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Subject: Contribution to the Special Rapporteur on the Rights of Indigenous Peoples regarding the impact of COVID-19 on the Shipibo, Awajún, Asháninka Indigenous communities, affiliated with FECONAU - Peru.

From the Federation of Native Communities of Ucayali and Tributaries (FECONAU), we send our warmest regards. We represent 35 communities of the Shipibo, Awajún and Asháninka people in the Ucayali region, and the institutions linked to FECONAU such as the Forest Peoples Programme (FPP) and the Legal Defence Institute (IDL). We are writing to provide you with relevant, first-hand information in order to assess and report on the impact of COVID-19 on the rights of Indigenous Peoples.

We herein present the existing initiatives undertaken by the Government of the Republic of Peru at its various levels, but also the deficiencies in terms of protection and safeguards, and some of the Indigenous People's own strategies in the battle against the pandemic. This is for the report to be submitted to the General Assembly in October 2020. For this purpose, based on the experience of the Shipibo Indigenous People who have the highest number of confirmed cases of COVID-19 to date in Peru, we answer some of the questions in the suggested questionnaire, which accompanied the call for participation of Indigenous organisations and their partners.

We hope this information on the repercussions of COVID-19 on the rights of the Indigenous Peoples will contribute to drafting their report and will bring to the attention of the General Assembly and the Human Rights Council the fundamental concerns that have arisen since the beginning of the spread of the pandemic in indigenous territories.

- **How the State collects and analyses the information on the effects of COVID-19 on Indigenous Peoples, as well as the availability of disaggregated data on Indigenous Peoples, including the health impacts.**



Some 90 days since the National State of Emergency, the State has delayed significantly in taking into account the ethnic variable¹ for publicly reporting cases of COVID-19 infections in Peru, ignoring the imminent situation of the unprecedented vulnerability of the Native Communities in the Amazon, with their precarious state health systems, and where less than four out of ten² communities have a health centre in their territories. In other words, those responsible for on-demand COVID-19 testing failed to ask if those who tested positive belong to an Indigenous population. This omission of the ethnic variable has interfered with information transparency and the chance for Indigenous organisations to make emergency decisions; they have constantly complained that the Regional Health Directorates do not publish the number of indigenous citizens with COVID-19 in their reports. On 7 May³ the Ministry of Health mentioned that efforts would be made to insert the ethnic variable in the COVID-19 records, in addition to starting a "campaign to mitigate the virus in indigenous communities with cultural relevance" This under-recording is worrisome. For example, in the data that the Ministry of Health⁴ handled in early June, the Shipibo people were the most affected by COVID-19 in Peru with 833 infected in families in the Ucayali region, but also in the Cantagallo community⁵ in the city of Lima. Therefore, it is not difficult to imagine what the real impact would be if the ethnic variable had been recorded in the data. By 18 May, 45 Shipibo deaths had been recorded⁶. Two and a half months after the start of the National State of Emergency, Ministerial Resolution No. 005-2020-MC⁷ was issued, which required the incorporation of the ethnic variable in the COVID-19 reports.

An important factor to consider is the lack of rapid testing allocated to indigenous territories, considering that 56 out of 429⁸ Native Communities in Ucayali already had positive COVID-19

¹ Retrieved on 09/06/2020. See: <https://convoca.pe/agenda-propia/covid-19-tres-regiones-no-consideran-el-origen-etnico-de-los-casos-confirmados-en-la>

² Retrieved on 09/06/2020. See: <https://rpp.pe/blog/mongabay/covid-19-pueblos-indigenas-de-peru-enfrentan-escasez-de-alimentos-y-deficiencias-en-atencion-de-salud-noticia-1258731?ref=rpp>

³ Retrieved on 09/06/2020. See: <https://twitter.com/victorzamora/status/1258600345971896320?fbclid=IwAR2IudQBktubgBChFLOYB-aprMLby3GfKaLaOagrzTBqglzWSifZZALf8uo>

⁴ Retrieved on 09/06/2020. See: <https://convoca.pe/agenda-propia/covid-19-tres-regiones-no-consideran-el-origen-etnico-de-los-casos-confirmados-en-la>

⁵ Retrieved on 09/06/2020. See: <https://rpp.pe/lima/actualidad/nadie-entra-nadie-sale-el-drama-en-la-comunidad-shipiba-de-cantagallo-por-la-covid-19-fotos-noticia-1265782>

⁶ Retrieved on 13/06/2020. See: <https://www.servindi.org/actualidad-noticias/18/05/2020/ucayali-reportan-la-muerte-de-45-indigenas-shipibos-por-covid-19>

⁷ Retrieved on 09/06/2020. See: <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-aprueba-los-lineamientos-para-la-incorpo-decreto-supremo-n-005-2020-mc-1867053-3/>

⁸ Retrieved on 12/06/2020. See: <https://www.actualidadambiental.pe/ucayali-56-comunidades-nativas-registran-contagios-de-covid-19-y-piden-mas-pruebas/>



cases by 5 June. These figures could well be the result of under-reporting due to the lack of testing in Native Communities. This has happened not only in Ucayali, but in other Amazon regions with Indigenous Peoples. In the case of the Regional Health Directorate of Loreto, for example, it had only approved the submission of 15 rapid tests for the Napo River basin, which covers 132 Native Communities and a health centre for 23,000 people in the town of Santa Clotilde⁹. Similarly, as of 11 June, 20 rapid tests for 10,000 Awajún people were reported for the Huampami Micro Health Network¹⁰.

