



WHAT IF INDIGENOUS CONSENT IS NOT RESPECTED?

ACCESS TO EDUCATION FOR INDIGENOUS CHILDREN DURING THE PANDEMIC

RESEARCH
BRIEFING

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Cover image © AIZAR RALDES/AFP via Getty Images. Aymara Indigenous women walk their children to school during their first week of face to face classes, in Machacamarca, Bolivia, in February 2021. The children started face to face classes due to the lack of means to access virtual education.

During the Covid-19 pandemic, governments took urgent measures to limit the spread of the disease, including school closures. These impacted on Indigenous Peoples in ways that were unforeseen, but which could have been prevented if they had consulted with Indigenous Peoples. This survey looks at what the consequences of lack of consultation were, and how things could be improved in similar situations in the future.

1. INTRODUCTION

Amnesty International is publishing this multi-country case study, together with two guides on researching processes of participation and consent in decision-making, to highlight the voices of Indigenous leaders and campaigners who discuss the impact of the pandemic on the right to education of Indigenous Peoples.

As they developed measures to address the Covid-19 pandemic, the Indigenous representatives that we spoke to highlighted that many governments failed to consult and obtain the free, prior and informed consent (FPIC) of Indigenous Peoples, and as a result those measures failed to take into account the realities, cultures and rights of Indigenous Peoples and in many cases caused actual harm. The case study aims therefore to present a clear example of the risks and long-lasting consequences of not respecting FPIC rights. Through the voices of Indigenous leaders and activists, Amnesty International is hoping to contribute with lessons learned that States can draw from, to respond to future crises in a way that respects Indigenous Peoples' rights. Additionally, this briefing also raises concerns about the long-lasting consequences that the pandemic still has on Indigenous Peoples, especially young people's access to education, and States' obligations to provide remedy.

Across the world, neo-colonialism and globalization contribute to dispossession of indigenous peoples' lands and keep their societies in a state of marginalization and extreme poverty. Indigenous communities are at increased risk because of the systemic inequities and discrimination they face, and COVID-19 has further exacerbated racism against indigenous men and women across all continents.

United Nations Special Rapporteur on the Rights of Indigenous Peoples¹

The Covid-19 pandemic created a crisis in education globally; however, it had a particular impact on Indigenous children due to how these existing systemic inequalities were exacerbated.

2. EXECUTIVE SUMMARY

“There was a correlation between how well indigenous peoples were faring during the pandemic and their ability to exercise their right to self-determination: the closer a State was to achieving the ends of the Declaration, the better indigenous peoples would fare.”

United Nations Expert Mechanism on the Rights of Indigenous Peoples²

Amnesty International carried out a survey on the impact of Covid-19 on Indigenous Peoples, collecting responses from over 80 interviews and emails/surveys with experts, Indigenous activists, representatives of Indigenous organizations, or organizations working with Indigenous Peoples. Respondents spoke about the differentiated impact on Indigenous students in different countries around the world due to school closures. For Indigenous children, the pandemic served to exacerbate pre-existing disparities in access to education. During the pandemic, many Indigenous children, especially in rural areas, lacked access to the devices, internet connection, and technological knowledge to access virtual classes. This was also true of low-tech solutions such as educational

¹ UN Special Rapporteur on the Rights of Indigenous Peoples, *Report: Rights of Indigenous Peoples (impact of the coronavirus disease)*, 20 July 2020, UN Doc. A/75/185, para.22.

² UN Expert Mechanism on the Rights of Indigenous Peoples, *Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: indigenous peoples and the right to self-determination*, 4 August 2021, UN Doc. A/HRC/48/75, para. 38.

programming through the radio or television. In some cases, the schools Indigenous students attended allegedly did not offer any form of distance learning, including printed materials. Discrimination in the delivery of printed materials was also reported.

In developing Covid-19 response plans, interviewees said that governments failed to account for the particular needs and vulnerabilities of Indigenous students, in part because of a failure to consult Indigenous Peoples in the development of these plans. Interviews and survey respondents in India, Nepal, Uganda, Kenya and Mexico told Amnesty International that the government did not consult with Indigenous Peoples about access to education during the pandemic or about recovery efforts. In some countries the government anticipated that some students would not have access to the needed technology and developed alternative strategies. However, interviewees and survey respondents reported that these strategies were either inadequately implemented or did not reach their community at all.

