harnessing their languages to promote culturally appropriate information on the virus and exchanging information with the wider community. They noted the importance of exchanging information and best practices between indigenous peoples and encouraged indigenous peoples to continue doing so. They also noted the importance of continuing to deliver food, hand sanitizers and health supplies and to check in on the elderly.

83. Indigenous peoples in Canada had developed local pandemic plans. Indigenous peoples in Central America had established a regional platform against COVID-19 and had monitored and shared information and good practices. Already in March 2020, indigenous

peoples in the Amazon had formed a multi-partner committee to deal with COVID-19 that included indigenous leaders, local institutions, teachers and health professionals. They initiated checkpoints and lockdowns with the aim of controlling who came to and went from indigenous communities. Indigenous women were leading many of those initiatives, working to guarantee food security and information, including in indigenous languages.

84. Participants also spoke of the limits that the pandemic had placed on the exercise of indigenous peoples' rights to self-determination and self-governance, which are interlinked with their rights to freedom of assembly, particularly as a result of the need to move activities online. Sami representatives noted the postponement of consultations and meetings of the Sami truth commission. Indigenous peoples' representatives from Africa and the United States of America reported that State actors had created obstacles or stopped them from taking their own measures by, for example, requiring the removal of checkpoints on traditional lands. Representatives of the Amazigh people reported armed police stopping them from undertaking their own mobilization efforts.

85. Indigenous peoples' representatives spoke of acting out of necessity and having little confidence that the State would assist them. In some indigenous communities, responses to the pandemic included decreasing or stopping certain traditional activities. The Vice-Chair of the Expert Mechanism, Megan Davis, noted that in Australia some indigenous elders had encouraged their communities not to carry out customary activities that might increase exposure to the virus. Indigenous peoples' representatives from New Zealand too mentioned adapting or stopping certain cultural traditions during the pandemic.

86. Participants spoke positively of a reconnection with traditional knowledge and traditional ways of life, and an overall increase in confidence in their ways of living and in the need for indigenous people to exercise their right to self-determination. A leader of the Rapa Nui people noted the application of ancestral concepts to face the virus, including the concepts of *tapu* (a sacred order that must be obeyed and leads to measures of sanitary self-care) and *umanga* (a form of both self-sustenance and reciprocal sustenance), as well as the importance of the universal value of respect, including for these sacred practices. For the Rapa Nui people, linking the measures necessary to face the pandemic with their ancient cosmovision was key to halting the spread of the virus.

87. By taking efficient measures, indigenous peoples had demonstrated their resilience, adaptability and depth of knowledge of their lands and peoples. The good practices adopted had demonstrated that indigenous peoples knew their own communities and were best placed to guide decisions and policies that concerned them. During the discussions, it was observed that there was a correlation between how well indigenous peoples were faring during the pandemic and their ability to exercise their right to self-determination. That reaffirmed the importance of self-determination as a foundational right that was necessary for the full enjoyment of all other collective rights. It was also observed that, the closer a State was to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, the better indigenous peoples would fare.

F. Essential elements of recovery efforts

88. The COVID-19 crisis has exacerbated underlying inequalities and affected the enjoyment of human rights of indigenous peoples, including their collective rights. To stop this trend, it is critical that all actors, including States and the United Nations, ensure the participation of indigenous peoples in decision-making processes. As the Expert Mechanism has proposed (see paras. 15–16 above), and in line with Human Rights Council resolution 45/12, all stakeholders, including States, should collaborate with indigenous peoples' representatives and their institutions in their responses to and recovery from the COVID-19 pandemic. To facilitate this, States should establish formal mechanisms to communicate with indigenous peoples in these efforts.

89. COVID-19-related planning and recovery measures should use human rights-based and indigenous rights-based approaches and be anchored in the individual and collective rights of indigenous peoples as set out in international human rights law, including the United Nations Declaration on the Rights of Indigenous Peoples. Recovery efforts should also be

sustainable. Stakeholders should refer to the guidelines developed by the Office of the United Nations High Commissioner for Human Rights²⁰ and the Inter-Agency Support Group on Indigenous Peoples' Issues²¹ and the report and recommendations of the Special Rapporteur on the rights of indigenous peoples (A/75/185) on protecting the rights of indigenous peoples during the pandemic and on planning, designing and implementing recovery plans and strategies, including for future outbreaks and pandemics.

90. States should ensure, to the maximum of their available resources, adequate and accessible infrastructure for the equal provision of basic services, including access to clean water, sanitation and free universal health care. Such infrastructure should contemplate and include all indigenous peoples, both in urban and rural settings, including those in remote areas, in line with the 2030 Agenda for Sustainable Development and the principle of leaving no one behind.

91. Recovery efforts should deal with the crisis at hand and address the underlying structural inequalities that have exacerbated the impact of COVID-19 on indigenous peoples. They should take into account the concrete issues affecting indigenous peoples, such as food insecurity, lack of access to adequate medical care and clean water, infringement on and loss of control of their territories, lands and resources, unequal access to basic services, including education, and the digital divide.

92. Recovery efforts should support the attainment of the highest standard of health for all indigenous peoples, including mental and spiritual health. They should be culturally appropriate and recognize and support traditional medicinal practices. They should also include elements to lessen the impact of future outbreaks. In developing treatment and recovery plans, States must contemplate and provide appropriate medical attention to indigenous peoples from the outset, not as an afterthought. Regarding vaccines, culturally appropriate strategies must be developed for and with indigenous peoples, taking into consideration their perceptions of health, and be made available in their languages. Indigenous authorities must be involved in the formulation of immunization plans.

93. States should include short-, medium- and long-term elements in their recovery plans that take into consideration the needs of indigenous peoples, including in order to support their economic recovery. States should, to the best of their abilities, include financial support within their recovery packages, including for indigenous-owned businesses. They should also aim to remove all obstacles to the equal delivery of education to indigenous children, including by taking measures to increase Internet access in indigenous communities if desired.

94. States should ensure that all recovery plans address the intersectional discrimination faced by many indigenous peoples, including indigenous women and girls, indigenous lesbian, gay, bisexual, transgender and intersex people, two-spirit indigenous individuals and indigenous persons with disabilities.

95. States should ensure that adequate and timely information on the virus and on related measures and efforts is provided in indigenous languages. States are encouraged to make public information regarding their efforts to address the impact of COVID-19 on indigenous peoples.

G. Final advice

96. During the regional meetings, the need for profound systemic change was noted so as to better promote the enjoyment of the individual and collective rights of indigenous peoples. For that to be possible, States should collect disaggregated data on indigenous peoples and ensure the use of such data to plan inclusive and culturally appropriate responses to the pandemic and in all public policies. Key to the necessary reforms is the participation of and

²⁰ See www.ohchr.org/Documents/Issues/IPeoples/OHCHRGuidance_COVID19_IndigenouspeoplesRights.pdf. See also Human Rights Council resolution 45/12.

²¹ See www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2020/04/Indigenous-peoples-and-COVID_IASG_23.04.2020-EN.pdf.

consultation with indigenous peoples in all decisions affecting them, including the design and implementation of COVID-19 recovery efforts, as well as the increased and meaningful participation of indigenous peoples in the discussions of the Human Rights Council, particularly on issues affecting them.

97. Given the clear link between indigenous peoples' ability to exercise their right to self-determination and capacity to face the virus, States should ensure that indigenous peoples are recognized, that their rights to their lands, territories and resources are enshrined in Constitutions and that they are able to exercise their collective rights, including their right to self-determination. Taking into consideration the above-mentioned concerns, States should develop and implement national legislation, including through national actions plans, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples.