- **Concrete cases that increase the risks and/or the disproportionate impact of the pandemic on the health of the Indigenous Peoples.**

One example that has increased the disproportionate impact of the pandemic on the Native Communities is illustrated by the Puerto Betel community, the FECONAU base. On 17 April, this was the first Native Community in the Peruvian Amazon to record positive COVID-19¹¹ cases. In the absence of clear operational and differentiated mechanisms based on indigenous health, the medical team that went to Puerto Betel did not know how to discuss the decision to transfer those infected with COVID-19, nor did they plan to take additional samples from the rest of the 300 inhabitants. In addition to this, at that time there were no transparent official reporting mechanisms¹² due to the under-reporting of the ethnic variable for providing the number of COVID-19 cases. Also, the "National Plan for the Reinforcement of Health Services and Containment of COVID-19" of 18 March approved with Ministerial Resolution No. 095-2020-MINSA¹³ had a centralised-urban focus and made no mention of vulnerable Amazonian populations. The Puerto Betel case is one of many in the Peruvian Amazon, claiming lives and devastating the Indigenous Peoples.

A second case that has affected the FECONAU Shipibo Conibo people, exposing them to COVID-19 infection, was that of the private oil palm company Ocho Sur P SAC, which had already been severely called into question for operating its plantation illegally on the ancestral territory of

⁹ Retrieved on 12/06/2020. See: <https://www.servindi.org/actualidad-noticias/03/04/2020/richard-rubio-las-lanchas-siguen-pasando-las-comunidades>

¹⁰ Retrieved on 12/06/2020. See: <https://redaccion.lamula.pe/2020/06/11/veinticinco-pruebas-rapidas-y-una-ambulancia-fluvial-son-las-armas-del-estado-contra-la-covid-19-en-el-cenepa/redaccionmulera/?fbclid=IwAR2oWr4sijtG6gfocD2pj1JFDuAKH2Z3nlZ6aSyMzsYTmPHfeyg9pSFWBFsY>

¹¹ Retrieved on 09/06/2020. See: https://ojo-publico.com/1767/detectan-dos-casos-covid-19-en-comunidad-shipibo-conibo-de-ucayali?fbclid=IwAR3NssFhwwxYY_S5enG8Bcrr2LV3T-9Se4brDRkhDxEIwJRDyzMzHxp5NkM

¹² Retrieved on 09/06/2020. See: <https://www.actualidadambiental.pe/gore-ucayali-aun-no-confirma-si-covid-19-llego-a-comunidades-nativas/>

¹³ Retrieved on 13/06/2020. See: <https://www.gob.pe/institucion/minsa/normas-legales/462251-095-2020-minsa>



the Native Community of Santa Clara de Uchunya (currently awaiting a ruling from the Peruvian Constitutional Court to reclaim its territory). Also, due to the human rights violations through a combination of land trafficking, deforestation of thousands of hectares of primary forests and the clandestine sale of products from its plantations.

With the National State of Emergency already in place, different Indigenous organisations such as the Interethnic Association for the Development of the Peruvian Forest (AIDSESP) on 6 June¹⁴, the Regional Organisation Aidesep Ucayali (ORAU) on 17 May¹⁵ and civil society such as the Institute of Legal Defence (IDL) on 26 March¹⁶ denounced the company, which operates without the free, prior and informed consent of the community, nor any instrument of environmental certification or approved Environmental Management Adaptation Programme (PAMA), for not stopping its operations during the pandemic. Furthermore, information was recorded from inside the company's plantations where workers stated that they had been forced to remain in deplorable conditions that threatened their physical integrity and fundamental rights.

Therefore, the Ombudsman's Office was informed so that it could intervene in the respective investigation and test-taking committees. On 4 June, the Ucayali Ombudsman's Office, together with the Ucayali Regional Health Directorate and the Public Prosecutors, monitored the facilities' labour and health conditions and found that 5 out of 39 workers tested positive for COVID-19¹⁷ in the respective screenings. The company Ocho Sur P SAC, which since April¹⁸ had claimed to have an adequate safeguard policy to contain COVID-19, put the lives of workers, their families and the surrounding populations at serious risk, such as that of Santa Clara de Uchunya. This community already had 16 cases of COVID-19¹⁹ on 11 June and with little attention and support from the Regional Health Directorate, as FECONAU reiterated.

