

COVID-19 & Indigenous Peoples



Women and gender-based issues

Throughout the pandemic, there has been a drastic increase in **gender-based violence** as a result of 'stay at home' orders.¹ Furthermore, the pandemic has **compounded economic impacts on women**. Indigenous women are particularly affected as they generally are underpaid and hold insecure jobs,² and violence against women correlates with economic insecurity.³ In Guatemala many young indigenous women working as domestic workers in the capital city were fired, without compensation or the means to go back to their place of origin.⁴



Recommendation

Ensure that indigenous women and girls' specific needs are fully integrated in national COVID-19 responses and recovery measures, particularly to **combat gender-based violence** and to **ensure equitable economic recovery**.⁵ Such recovery measures should contribute to effectively address pre-existing intersecting discriminations that indigenous women have been facing. It is essential that indigenous women are given a **leadership role** to develop and implement measures which aim to end the intersecting forms of aggravated discrimination they face during the health crisis.⁶



Franciscans International
A voice at the United Nations

Specific Recommendations:

The rights of indigenous peoples in Latin America and the Caribbean in the context of the exceptional measures adopted during the pandemic⁷

- “Generate or activate operating procedures to eliminate all forms of violence against indigenous women and girls, avoiding revictimization during investigations, and guaranteeing genuine participation in such processes.”

OHCHR: COVID-19 and Indigenous Peoples’ Rights⁸

- “Ensure access to information about preventive measures and support services for victims of gender-based violence and about how to access essential sexual and reproductive health services during the pandemic.”
- “Ensure that the specific needs of indigenous women and girls are addressed in measures to mitigate the socioeconomic impact of the pandemic.”

Public Letter to Brazil from the Committee on the Elimination of Racial Discrimination⁹

- “To address the specific needs of indigenous women, as well as Afro- Brazilian and *quilombolas* women in the context of the pandemic, particularly to ensure their access to adequate employment, education and health services, including sexual and reproductive health; their participation in decision-making processes, as well as measures to combat gender-based violence against women in the context of the pandemic.”

UN Women: Response to COVID-19¹⁰

- “Proposals must furthermore include designated safe spaces for indigenous women to safely report abuse. They must also integrate violence prevention efforts and essential services into COVID-19 response plans, while supporting culturally appropriate shelters and other indigenous women’s organizations on the front lines of the response.”
- “Consult indigenous women’s groups through innovative means, to secure their views on equitable approaches for designing, reviewing and implementing stimulus packages.”

Indigenous womens’ rights are expressly recognized in:

International Covenant on Civil and Political Rights¹¹

- “Article 3:
The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”

International Covenant on Economic, Social and Cultural Rights¹²

- “Article 3:
The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.”

Convention on the Elimination of All Forms of Discrimination Against Women¹³

- “Article 11:
States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights (...)”
▶ [continues](#)

- *“Article 14:*
 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development (...)

General Recommendation No. 19 on Violence Against Women¹⁴

- “Rural women are at risk of gender-based violence because of traditional attitudes regarding the subordinate role of women that persist in many rural communities. Girls from rural communities are at special risk of violence and sexual exploitation when they leave the rural community to seek employment in towns.”

General Recommendation No. 34 on the Rights of Rural Women¹⁵

- “Rural women are also more likely to be excluded from leadership and decision making positions at all levels. They are disproportionately affected by gender-based violence, and lack access to justice and effective legal remedies. Clearly, the importance of rural women’s empowerment, self-determination, and position in decision- making and governance must not be ignored, and when this occurs, States jeopardize their own progress.”

Other sources that could be applicable in some contexts:

UN Declaration on the Rights of Indigenous Peoples¹⁶

- *“Article 21:*
 2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.”
- *“Article 22*
 1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
 2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.”