In the absence of adequate government responses, Indigenous Peoples around the world created their own initiatives to fill in the gaps. These initiatives included the building of structures in areas where internet could be accessed, coordination between teachers and parents for the distribution of materials, and the sharing of books with other community members. Unfortunately, the gaps left by the government at times forced Indigenous students to find solutions that risked increased Covid-19 transmission, such as using gathering halls to access internet. Governments also reportedly prevented Indigenous initiatives from providing education to students.

The survey uncovered evidence that Indigenous girls and Indigenous children with disabilities were particularly impacted by the pandemic. When families had limited devices, they would often prioritize boys over girls. This additional barrier to accessing technology for girls, as well as an increased number of early pregnancies during the pandemic, may have led to increased dropouts for Indigenous girls. Access to information also provided an additional barrier to education for Indigenous children and particularly those with disabilities.

Although temporary school closures due to covid-19 have ended, the pandemic's impacts on Indigenous children continue in the form of increased learning loss and dropouts. These are interrelated, as the fact that Indigenous students did not have an equal access to education meant they often had to repeat a year when they returned to school. It was reported that the pandemic's impacts on Indigenous livelihoods and NGOs supporting Indigenous Peoples also resulted in dropouts or high absenteeism due to the need for young people to support their families and/or parents' inability to pay government school fees. In some cases, students resorted to manual labour, sometimes missing school to do so, to obtain money for food and school costs.

Moreover, the disparities the pandemic revealed and emphasized have not necessarily been addressed. Examples include schools in Indigenous areas lacking sufficient resources and teachers, students still being forced to walk long distances to access education, and the closing down of schools with low enrollment making the distance to other schools too great for Indigenous students.

The pandemic also impacted formal and informal Indigenous language education due to the digital divide and the de-prioritization of these courses. In some cases, it was reported that Indigenous language classes were shortened, or eliminated completely. In some cases this situation continued even when schools returned in person. The resulting obstacles to inter-generational transmission of languages put added pressure on endangered languages, which had consequences long after the end of the pandemic.

The WHO declared on May 5, 2023, that "COVID-19 . . . no longer constitutes a public health emergency of international concern".³ However, as a result of the long-standing inequities that the pandemic revealed and exacerbated, members of Indigenous Peoples, like so many affected by the

³ World Health Organization (WHO), "[Statement on the fifteenth meeting of the IHR \(2005\) Emergency Committee on the COVID-19 pandemic](#)", 5 May 2023.

pandemic, are still reeling from its impacts, including long-term health impacts and grieving for the loss of loved ones; hence, important lessons must be learnt in terms of response strategies and the need to address these inequities.

Indigenous students were further impacted as a result of the digital divide and government failures to consult with them about the pandemic response. Moreover, the effects of what was in some cases over a year and a half of school closures remain, including for students who dropped out of school and have not returned.⁴ Therefore, Amnesty International hopes that this briefing will serve to underscore the past and continuing impacts of the pandemic on education particularly for Indigenous People, the inequalities highlighted by the pandemic, and the lessons learned for future emergencies which are likely to have a disproportionate impact on Indigenous Peoples and racialized communities.

3. METHODOLOGY

Between 2021 and 2023, Amnesty International researchers collected information on the Covid-19 pandemic's impacts on Indigenous Peoples' rights, through over 80 remote interviews and emails/surveys in 29 countries, in six continents. These interviews and surveys included inputs from Indigenous Peoples' representative institutions and NGOs. Countries covered for this briefing by interviewees and survey respondents include Democratic Republic of Congo, India, Kenya, Mexico, Nepal, Russian Federation, Taiwan and Uganda.⁵ Interviews, email, and survey responses from over 80 respondents have been selected to highlight the impact on access to education, although the interviews covered a wide range of issues including impacts on access to healthcare, food security, impact on traditional livelihoods, and violence against Indigenous women and girls. Some individuals were interviewed more than once. All interviews were conducted virtually. For the safety of respondents, the names of some of the interviewees have been removed.