¹⁴ Retrieved on 09/06/2020. See: <http://www.aidesep.org.pe/noticias/amazonia-estrellas-de-hollywood-respaldan-el-pedido-de-auxilio-de-pueblos-indigenas-del>

¹⁵ Retrieved on 09/06/2020. See: <https://twitter.com/proeticaperu/status/1262079894546255875>

¹⁶ Retrieved on 09/06/2020. See: <https://idl.org.pe/pandemia-amazonica/>

¹⁷ Retrieved on 09/06/2020. See: https://convoca.pe/investigacion/ucayali-el-90-de-los-trabajadores-de-ocho-sur-testeados-dieron-positivo-para-covid-19?fbclid=IwAR2qUIq7qMgP3gaNI89WDk1ecTBmbnwex5YNVxf43HyFoJV3B_WYoNMIVCA

¹⁸ Retrieved on 09/06/2020. See: <https://ochosur.com/covid-19-statement/>

¹⁹ Retrieved on 12/06/2020. See: https://www.facebook.com/FECONAU/?_tn=kc-R&eid=ARDduYJfDBH7xqD6PzBKXorzQWN3BysSTBwvVeSWyRZIw14YDKf_q6Zn1ZSO03cRoQi3NG14XwAYb_CH&hc_ref=ARQQXmMvm7drqqfZN8TwiG76JZAMdP0_RmgZnfvVwAn7CoOo-WF2Ms89XqVulk6HVDk&fref=nf&xts=%5B0%5D=68.ARDN_AmhofQLISXvBUdHhHjI3am0U4b2Zhn0nxTLer5Wi_gGAL5xo8xnvjiVU67vU0AboUCdbZ8OZJIKzDeohAqz4qUZQ4rZbNMV60I2L00CW2R8zM99exGh06X89YCefiWp6EaU_Dd6js8oZdQx0KvZZ-OtzuW6TgXpaO_BDhncB11J_hNk-jEujxuOkFTcm3LtCmcqqldEz7ZlmgU-



In view of this situation, on 9 June²⁰ FECONAU, the Human Rights Commission of Pucallpa and the Legal Defence Institute reported the company Ocho Sur P. to the Corporate Criminal Prosecutor's Office of Campo Verde for crimes against health and safety conditions in the workplace, spreading dangerous diseases, violating health measures and forced labour. The latter is also against indigenous workers of the Shipibo people. The complaint was made against the company's legal representative, the field engineers, the camp chiefs and foremen.²¹

All this work of a company already questioned amid a pandemic became much more worrying when the State initiated the Economic Reactivation process according to Supreme Decree No. 080-2020-PCM²² of 2 May 2020 and Ministerial Resolution No. 0117-2020-MINAGRI²³. Now with two and a half months of complaints against Ocho Sur, as well as hundreds of companies including the agro-industrial and the forestry sectors resuming their operations, and almost all of them working in or near indigenous territories, a tragedy of great proportions is unfolding for the Indigenous Peoples. Moreover, if the same thing were to happen with the Ocho Sur P. palm oil company, when the State players dissociated themselves from their responsibilities and took control of the biosecurity protocols themselves (Ministry of Agriculture versus National Superintendence of Labour Inspection versus Regional Directorate of Agriculture of Ucayali versus Ministry of Health versus the Regional Health Directorate)²⁴.

- **How the Indigenous Peoples are supported in their own initiatives to fight the pandemic, protect their health and provide assistance in their own communities and the teachings about traditional indigenous practices and closure and emergency community programmes.**

[cXu5KgEHmcd5bJE8s9MbG-xbkekb3sLctaqJFKnVBbg9KtiWXxrmAi4RpX2tloT5mB2y-3jYedkHtp3s1jiVwBGQMIDTg11m-EqFTTeXP6qwmRMD2JhSj1m1JkVSaWdcvYRXIY8HmOloBfZgCq5qdgxTr9RV5xGUzdryRdLlwIQ](https://www.idl.org.pe/denuncian-a-empresa-ocho-sur-p-por-trabajos-forzados-y-exponer-a-pueblos-indigenas-a-la-covid-19/)

²⁰ Retrieved on 09/06/2020. See: <https://idl.org.pe/denuncian-a-empresa-ocho-sur-p-por-trabajos-forzados-y-exponer-a-pueblos-indigenas-a-la-covid-19/>

²¹ Retrieved on 15/06/2020. See: <https://idl.org.pe/denuncian-a-empresa-ocho-sur-p-por-trabajos-forzados-y-exponer-a-pueblos-indigenas-a-la-covid-19/>

²² Retrieved on 11/06/2020. See: <https://www.gob.pe/institucion/pcm/normas-legales/544911-080-2020-pcm>

²³ Retrieved on 11/06/2020. See: <https://www.gob.pe/institucion/minagri/normas-legales/568237-0117-2020-minagri>

²⁴ Retrieved on 09/06/2020. See: https://convoca.pe/investigacion/ucayali-el-90-de-los-trabajadores-de-ocho-sur-testeados-dieron-positivo-para-covid-19?fbclid=IwAR2qUIq7qMgP3gaNI89WDk1ecTBmbnwex5YNVxf43HyFoJV3B_WYonMIVCA



The State has only been partially respecting and supporting the self-isolation measures in the communities to avoid infections in Indigenous populations. On some occasions the Navy of the Peruvian Armed Forces itself as criminalised indigenous autonomy and has sought to strengthen surveillance and territorial control in some FECONAU communities.

Another obstacle for the Indigenous People's own initiatives has been the lack of coordination and counter-productive social assistance from State players, as exemplified by the Ministry of Culture (MINCU) in the case of the native community of Puerto Betel. At the time, FECONAU reported²⁵ on 21 April that without establishing protocols, the Ministry of Culture decided to deliver food baskets after detecting cases of COVID-19 in the community to reap political returns. For FECONAU, this act was due to the desire of the State authorities, as they planned to enter the affected community without protocols and coordinating with the base federation.

