

ADVANCE UNEDITED VERSION

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Hundred and first session
4 - 7 August 2020

Statement 2 (2020)

Peru

The Committee on the Elimination of Racial Discrimination,

Acting under its Early Warning and Urgent Action Procedures;

Alarmed by the increasing spread of COVID-19 among the indigenous peoples living in the Amazon region of the State party, with an estimate of several thousand contaminations, affecting a higher number of women than men, and an estimate of hundreds of deaths;

Deeply alarmed by the threat posed by the COVID-19 pandemic to the physical and cultural survival of indigenous peoples living in the Amazon region in particular of those in voluntary isolation or in initial contact, particularly due to their high vulnerability to external diseases;

Concerned by the disproportionate and adverse socio-economic impact of the COVID-19 pandemic on indigenous peoples, in particular in the Amazon region, caused by the persistent racial structural discrimination hampering access to quality health services and to economic aid related to the COVID-19 pandemic;

Concerned that the absence of an effective mechanism for the protection of indigenous peoples' rights to lands, territories and resources further put the cultural and physical survival of indigenous peoples in the Amazon region at risk;

Highly concerned by the continuity of extractive activities in the Amazon region, which directly contribute to the spread of COVID-19 in the Amazon region, including in the most remote areas;

Disturbed by the absence of specific measures for indigenous peoples in the early response to the COVID-19 pandemic launched in March 2020, and the significantly delayed adoption of such specific measures;

Noting that the Legislative Decree 1489 which was adopted only on 10 May 2020 as a specific response to the situation of indigenous peoples in the context of the COVID-19 pandemic, is poorly implemented due to the lack of necessary funding and of limited technical capacities of regional governments;

Noting further the adoption of a plan of intervention for indigenous and rural communities in the Amazon region, on 30 May 2020, by the Ministry of Health;

Noting moreover the measures taken by the State party to mitigate any adverse impact of private companies operating in indigenous territories and lands, such as the Legislative Decree 1500;

Recalling its previous concluding observations of 23 May 2018 (CERD/C/PER/CO/22-23) and 25 September 2014 (CERD/C/PER/CO/18-21) on Peru and its general recommendations No. 23 (1997) on the rights of indigenous peoples and No. 32 (2009) on the meaning and scope of special measures in the Convention:

1. ***Calls upon*** the State party to ensure the participation of indigenous peoples in decision-making processes as key partners in addressing the COVID-19 pandemic and in decision-making, including in the design and implementation of measures taken to prevent and contain the disease, as well as in relation to recovery plans;
2. ***Urges*** the State party to immediately adopt protection measures for indigenous peoples in voluntarily isolation or initial contact and to prevent the entry of unwanted outsiders in their territories, in particular through the strict implementation of sanitary areas and expedited legislation establishing the protection and intangibility of areas where indigenous peoples live;
3. ***Urges*** the State party to give priority to and the necessary resources for adequate and fully funded implementation of the Legislative Decree 1489, as well as of the Supreme Decrees 004-2020-MC, 008-2020-MC and 010-2020-MC adopted by the Ministry of Culture, to ensure culturally appropriate health goods and services to indigenous peoples and delivery of humanitarian aid by public authorities and to consider the adoption and effective implementation of further measures to address the negative impact of the pandemic on indigenous peoples;
4. ***Urges*** the State party, including local authorities, to ensure the urgent and full respect of indigenous territories in association with indigenous peoples, by strictly enforcing controls on the entry of any unwanted person into indigenous territories in agreement and close collaboration with indigenous peoples, including compulsory testing for COVID-19 and medical evaluation of individuals wishing to enter these territories;
5. ***Urges*** the State party to adopt special measures to mitigate the socio-economic and cultural impact on indigenous peoples, caused by the COVID-19 pandemic, and to ensure access of indigenous peoples to economic aid without discrimination;
6. ***Urges*** the State party to ensure the right to free, prior and informed consent regarding the extractive activities and other development projects in indigenous people's territories which might further contribute to the spreading of COVID-19;
7. ***Calls upon*** the State party to cooperate internationally to seek support to its response to the COVID-19 pandemic with regard to indigenous peoples, in particular those living in the Amazon region, and in developing responses to the pandemic for communities bordering Brazil and Colombia.

2805th meeting
7 August 2020