Letters were sent to the governments of countries mentioned in the study, and they were given the opportunity to respond to the allegations that our interview respondents had made. The reply of the Mexican government stated that it responded to the "unprecedented challenge of Covid-19" by working with Indigenous schools and teachers to roll out a set of measures including distributing materials in five Indigenous languages, sometimes in printed formats where access to internet or devices was restricted, developing new digital educational materials, using radio, television and loudspeakers for information sharing, and capacity-building for schools and parents to use digital platforms.⁶

Access to official disaggregated data on the impacts of the pandemic on Indigenous Peoples was difficult to get, either because it does not exist or is not publicly available.

Given the very broad reach of the study, the objective was not to demonstrate or prove that human rights violations have taken place. It was rather to give space to the voices and perspectives of Indigenous representatives, experts and activists, and to encourage reflection on their concerns. Amnesty International is grateful to the collaboration and documentation work conducted by the interviewees, which was especially vital given the constraints detailed above.

⁴ Nations Educational, Scientific and Cultural Organization (UNESCO), "[Education: From disruption to recovery](#)".

⁵ Although not all the interviews are directly cited in the report, they informed the overall understanding of the impact of the pandemic on Indigenous Peoples. The full list of countries covered is Algeria, Aotearoa New Zealand, Australia, Bangladesh, Burundi, Cameroon, Canada, Colombia, Congo Brazzaville, Congo Kinshasa, Ethiopia, Finland, India, Kenya, Malaysia, Mexico, Morocco, Nepal, Nicaragua, Nigeria, Norway, Paraguay, Peru, Russian Federation, South Africa, Sweden, Taiwan, Uganda, United States of America.

⁶ Letter from the Secretariat for Education, Science, Technology and Innovation, 19 February 2025, on file with Amnesty International.

4. THE RIGHT TO CONSULTATION AND FREE, PRIOR AND INFORMED CONSENT

Fully respecting free, prior and informed consent rights is crucial for governments to adequately address the needs and rights of Indigenous Peoples – this is true at all times but particularly when facing the exceptional circumstances of the pandemic. The Covid-19 pandemic has disrupted education systems around the world, particularly affecting learners who experience marginalization and exclusion,⁷ including Indigenous young people.⁸ Between March 2020 and November 2021, school closures lasted for more than a year and a half in some countries.⁹ To ensure learning continuity during schools closures, governments shifted to online learning or other distance learning methods, including using television, radio, or printed materials. However, as was the case for many students from rural or poorer communities, interviewees reported that Indigenous students were excluded from distance learning owing to a lack of technology or working internet connection.¹⁰ The shift to distance learning impacted negatively on Indigenous students as a result of factors including high internet costs and low or non-existent reliable network or speed.¹¹ Other barriers for Indigenous Peoples to distance learning in rural areas included a “lack of continuous electricity . . . [or] devices for distance learning.”¹² One study of nine countries found that, according to self-reporting by Indigenous communities, internet access at home varied from zero to 48% of households.”¹³

Indigenous campaigners and leaders told Amnesty International that in India, Nepal, Uganda, Kenya and Mexico there was no consultation on access to education for Indigenous children during the pandemic, or in relation to recovery.¹⁴ The probability is that this was the norm in many more countries around the world.

In Uganda, the government failed to consult with the Batwa or conduct an assessment “to find out how they are learning or how they can also access the online education”,¹⁵ which is even more problematic given the underrepresentation of Batwa in local governing councils and school management committees.¹⁶

Interviewees reported that the lack of effort to consult and obtain Indigenous Peoples’ FPIC, coupled with **failures in planning and implementation, and a tendency to apply “one size fits all” approach, exacerbated the negative consequences of the pandemic in the right to education for Indigenous students.** Indigenous leaders reported that during the pandemic, several governments failed to

⁷ UNESCO, *One year into COVID-19 education disruption: Where do we stand?*, 19 March 2021.

⁸ Indigenous Navigator, *The Impact of COVID-19 on Indigenous Communities*, October 2020, p. 23.

⁹ UNESCO, “Education: From disruption to recovery” (previously cited).

¹⁰ Indigenous Navigator, *The Impact of COVID-19 on Indigenous Communities* (previously cited), p. 23.