The case of Puerto Betel brings to mind that the Peruvian State, through its social assistance strategies, has acted as a powerful vector of infection. This is due to its ignorance of the reality and practical logistics of Native Communities in rural areas, as well the lack of coordination and arrogance towards the representative indigenous organisations. In late March, the Supreme Decree No. 033-2020²⁶ was issued for local governments to purchase and distribute basic necessities in their jurisdictions, with "delivery to every home". However, as the indigenous organisation PUINAMUDT observed²⁷, the distribution aroused discontent in the communities due to an unnecessary increase in the risk of infection, as the distributor came into contact with a high number of people. The provision was not clearly thought out for rural conditions and indigenous epidemiological vulnerability. The extreme case was that of a municipal government boat distributing food to 19 Urarina and Achuar indigenous communities in the Loreto region in late April, but with a crew infected with COVID-19²⁸. On day 81 of the National State of Emergency, the State issued Supreme Decree No. 008-2020-MC²⁹ that approved the guidelines for the transfer and delivery of goods and/or food to Indigenous and Native Peoples by public entities and natural and/or legal persons.

²⁵ Retrieved on 09/06/2020. See:

https://www.facebook.com/watch/live/?v=265314184864998&ref=watch_permalink

²⁶ Retrieved on 12/06/2020. See: <https://www.gob.pe/institucion/mef/normas-legales/462774-033-2020>

²⁷ Retrieved on 12/06/2020. See: <https://observatoriopetrolero.org/entrega-de-alimentos-por-municipios-en-loreto-se-hace-sin-proteccion-y-sin-respetar-protocolos-de-seguridad-que-exigen-autoridades-comunales/>

²⁸ Retrieved on 12/06/2020. See: <https://www.caaap.org.pe/website/2020/04/30/cuatro-positivos-por-covid-19-en-delegacion-que-recorrio-el-rio-corrientes/>

²⁹ Retrieved on 12/06/2020. See: <https://www.gob.pe/institucion/cultura/normas-legales/633332-008-2020-mc>



- **How the chance of shaping the national response to COVID-19 is given to Indigenous Peoples to ensure that it does not have a discriminatory effect on their communities.**

Since the start of the National State of Emergency, the indigenous organisations themselves have influenced and sought to be included in any of the safeguard strategies developed by the State. Thus, FECONAU participated in formal meetings such as that of 7 April³⁰ with the Management of Indigenous Peoples of the Ucayali Regional Government (GOREU), and where the COVID-19 Pandemic Approach Plan was developed in Indigenous Peoples, approved with Regional Executive Resolution 172-2020-GRU-GR³¹. This Plan, which was the first on a national level for COVID-19 in coordination with indigenous Organisations, has four objectives: 1) To strengthen the first and second levels of health care and the responsiveness in communities, 2) To implement social immobility and closures at community, district and border boundaries, 3) Food and nutrition security, 4) To have a communication plan with an intercultural approach. However, by 5 June³² nothing had materialised due to the lack of budget allocation, so action on this Plan was mere rhetoric. This plan sought to compensate for the shortcomings of the Plan to Strengthen COVID-19 Health and Containment Services created by the Ucayali Regional Government without indigenous participation and an intercultural focus. It must be mentioned that, at the time, it was an isolated situation and emerged from a local rather than a national initiative. The Central Government in Lima, during that entire time continued to ignore the efforts of the indigenous organisations to avoid new infections and to provide support to those who were ill.

An additional issue that involves the region of Ucayali is the lack of hospital infrastructure and this has highlighted corruption and inefficiency in public spending through public investment projects worth millions of dollars³³. For example, in 2015, construction began for the Pucallpa Regional Hospital – valued at some 100 million USD – which was supposed to have finished late 2018, but is still not complete. This means that the State's responsiveness in Amazonian cities has collapsed due to the low provision of medical care, leaving the indigenous population of the Native Communities with a shortage of places to go for COVID-19 emergencies.

³⁰ Retrieved on 12/06/2020. See:

https://www.facebook.com/search/top/?q=gerencia%20pueblos%20indigenas%20goreu&epa=SEARCH_BOX

³¹ Retrieved on 12/06/2020. See: <https://www.servindi.org/actualidad-noticias/07/05/2020/ucayali-aprueba-primer-plan-de-accion-para-indigenas>

³² Retrieved on 12/06/2020. See: <https://www.actualidadambiental.pe/ucayali-56-comunidades-nativas-registran-contagios-de-covid-19-y-piden-mas-pruebas/>

³³ Retrieved on 12/06/2020. See: <https://ojo-publico.com/1849/la-pandemia-avanza-en-la-amazonia-mas-rapido-que-el-estado>



At the national level, 56 days after the National State of Emergency was decreed, the Peruvian State approved Legislative Decree No. 1489³⁴, “that establishes initiatives to protect Indigenous or Native Peoples in the context of the health emergency declared due to COVID-19”. The regulation reveals a considerable delay in the creation of guidelines to safeguard the lives of Indigenous Peoples in the Amazon, and reiterates generalities on the relevance of State services and the participation of indigenous organisations, and fails to give further details on how these initiatives will be carried out. The lengthy wait for the regulation to indicate that the Ministry of Health is “in charge of managing the creation of an intervention” is questionable, when the spread of COVID-19 in indigenous territories already required more action than rhetoric. For example, there was no particular mention of the interaction with the regional health directorates or the regional, provincial and district COVID-19 commands who execute health policies at the national level.

