

Permanent Forum on Indigenous Issues, 20th session

19-30 April 2021, UN Headquarters, New York

Theme: “Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16”

The session opened with a ceremonial welcome by the Chief of the Onondaga Nation, Sidney Hill.

Indigenous peoples make up less than 6% of the world’s population, but account for 15% of the poorest. They live across some 90 countries, represent 5,000 different cultures and speak an overwhelming majority of the world’s estimated 6,700 languages.

SDG 16, Peace, Justice and Strong Institutions, aims to promote peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

For SDG 16 to be achieved for indigenous peoples, it is critical that their rights are recognized, particularly the right to self-determination, which manifests itself in different forms, including autonomy and self-government.

Challenges

The impact on indigenous peoples due to historical injustices, often without redress or reconciliation, is a major reason for their continued marginalization.

The lack of recognition of their mere existence and legal recognition, such as issuing birth certificates or counting them in census denies indigenous peoples’ access to basic services such as education and healthcare, which disproportionately affects indigenous women and children. Many indigenous peoples remain stateless and often live in remote communities affected by poverty where access to State Justice is more precarious. Indigenous peoples are also sometimes denied voting rights, contributing to their already poor lack of representation in the political, economic, social and cultural life of the State. In efforts to help remedy this issue, knowledge-building on indigenous issues, legal recognition, data disaggregated by ethnicity and culturally appropriate programs and services in indigenous languages are recommended to highlight and improve indigenous peoples’ access to services, supporting their well-being.

Indigenous systems of justice have developed over time and are fully capable of resolving land and social disputes. Western-centric models of justice are characteristically capitalistic, scientific, and based on individualized rights, contradicting the world view of indigenous peoples.

Indigenous justice mechanisms are generally closer geographically, less costly and use languages understood by all in the communities they serve. The fact that the decision-maker is someone familiar to the disputants may inspire trust, or at least be less intimidating than the formal setting of a State court.



To advance the well-being of indigenous peoples and to eliminate the discrimination that stems from the precedence of Western models of justice, the benefits of legal pluralism must be recognized and applied. Legal pluralism is the existence of multiple legal systems that support equal access to justice for all. The SDG 16 vision of more inclusive societies requires a harmonization between State and indigenous institutions and systems to ensure that indigenous peoples have equal access to justice and equal life opportunities.

Recognizing and supporting indigenous justice systems can contribute to a more equal and effective access to justice for all, in line with Goal 16, and result in better implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

The Permanent Forum also discussed **COVID-19 and Building Back Better: Far-reaching implications for indigenous peoples.**

For centuries, indigenous peoples across the world have experienced the introduction of epidemics and pandemics into their communities by outsiders. During the colonial era, epidemics served as a tool of conquest, leading in some cases to the decimation of entire indigenous populations. More than a year following the outbreak of COVID-19, it is abundantly clear that the pandemic has exposed, and in many instances exacerbated, pre-existing inequalities whereby marginalized and disadvantaged segments of the population such as indigenous peoples have been hit much harder than others.

Indigenous peoples are more vulnerable to the direct (health) and indirect (economic, food security) effects of COVID-19, with generally higher infection and death rates than the overall non-indigenous populations. The impact on indigenous women and girls is even more severe.

Nevertheless, indigenous peoples have employed resilient practices during the pandemic: they have turned to traditional practices during the pandemic, including village closures, community lockdowns and voluntary isolation to fight the spread of COVID-19. They have gathered data and information on the spread of the pandemic over indigenous territories (Brazil). They composed health messages in indigenous languages and indigenous older youth provided informal schooling to younger children (Bangladesh)

Challenges

Throughout the COVID-19 pandemic, insufficient access to culturally appropriate information about the pandemic in indigenous languages has been cited. Furthermore, there has been limited disaggregated data and insufficient inclusion and participation of indigenous peoples in State policy design and implementation.

Some States regard the health situation as a security issue, and in some cases intimidation of indigenous peoples in the defense of their lands have increased. There has been also minimal

recognition of environmental impact regulations. External workers have been brought into indigenous peoples' territories, increasing the risk of contagion.

Indigenous children and youth have been heavily affected by the closure of schools and lack of access to online education.

The situation for indigenous women and girls has also exacerbated, as they continue to experience increased rates of rape and domestic violence. Measures such as curfews, quarantines, and lockdowns, have negatively impacted those seeking support and help.

Vaccination campaigns for COVID-19 must include an intercultural approach that includes the languages and health perceptions of indigenous peoples: most indigenous peoples have expressed concern about the possible rejection of vaccines by their communities due to historical mistrust....

Source : UN DESA/PFII

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