¹¹ UN Special Rapporteur, *Rights of Indigenous Peoples (impact of the coronavirus disease)* (previously cited), para.78.

¹² United Nations Children's Fund (UNICEF), *UNICEF Call to Action: Indigenous Communities and the Right to Education in Times of COVID-19*, August 2020, p.4.

¹³ Indigenous Navigator, *The Impact of COVID-19 on Indigenous Communities* (previously cited), p. 23-24. The study covered Cambodia, the Philippines, Kenya, Bangladesh, Colombia, Nepal, Peru, Tanzania, and Bolivia.

¹⁴ Interview by video call with Chittaranjan Pani, Independent Researcher on Natural Resource Governance & Tribal Livelihood working in Central Indian States, India, 18 August 2021; Interview with Bimala Tamang, Indigenous landless woman activist from Nepal and Bhagavati Adhikari, Executive Director Nepal Mahila Ekata Samaj, 30 June 2023; Interview with Pratima Gurung, campaigner on the rights of Indigenous persons with disabilities, Nepal, 8 August 2023; Interview with Denis Mucunguzi, Executive Director of the African International Christian Ministry (AICM) in Kabale, Uganda, 6 July 2023; Survey response from Denis Mucunguzi, 21 June 2023; Interview with Sylvia Kokunda, Executive Director, Action for Batwa Empowerment Group (ABEG), Uganda, 4 September 2023; Focus group discussion of Amnesty International Mexico with the NGOs Centro de Derechos Humanos Zeferino Ladrillero and Centro de Derechos Humanos de la Montaña Tlachinollan, Mexico, June 2023.

¹⁵ Interview with Sylvia Kokunda, 4 September 2023 (previously cited).

¹⁶ Martha Kibukamusoke & Jimmy Alemiga, “Civic and political rights of the Batwa ethnic minority in local governance at village level: The case of Kanungu District”, March 2018, Africa’s Public Service Delivery and Performance Review, Vol. 6, p. 2; Campaigners who have been encouraging the government to include Batwa on school management committees have faced obstacles: “For example, here in Uganda, having a person on the school management committees should have either been an old boy or old girl of the school, or be a member of the foundation body, which is either a church or a mosque, or a member from government. So, some of those things restrict Batwa.” Interview with Denis Mucunguzi, 6 July 2023 (previously cited).

adequately account for and apply targeted initiatives to address the unique needs of and disparities facing Indigenous students.

The virtual educational system “makes the complexity and different realities of Indigenous peoples invisible as well as their limitations to having computers or the access to internet to monitor classes.”

Nuestras Voces, intercultural youth collective from Mexico¹⁷

In **Kenya**, although the Ministry of Education was aware that children in rural areas did not have access to technology,¹⁸ the planned initiatives were not effectively implemented until after the pandemic. “To the best of our knowledge, there was no government-led needs assessment done for the Ogiek, or consultations on educational response, or the pandemic response more generally,” Ogiek campaigners said.¹⁹ In December 2020, the OHCHR published a scoping initiative about the impact of Covid-19 on the human rights of Indigenous Peoples and Indigenous women in Kenya. It included 1,334 households in 512 villages.²⁰ 86.5% of the respondents said that “children from indigenous communities did not receive any educational support, including online learning, to enable them to continue with their education.”²¹ An Ogiek land and environmental rights defender reported that although Sogoot FM 97.1, an Ogiek language radio station, was used to reach the community to inform them about Covid-19 and its impacts, it was not used for school coursework.²²

“Leaving unaddressed the specific needs of indigenous peoples to access education at the time of the COVID-19 pandemic impedes the full enjoyment of their right to education, exacerbating existing inequalities.”