On 22 May, 68 days after the National State of Emergency, Ministerial Resolution No. 308-2020-MINSA³⁵ was approved, which approved the MINSA intervention plan for Indigenous Communities and Rural Population Centres of the Amazon in the face of the COVID-19 emergency. However, on 11 June³⁶, the approval of the budgets for the implementation of the Plan remained in force, but entangled in State bureaucracy. It is surprising and even discriminatory that the slow processing and also the budgets granted to the Amazon in general (88 million Peruvian soles according to the Ministerial Resolution No. 308-2020-MINSA) represent under 1% of the entire budget that the Reactive Peru Plan received in support for the business sector³⁷. In addition, two fundamental issues are the lack of recognition and involvement of the State itself in the indigenous health promoters in the Native Communities, which end up being underused in the containment of the pandemic by the State. And there is a clear lack of monitoring of the various health plans so that they are executed in a decentralised, practical, effective and inclusive manner.

Finally, after an avalanche of complaints from civil society and the sub-national governments themselves, the State opted for a strategy to improve the management of the response to COVID-19 by creating an Operations Command at various levels. Thus, on 1 April Ministerial Resolution No. 155-2020-MINSA³⁸ the COVID-19 Operations Command was created on a

³⁴ Retrieved on 12/06/2020. See: <https://busquedas.elperuano.pe/normaslegales/decreto-legislativo-que-establece-acciones-para-la-proteccion-decreto-legislativo-n-1489-1866212-1/>

³⁵ Retrieved on 12/06/2020. See: <https://www.gob.pe/institucion/minsa/normas-legales/584118-308-2020-minsa>

³⁶ Retrieved on 12/06/2020. See: <http://www.orpio.org.pe/?p=1798>

³⁷ Retrieved on 12/06/2020. See: <https://www.servindi.org/actualidad-noticias/27/05/2020/fondos-para-la-atencion-de-pp-ii-representan-menos-del-1-del-plan>

³⁸ Retrieved on 13/06/2020. See: <https://www.gob.pe/institucion/minsa/normas-legales/466129-155-2020-minsa>



national level, and the different Regional Governments created their commands afterwards, such as the case of Ucayali on 20 April³⁹. However, at the Indigenous Peoples level, three months after the start of the National State of Emergency, with Ministerial Resolution No. 386-2020-MINSA⁴⁰, came the approval "Technical Document: Guidelines for the Formation and Operation of the COVID-19 Indigenous Command at the regional level". This clearly shows a considerable delay in the application of policies and action frameworks for interacting with the Indigenous Peoples and their proposals. Yet this latest regulation basically "makes official" what the Indigenous Peoples have been doing: interacting between public and private stakeholders in response to COVID-19 in Indigenous Peoples, preparing technical proposals for the prevention and containment for Indigenous Peoples. Monitoring the progress of the pandemic in Indigenous Peoples, and to have a part in monitoring the implementation of Ministerial Resolution 308-20202-MINSA.

- **The diffusion of information on COVID-19 and the preventive measures in Indigenous Communities.**

The State consistently contributed early on to radio spots on the preventive measures in indigenous languages⁴¹. There are 34 radio spots for various languages that include those of the Shipibo Conibo people⁴² and the messages arrived from some FECONAU communities via the FM Stereo 100 radio. However, it has failed to ensure that the messages are relevant or with

³⁹ Retrieved on 09/06/2020. See: <https://www.gob.pe/institucion/minsa/noticias/126757-comando-regional-de-operaciones-covid-19-pondra-en-funcionamiento-hospital-especializado-en-pucallpa>

⁴⁰ Retrieved on 13/06/2020. See: <https://busquedas.elperuano.pe/normaslegales/aprueban-documento-tecnico-orientaciones-para-la-conformaci-resolucion-ministerial-no-386-2020-minsa-1867905-3/>

⁴¹ Retrieved on 12/06/2020. See: <https://andina.pe/agencia/noticia-ministerio-cultura-difunde-spots-lenguas-originarias-para-prevenir-coronavirus-790288.aspx>

⁴² Retrieved on 12/06/2020. See: <https://soundcloud.com/user-804448142/sets/coronavirus-spots-en-lenguas>



clear, accurate⁴³ and intercultural information, going beyond the formality of a mere translation of the message. Also, it has failed to ensure the implementation of additional radio spots on the part of the State to accompany the changing and flexible measures that occurred during the National State of Emergency, such as radio information on the specific regulations issued in relation to COVID-19 to serve the Indigenous Peoples, and reports from the Regional Health Directorates, among others. Official information translated into indigenous languages solely for preventive measures does not convey the sheer extent of the pandemic at various levels in indigenous societies.