UN Declaration on the Rights of Peasants¹⁷

- *“Article 2:*
 2. Particular attention shall be paid in the implementation of the present Declaration to the rights and special needs of peasants and other people working in rural areas, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination.”
- *“Article 4:*
 1. States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas and to promote their empowerment in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that they are able to freely pursue, participate in and benefit from rural economic, social, political and cultural development
 - ▶ continues



2. States shall ensure that peasant women and other women working in rural areas enjoy without discrimination all the human rights and fundamental freedoms set out in the present Declaration and in other international human rights instruments, including the rights:
 - (a) To participate equally and effectively in the formulation and implementation of development planning at all levels;
 - (b) To have equal access to the highest attainable standard of physical and mental health, including adequate health-care facilities, information, counselling and services in family planning;
 - (c) To benefit directly from social security programmes;
 - (d) To receive all types of training and education, whether formal or non-formal, including training and education relating to functional literacy, and to benefit from all community and extension services in order to increase their technical proficiency;
 - (e) To organize self-help groups, associations and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;
 - (f) To participate in all community activities;
 - (g) To have equal access to financial services, agricultural credit and loans, marketing facilities and appropriate technology;
 - (h) To equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes;
 - (i) To decent employment, equal remuneration and social protection benefits, and to have access to income-generating activities;
 - (j) To be free from all forms of violence.”

References

1. United Nations General Assembly 75th session: Report of the Special Rapporteur on the rights of indigenous peoples (A/75/185), para. 65, at <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F185&Language=E&DeviceType=Desktop>
2. UN Women, Policy Brief: The Impact of COVID-19 on Women, p.2, at <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/policy-brief-the-impact-of-covid-19-on-women-en.pdf?la=en&vs=1406>
3. See Submission by the Native Women's Association of Canada cited in the United Nations General Assembly 75th session: Report of the Special Rapporteur on the rights of indigenous peoples (A/75/185), para. 65, at <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F185&Language=E&DeviceType=Desktop>
4. Statement by Franciscans International for participation in the 13th session/Regional Meetings of the United Nations Expert Mechanism on the Rights of Indigenous Peoples “El impacto de COVID-19 en los derechos de los pueblos indígenas según la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas” (“The impact of COVID-19 on the rights of indigenous peoples under the United Nations Declaration on the Rights of Indigenous Peoples”) at https://franciscansinternational.org/fileadmin/media/2020/Americas/UN_Work/EMRIP13.pdf
5. Public Letter to Brazil from the Committee on the Elimination of Racial Discrimination (CERD/EWUAP/101st session/2020/Brazil/CA/ks), at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=INT%2fCERD%2fALE%2fBRA%2f9239&Lang=en
6. See United Nations Entity for Gender Equality and the Empowerment of Women, “In Guatemala, investing in indigenous women’s economic empowerment is key to building back better after COVID-19”, cited in the Report of the Special Rapporteur on the rights of indigenous peoples (A/75/185), para. 90, at <https://www.unwomen.org/en/news/stories/2020/6/feature-empowering-indigenous-women-in-guatemala-in-covid-19-response>
7. United Nations Permanent Forum on Indigenous Issues (E/C.19/2021/9), para. 66
8. United Nations Office of the High Commissioner for Human Rights, p.7 and 9
9. Committee on the Elimination of Racial Discrimination (CERD/EWUAP/101st session/2020/Brazil/CA/ks)
10. UN Women: Making Indigenous Women and Girls Visible in the Implementation of the UN Framework for the Immediate Socio-Economic Response to COVID-19 Accessing Funds Through the Multi-Partner Trust Fund, p.5 and 7
11. Human Rights Committee, Part II
12. Committee on Economic, Social and Cultural Rights, Part II
13. Committee on Elimination of Discrimination Against Women, Part III
14. Committee on the Elimination of Discrimination against Women, para. 21
15. Committee on the Elimination of Discrimination against Women, General Recommendation No. 34 on Article 14 on the Convention on the Elimination of All Forms of Discrimination against Women New York, para. 6
16. United Nations Declaration on the Rights of Indigenous Peoples, p. 17
17. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, p. 14