Indigenous Navigator²³

Yet systemic inequalities and the specific difficulties facing Indigenous Peoples impacting access to education should not have come as a surprise to governments.²⁴ UNICEF issued a warning about the gaps distance learning initiatives would leave for some students in Latin America.²⁵ For Indigenous children this digital divide was not a new problem, but rather exacerbated pre-existing inequalities in education access. Indigenous individuals across the world continued to achieve lower educational levels than non-Indigenous individuals, regardless of region or income bracket, and in many countries, “indigenous peoples encounter more barriers to the completion of primary school and are less likely to obtain a diploma, certificate or degree” compared to non-Indigenous persons.²⁶ Pre-existing challenges included long term marginalization, systematic inequality, and discrimination.²⁷ These pre-existing barriers “can manifest in lower-incomes, lower levels of education within families, a failure to adequately accommodate Indigenous languages, and under-investment in necessary infrastructure such as the internet.”²⁸ Moreover, Indigenous Peoples “remain underserved, among those least likely to be

¹⁷ International Indigenous Women’s Forum (FIMI), *The Impact of Covid-19 on the Lives of Indigenous Women and their Strategies to Deal with the Pandemic*, 2020, p. 20.

¹⁸ Republic of Kenya, Ministry of Education, *Kenya Basic Education Covid -19 Emergency Response Plan*, May 2020, p. 21.

¹⁹ Survey response from Daniel M. Kobei, Executive Director and Kennedy Kipng’eno, Assistant Project Officer Field Operations of the Ogiek Peoples’ Development Program (OPDP), 31 August 2023.

²⁰ Office of the High Commissioner for Human Rights (OHCHR), *Kenya: Leaving No One Behind in the Covid-19 Crisis – Human Rights Impacts in Indigenous Communities*, December 2020.

²¹ OHCHR, *Kenya: Leaving No One Behind in the Covid-19 Crisis* (previously cited), p. 3.

²² Amnesty International Kenya, Interview by telephone with Leonard Mindore, campaigner on indigenous land and environmental rights in Kenya, 20 June 2022.

²³ Indigenous Navigator, “The impact of COVID-19 on Indigenous Communities” (previously cited), p. 45.

²⁴ For example, in Mexico, data from 2018 showed that of Indigenous children between 7 and 17 years old, 54.7% lacked access to radio, 24.8% lacked access to the internet, and 4.5% lacked access to television. UNICEF, Call to Action (previously cited), p. 5.

²⁵ UNICEF, Call to Action (previously cited), pp. 4-5. Schools in Mexico were fully closed for 53 weeks and partially open for 18 weeks between March 2020 and November 2021. UNESCO, “Education: From disruption to recovery” (previously cited).

²⁶ Human Rights Watch, *Submission on the Rights of the Indigenous Child to the Expert Mechanism on the Rights of Indigenous Peoples*, 2 March 2021; UNESCO, *Indigenous Peoples’ Right to Education: Overview of the Measures Supporting the Right to Education for Indigenous Peoples Reported by Member States in the Context of the Ninth Consultation on the 1960 Convention and Recommendation Against Discrimination in Education*, 2019, p. 1; ILO, *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future*, 2019, pp. 80-81.

²⁷ Human Rights Watch, *Submission on the Rights of the Indigenous Child* (previously cited); UN Special Rapporteur, *Rights of Indigenous Peoples (impact of the coronavirus disease)* (previously cited), paras. 22, 78.

²⁸ Human Rights Watch, *Submission on the Rights of the Indigenous Child* (previously cited).

connected to the Internet and often lack equal opportunities to acquire digital skills needed to make the most of [Information and Communications Technologies].”²⁹

Indigenous leaders and activists interviewed for this briefing reported that Indigenous children faced significant barriers in accessing education during school closures because they had no or limited access to the internet, radio, TV, or other technology devices.³⁰ They also reported that the digital divide was particularly stark for Indigenous children living in remote areas, including in Mexico and India.³¹ A respondent in Russia explained that while for big cities such as Moscow, it may have been easier to move to online learning, in rural settings this took considerably longer. They underscored that for rural areas, “they should have access to internet in a very stable way. I think it took maybe half a year to adapt the rural system to the virtual format.” Teachers in rural areas also did not necessarily have the technological skills to move online. Indigenous families did not all own computers for their children. While, in some regions with more resources like Yamal-Nenets, the government provided equipment to some families, that was not the case in all regions.³²

Affordability also posed a significant barrier; in Kenya, the parents of many Ogiek students could not afford data bundles, cellphones, or televisions. Only the few Ogiek parents who understood the platforms, had smartphones, could afford the expensive data bundles, and could ensure the continued learning of their children during the pandemic. The public schools where most of the Ogiek students are enrolled did not provide online learning or any other materials during the pandemic. Thus, the only Ogiek students who could continue accessing education during the pandemic were those whose parents could afford to send them to private schools, which offered online learning.³³