- **The best practices and specific measures to correct the disproportionate effects of the pandemic on the health of the Indigenous Peoples.**

As a result of the neglect of Indigenous patients with COVID-19 in Pucallpa, due to the lack of practices that could reach the entire indigenous population democratically, in May the Matico Command⁴⁴, was formed, made up of young Shipibo Conibo people to supply medicinal plants (matico – *Piper aduncum*) to the Shipibo Population of Cantagallo in Lima, where the first indigenous deaths were recorded between 9 and 10 May⁴⁵. Also, to provide medicinal treatments to the vulnerable indigenous population who were without official medical assistance in the human settlements and intercultural communities of the districts of Yarinacocha, Manantay and Callería in the city of Pucallpa, particularly on its outskirts. The Matico Command was then formed based on indigenous experiences and traditional knowledge to correct the serious effects of the pandemic on health within the communities. The Matico Command, that has sought to strengthen the actions of the Regional Health Directorate, settled in the parish of the Yarinacocha district on 26 May to create a Matico COVID-19 early-care Community Centre, as well as being recognised by the Ministry of Women and Vulnerable Populations as an initiative to replicate in the districts affected by COVID-19⁴⁶ in Peru.

FECONAU understands that the State is responsible for medical care, but by using medicinal plants, the Indigenous Peoples can also complement the relief of COVID-19 symptoms, which is

⁴³ Retrieved on 13/06/2020. See: <https://www.actualidadambiental.pe/comunidades-shipibas-han-sido-correctamente-informadas-sobre-emergencia-por-coronavirus/>

⁴⁴ Retrieved on 12/06/2020. See: https://www.facebook.com/Comando-Matico-COVID-19-102884751442154/?ref=hf&hc_ref=ARQQjludtsu7MnYFIG9XBBzaEDCPFY21VWRhNIWkdzDZVFzkiBzDTu-4bGTrTnj6CV0

⁴⁵ Retrieved on 13/06/2020. See: <https://www.servindi.org/10/05/2020/muerte-por-covid-19-llega-cantagallo-6-muertos-y-60-infectados>

⁴⁶ Retrieved on 12/06/2020. See: <https://rpp.pe/peru/ucayali/coronavirus-en-peru-ucayali-replicaran-experiencia-del-comando-matico-para-vencer-la-covid-19-noticia-1269985>



why the Matico Command was not formed to compete with the State but to reinforce the State's medical care and its professionals. Despite progress as of June, the promise of the Ucayali Regional Health Directorate to have health workers support the activities of the Matico Command is yet to be fulfilled.

- **The economic, social and cultural repercussions, lockdowns, travel and other restrictions on the freedom of movement of indigenous communities.**

As of 21 April⁴⁷ four out of ten people had lost their sources of income in the whole country, since the health crisis impacted the economies of Peruvian households and especially the 75% of independent and informal workers whose savings depend on day-to-day earnings. The prolonged quarantines caused many indigenous and non-indigenous families in the capitals and major cities to return to their home communities, creating an internal urban-rural migration unprecedented in modern history. This situation has seen the gradual social reconfiguration of the Amazon area and for non-indigenous people who have lost all sources of income, this could place great strain on indigenous territories. As of 25 April, 167,000 people⁴⁸ had already requested support to return to their regions, mainly leaving the city of Lima. In the case of indigenous occupants of major cities, many lost income that they used to send home to their families in the communities.

One example was the case of the FECONAU community of Santa Clara de Uchunya, that between late April and the first two weeks of May had a list of 14⁴⁹ people at the Regional Government of Ucayali (GOREU) and the National Civil Defence Institute (INDECI) requiring the coordination of their relocation. The management of this crisis became so overwhelmed that some occupants of Santa Clara de Uchunya already left their rental homes or rooms, started sleeping on the street in various places in the capital. The most fortunate, such as these 14 community members, managed to stay at lodgings designated by the Ministry of the Environment (MINAM) that were authorised for the management of this humanitarian crisis, in accordance with Emergency Decree No. 048-2020⁵⁰. However, there were weeks of

⁴⁷ Retrieved on 12/06/2020. See: <https://elcomercio.pe/economia/peru/covid-19-el-42-de-peruanos-estan-sin-trabajo-o-ya-no-perciben-ingresos-a-causa-de-la-cuarentena-por-el-coronavirus-desempleo-informales-trabajo-noticia/>

⁴⁸ Retrieved on 13/06/2020. See: <https://ojo-publico.com/1786/desplazados-por-la-pandemia-la-travesia-de-los-mas-pobres>

⁴⁹ There is a list drawn up to influence the management of the returns of community members. The list includes seven minors. On 5 May, four people could not travel because one of them tested positive for COVID-19. The names remain confidential for this report.

⁵⁰ Retrieved on 13/06/2020. See: <https://www.gob.pe/institucion/pcm/normas-legales/541082-048-2020>



misinformation, of groping around in the dark amid the hundreds of rumours about where a possible bus or a humanitarian flight might depart from, or where to go for the mandatory COVID-19 testing before boarding the transport⁵¹, all framed by a lack of means of communication such as mobile phones that could not be charged due to lack of electricity when living temporarily on the streets⁵², and other deficiencies such as hunger and the lack of safe places to rest without exposure to COVID-19 infection. A critical point has been the great gap between the reception capacity of the regions and the availability of places to house returnees and complete their quarantine periods to avoid returning straight to the communities.

An important issue to consider based on all that has been suffered and manifested by returning community members is that the application of legislation on internally displaced persons under national and international law ends up being much more protective than Ministerial Resolution No. 097-2020-PCM⁵³: "Guidelines for the transfer and quarantine of people away from their habitual residence, as an effect of the social isolation measures by the National Emergency due to COVID-19". This brings about shortfalls in the humanitarian treatment of all populations affected by social isolation measures during the pandemic⁵⁴.

In rural areas, the social isolation measures to mitigate the health crisis heavily impacted the communities with greater dependency on the market, as they were unable to transport their agricultural products and purchase basic goods. The State has tried to alleviate family economies through financial subsidies. The first, called *Quédate en Casa* (Stay at Home) created great expectation, but also unease in the indigenous organisations as urban areas have been prioritised.

Then, the Ministry of Culture contacted the nine regional indigenous organisations of the national organisation AIDSEP for them to send out lists of potential beneficiaries within a few days. This request was made neglecting the fact that the regional organisations needed to contact their federations and they in turn should contact their base communities to obtain the required information. This occurred in times of scarce telephone or internet connectivity, immobilisation or long distances between communities, and even the inadequate management of Microsoft Excel documents. This total ignorance meant all assistance was ineffective and were acts of despair. Meanwhile, the indigenous organisations received the news of two new

⁵¹ Retrieved on 13/06/2020. See: <https://ojo-publico.com/1790/la-larga-marcha-del-hambre-y-el-miedo>

⁵² Retrieved on 13/06/2020. See: <https://ojo-publico.com/1796/el-bus-que-nunca-llega-los-migrantes-varados-en-lima>

⁵³ Retrieved on 15/06/2020. See: <https://www.gob.pe/institucion/pcm/normas-legales/481860-097-2020-pcm>

⁵⁴ Retrieved on 15/06/2020. See: <https://polemos.pe/los-retornantes-como-victimas-del-desplazamiento-interno-en-un-contexto-de-pandemia/>



and distinct subsidies for which the lists were completed, the rural subsidy⁵⁵ for vulnerable homes in rural areas and the universal subsidy⁵⁶. At present, doubt remains in the Native Communities regarding the operation of the subsidies, and it was not known for several weeks if they would have to leave their communities to collect it in cash from the city, or if special committees would come from the city to the communities and what health safeguards would be followed. The State also did not consider what the money would be used for in those communities where food was no longer available to buy due to shortages during the quarantine. Alstom the State did not explain why the proposal of the Indigenous Organizations to receive money through food supplies was not taken into account as a form of viable aid. The truth is that there has been no effort made to weigh up the long-term impact on the economically vulnerable population, so no new poverty line has been foreseen in the country.

- **How measures adopted will ensure that the indigenous communities do not suffer discriminatory effects in their access to means of subsistence, food and education, and how Indigenous Peoples are taken into account in the development of assistance and relief programmes.**

Many Amazon Native Communities have stressed the need for food, medicine, rapid testing, biosecurity equipment, fuel and even the establishment of health centres. Members of the Korin Bari community, for example, at the mouth of the Tachitea River, have to travel eight hours by boat to Pucallpa to get medicine, since there is no medical centre in the community. However, humanitarian assistance has either been slow and focused on certain Native Communities in response to emergency demands, or has not reached all Native Communities in the best possible way due to poor budget management, lack of management skills and state bureaucracy. Coordination for food assistance has been hampered by multi-sectoral State stakeholders who have not coordinated either among themselves or with the authorities representing the Native Communities, with the State becoming a vector of contagion⁵⁷.

There are communities such as Santa Clara de Uchunya that have a very complex landscape for exercising their traditional livelihoods, since the community members, having had their ancestral territories reduced and fragmented by the advance of oil palm monoculture currently managed by the company Ocho Sur P, find themselves in a situation of greater vulnerability in their capacities to respond to the spread of COVID-19. The isolation of families in the forest, as

⁵⁵ Retrieved on 12/06/2020. See: <https://busquedas.elperuano.pe/normaslegales/decreto-de-urgencia-que-establece-medidas-extraordinarias-de-decreto-de-urgencia-n-042-2020-1865631-2/>

⁵⁶ Retrieved on 12/06/2020. See: <https://rpp.pe/economia/economia/bono-familiar-universal-quienes-podran-recibir-hasta-s-760-noticia-1261599>

⁵⁷ Retrieved on 13/06/2020. See: <https://ojo-publico.com/1808/el-principal-vector-de-la-covid-19-en-la-amazonia-es-el-estado>



many Indigenous Peoples have done before in previous pandemics, or the subsistence of the forest and agricultural-forest spaces have become more complicated due to the advance of monoculture. Also, the presence of Ocho Sur P has not just generated an entire dynamic of land commodification in Nuevo Requena, but it also violates self-government and communal autonomy strategies by wanting to fragment social cohesion in the community.