Even where, response plans did not require access to a computer or the internet, they reported that challenges remained. A study conducted on the conditions of access to health and education for the Batwa in south-western Uganda, noted that much of the distance learning in Uganda was conducted through television and the radio, which many Batwa did not have access to.³⁴

“For the most part these materials were distributed by the local government, since it can be easier for the village chairperson to identify the people in this community. However, the local officials would not give the materials to these Batwa people, they would give only to their people. Sometimes, although the materials were supposed to be distributed for free, some local officials would require the Batwa to pay for printing, which the Batwa could not afford. Distribution also happened through stationery shops, which the school or district would send the materials to. However, these also charged for printing the materials.”

Sylvia Kokunda, Action for Batwa Empowerment Group, Uganda ³⁵

²⁹ United Nations, “[Indigenous Peoples and Connectivity: Bridging the Digital Divide](#)”, 27 April 2021.

³⁰ Amnesty International Taiwan, Interview with Tuhi Martukaw from Piyuma Kasavakan community in Taiwan, 20 May 2021; Interview by video call with Sylvia Kokunda (previously cited), 4 September 2023.

³¹ In the State of Guerrero, Mexico, where Indigenous Peoples including the Nahuas, Mixtecs, Tlapanecs and Amuzgos are concentrated in rural areas, Indigenous Peoples reported that primary schools closed and middle schools only offered virtual classes in urban areas. Even before the pandemic, there were no high schools in rural areas. Focus group discussion, Centro de Derechos Humanos de la Montaña Tlachinollan and Centro de Derechos Humanos Zeferino Ladrillero (previously cited), February 2022. In India, a study in the states of Assam, Bihar, Chandigarh, Delhi, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal found that Dalit and Indigenous students were less likely to be studying online regularly or live in a household with a smartphone, compared to other students living in rural areas, and that “similar patterns apply in urban areas”; Nirali Bakhla and others, *Locked Out: Emergency Report on School Education*, 6 September 2021, pp. 8, 19-20.

³² Interview with an Indigenous community member in Russia (name withheld for security reasons), 4 July 2023.

³³ Survey response from Daniel Kobei and Kennedy Kipng'eno (previously cited), 31 August 2023; Kennedy Kipng'eno, email to Amnesty International, 1 September 2023, on file with Amnesty International.

³⁴ African International Christian Ministry (AICM), Minority Rights Group International (MRG), Action for Batwa Empowerment Group (ABEG), and Action for Youth with Disabilities in Uganda (AYDU), *Assessment of Batwa and Persons with Disabilities' Access to Education and Health Services in Uganda*, July 2021, pp. 6, 15; Uganda imposed one of the strictest lockdown measures in the African region, with schools fully or partially closed for over a year and a half, reopening only in January 2022. UNESCO, “Education: From disruption to recovery” (previously cited).

³⁵ Interview with Sylvia Kokunda, 4 September 2023 (previously cited).

HOW COULD SUPPORTING INDIGENOUS SELF-DETERMINATION MAKE A DIFFERENCE?

“Globally, the crisis has shown the limitations linked to the lack of control indigenous peoples have over their educational systems.”³⁶

In spite of these limitations, some Indigenous Peoples on their own initiative took independent and innovative measures to promote and organise access to education during school closures. These are just some examples of how, if given better control over decision-making that affects their rights, solutions could be better tailored to their needs and culture, and thus, respectful of States’ human rights obligation towards Indigenous Peoples.

In a community in Zinacantepec in **Mexico**, teachers visited homes in order to try to encourage students not to abandon classes. Teachers also “agreed with the only stationery store in the community to leave printed homework so that students could collect their homework and continue learning. They also created chat messaging groups in order to follow up with them and asked them to inform their classmates - those who did not have cell phones - about the homework. Students handed in their completed homework on the same stationery so that teachers could collect, review and grade it.”³⁷ In Na savi, Me’phaa, and Naua communities of the Montaña and Costa Chica regions of Guerrero “families and teachers organized themselves to share homework tasks via chat messaging groups so that they could also share them with those who did not have cell phones. They also tried to buy a card among several families to connect to the antenna and take the virtual classes.”³⁸

In **Nepal**, members of an Indigenous community supported each other by sharing old books with students of another grade so that new ones did not need to be purchased. Indigenous community members have also tried to counsel families and students to encourage those who dropped out to return to school.³⁹ However, in some cases Indigenous students had to resort to strategies that may have carried additional risks, such as in Taiwan, where an interviewee reported that Indigenous children started going to the gathering halls of the tribe where there was internet, potentially heightening the risk of infection.⁴⁰

Tailoring the pandemic response to specific Peoples’ realities in many countries faced the additional challenge that disaggregated data has never been collected. For example, in Russia the national level government does not disaggregate data by Indigenous status.⁴¹ In Kenya, there is no disaggregation of data about the pandemic by either Indigenous status or whether a person has a disability.⁴²

5. IMPACTS ON THE RIGHT TO EDUCATION OF INDIGENOUS GIRLS

In 2021, UNICEF warned of the pandemic’s profound impact on the everyday lives of girls, including on “their physical and mental health, their education, and the economic circumstances of their families and communities.”⁴³

³⁶ UN Special Rapporteur, *Rights of Indigenous Peoples (impact of the coronavirus disease)*, 20 July 2020 (previously cited), para. 78.

³⁷ Amnesty Mexico, Interview with Centro de Derechos Humanos Zeferino Ladrillero, June 2023.

³⁸ Amnesty Mexico, Interview with Centro de Derechos Humanos de la Montaña Tlachinollan, June 2023.

³⁹ Interview with Bimala Tamang and Bhagavati Adhikari, 30 June 2023 (previously cited).

⁴⁰ Amnesty International Taiwan, Interview with Tuhi Martukaw, 20 May 2021 (previously cited).

⁴¹ Interview with an Indigenous community member in Russia, 4 July 2023 (previously cited).

⁴² Interview with Christine Kandie, the Executive Director of the Endorois Indigenous Women Empowerment Network (EIWEN), 18 September 2023.

⁴³ UNICEF, “COVID-19: A Threat to Progress Against Child Marriage”, 7 March 2021.

Willy Elua, an activist from the **DRC**, reported that “The woman is sacrificed if there are problems. Where we have two children - a girl and a boy, the boy will go to study - the girl will be pushed to the countryside.”⁴⁴

In **Uganda**, Sylvia, a Batwa campaigner, reported an increased number of dropouts from girls, resulting from early pregnancies during the pandemic, “which would not allow them to go back to school.” Her organization is now trying to help them “such that they can have a skill and also be able to help themselves earn a living to help them and their children.”⁴⁵

Indigenous women activists from **Nepal** also reported a gendered difference in which children were provided with technology: “If some families have a mobile, then only one or two. And if there are more children in the house, one has to sacrifice their education. When it comes to the sacrifice, then the girls have to be sacrificed more.”⁴⁶

6. IMPACTS ON THE RIGHT TO EDUCATION OF INDIGENOUS CHILDREN WITH DISABILITIES

In April 2020, the United Nations noted that “children with disabilities were the “least likely to benefit from distance learning solutions.” For Indigenous people with disabilities, factors compounding their lack of access to education included a lack of accessible materials and “the support that would allow them to follow online programmes.” Children with disabilities required “enhance[ed] accessibility features, such as audio narration, sign language video, and simplified text, as well as provision of assistive devices and, in some cases, reasonable accommodation”.⁴⁷ Unfortunately, quantifying the impact on children with disabilities, including Indigenous children with disabilities, remains difficult due to a deficit in the availability of “internationally comparable data allowing an analysis of the links between disability and education and [the fact that] many disabilities remain unidentified”.⁴⁸