With regard to access to education, the State launched the *Aprendo en Casa* (I learn at home) programme with MR No. 160-2020-MINEDU⁵⁸ on 1 April, hoping to continue the year's school programming but at a distance due to the impossibility of conducting face-to-face classes during the pandemic. However, on 27 May,⁵⁹ 67,000 children in the Ucayali region, where the Native Communities of FECONAU were not able to access their classes in the Rural Basic Education System due to lack of resources such as the internet, radio and television, and adequate content in the indigenous language. In addition, teachers faced complications in handling the appropriate technology for the classes. The pandemic will end up further widening the educational gaps in the Native Communities if adequate and immediate measures are not taken for inclusive access even during the time of COVID-19, which goes hand in hand with working on other parallel gaps affecting Indigenous Peoples and their access to basic services.

- **How women, elderly people, children, people with disabilities, lesbian, gay, bisexual and transgender persons in Indigenous Peoples are or may be facing new human rights challenges during the pandemic.**

In the case of indigenous women, the closure of schools and the cancellation of face-to-face classes have meant that both the Native Communities and the cities have had to devote more time to their children. On the other hand, although the work with handicrafts has continued for some of them in their homes, there are no sales due to the lack of displacement to cities or tourism, which has considerably affected their subsistence and the economic contribution that many Shipibo Conibo women make to their respective families. Even more so in this situation of

⁵⁸ Retrieved on 13/06/2020. See: <https://www.gob.pe/institucion/minedu/normas-legales/466108-160-2020-minedu>

⁵⁹ Retrieved on 13/06/2020. See: <https://rpp.pe/peru/ucayali/aprendo-en-casa-ucayali-el-40-de-los-escolares-no-accede-a-sus-clases-virtuales-noticia-1268792>



urgent needs. Also, machismo still exists in the Native Communities, and cases where the man does not support the woman in their household tasks. Despite this, if the Shipibo woman is ill, her older sons and daughters or her husband have been contributing, in most cases, to the respective care tasks. Finally, as regards elderly men and women, the pandemic has severely hit the guardians of traditional knowledge and the memory of collective historical experiences and episodes. The case of Korin Barin is somewhat of a saving grace, where in the absence of medicines and health workers and eight hours from Pucallpa, old men and women could only receive treatment with plants.

- **How the states of emergency can contribute to threats or aggravate current human rights violations of Indigenous Peoples, particularly regarding freedom to unite, and the protection of their traditional lands and resources. Also, the measures adopted to protect the land, territories and resources of the Indigenous Peoples from invasions and land grabbing by external agents during the pandemic.**

The National State of Emergency has also meant that the legal system is currently paralysed. Therefore, the activities of land, illegal wood and illicit crop traffickers have continued to operate with impunity in indigenous territories. The ability to file public or formal complaints has decreased significantly in the three months of the National State of Emergency. This is the case of Flor de Ucayali in the Utiquinía gorge and the base of FECONAU, where invasions by drug trafficking and illegal logging settlers have been recorded, intimidating community members, as well as limiting access to areas of traditional use affecting their livelihoods. This was verified in patrolling conducted by FECONAU in late May.

Likewise, the National State of Emergency has resulted in the paralysis of judicial activities in the many trials initiated by indigenous communities against people and companies responsible for illegal activities (including State agents). In these cases, impunity has been strengthened, while damage to communities is intensifying in the countryside. These communities have seen their capacity to advocate with national and regional political authorities curtailed due to the impossibility of transit and the State's own bureaucracy.

Likewise, we suggest some additional questions that could be addressed in the report:

- How it affects and will affect the economic reactivation process of large-scale agro-industrial companies, as well as the forestry, mining and oil sectors, and the strategies to care for the livelihoods of Indigenous Peoples.

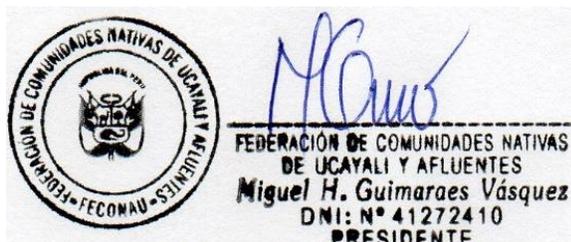


- Initiatives of the indigenous peoples themselves and forms of treatment that proved effective in the face of the spread of COVID-19 and in a context where the State, with its precarious health systems, was unable to assist everyone.
- Stagnation of intercultural action plans prepared with the participation of indigenous peoples, but without budget approval due to lack of political will.
- Analysis of the sharp increase in illicit activities in indigenous territories – logging, drug trafficking – and that in turn the murders of social leaders during the pandemic are still pending investigation.
- The migration process from cities to Native Communities, and the reconfiguration of social needs and livelihoods after this mass exodus.
- The effects of national emergency measures on land security, land tenure and the increased vulnerability to land grabbing and imposed development affecting indigenous peoples' lands and waters during the COVID-19 pandemic.
- The accountability of Ucayali extractives industries and oil palm companies that continued to operate during the National State of Emergency, violating the restrictions and emergency health decrees issued by the State.

We thank you for the attention given to our document and please send any messages to "Feconau Feconau" feconau1@gmail.com, tyounger@forestpeoples.org y jruiz@idl.org.pe

With nothing further to add, we wish you farewell.

Best regards,



Thomas Younger



Thomas Younger
Programme Coordinator in Perú
Forest Peoples Programme



A handwritten signature in blue ink, consisting of several overlapping loops and a vertical line extending downwards.

Juan Carlos Ruiz Molleda
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