In **Nepal**, for Indigenous children, and particularly Indigenous children with disabilities, access to education was also connected to access to information. As Pratima Gurung explained, “Indigenous people were not informed about how long the education system will be closed. Access to information was very much an issue, in terms of their full fundamental rights like education, health.” During the pandemic, information was not disseminated in Indigenous languages. For deaf people, “at the very initial stage we came to know that they were not able to receive the information. There was no sign language interpreter providing information. So later on there was a huge advocacy campaign by people with disabilities, and the government integrated sign language interpretation in the information they disseminated.”⁴⁹ However, sign language interpretation was not provided for government supported educational programmes. Deaf children were also unable to follow educational radio programmes and given some parents did not know sign language, deaf children would have faced difficulties communicating with their parents at home, and hence experienced intersectional discrimination.⁵⁰

In **Kenya**, there was a clear lack of consultation with and participation of indigenous communities, particularly indigenous women and Indigenous people with disabilities, to inform the COVID-19 response and recovery.⁵¹ According to Christine Kandie, a campaigner, the schools available near

⁴⁴ Interview with Willy Elua, campaigner on Indigenous Rights, Actions pour la Protection et Promotion des Peuples et Espèces Menacés (APEM), DRC, 12 August 2021.

⁴⁵ Interview with Sylvia Kokunda, 4 September 2023 (previously cited).

⁴⁶ Interview with Bimala Tamang and Bhagavati Adhikari (previously cited), 13 August 2021.

⁴⁷ United Nations, *Policy Brief: The Impact of COVID-19 on Children*, 15 April 2020, pp 12-14.

⁴⁸ UNESCO, *Understanding The Impact of COVID-19 on the Education of Persons with Disabilities: Challenges and Opportunities of Distance Education*, p. 3.

⁴⁹ Interview with Pratima Gurung, 8 August 2023 (previously cited).

⁵⁰ Niraj Poudyal and others, “[Teachers’ Perspectives on How School Closures Affected Children with Disabilities in Nepal: Parental Neglect or Systemic Failure?](#)”, 19 July 2021.

⁵¹ OHCHR, *Kenya: Leaving No One Behind in the Covid-19 Crisis* (previously cited), p. 5.

the Endorois Indigenous People are not built to accommodate students with disabilities. These schools lack teachers that are trained to provide services to students with disabilities and are not designed with these students in mind. As a result of this lack of accessibility, to get education, students with disabilities must go to specialized schools, which are not free and are therefore less accessible to Endorois families. According to Kandie, since schools have reopened, most Endorois students have not returned to these specialized schools due to economic barriers; getting children back to school was not a priority. She also explained that after the pandemic families were charged double the normal price to transport their children back to school, causing families to choose between their children who have disabilities and those without. Some students who were sent home also died due to lowered immune systems or hunger.⁵²

7. IMPACTS ON INDIGENOUS LANGUAGE AND CULTURAL KNOWLEDGE EDUCATION

“Indigenous children learning and using their languages are key to preserving indigenous cultures, historical memory and worldview, as well as to ensuring political participation, economic development and environmental sustainability.”

United Nations Expert Mechanism on the Rights of Indigenous Peoples ⁵³

“The enabling environment for Indigenous people and Indigenous children with disabilities is about respect for our culture. There should be clear prioritization for Indigenous children. That means that it should be in their own cultural way, in their own local language. If there is a school curriculum, that describes about their locality, about nature, and the skills of the community, no matter it is Indigenous or non-Indigenous, then it becomes easier for students to learn.”

Pratima Gurung, campaigner on the rights of Indigenous persons with disabilities, Nepal ⁵⁴

In addition to the pandemic’s impact on general educational access, Covid-19 also disrupted Indigenous young people’s access to formal and informal Indigenous language education. In 2021, Minority Rights Group International predicted that “[t]he effects [of the pandemic] are likely to be especially acute in the learning of minority and indigenous languages, an area that has long been poorly prioritized in many countries.”⁵⁵ As emphasized by the EMRIP, “[l]anguage and education are inextricably linked.”⁵⁶ In some cases, “[l]ack of education in an indigenous language can lead to a total lack of access to education.”⁵⁷ Moreover, language rights are integral to the right to self-determination.

In Siberia, communication between the younger and older generations was disrupted by movement restrictions and a lack of communication between family members living in remote areas and cities. Grandparents no longer had an opportunity to communicate with their grandchildren in their native language. There were cases of children who “forgot how the Yukagir speech sounds”, because of this disruption in contact, and because classes in Yukagir language occurred using cellphones during the pandemic, in 2020, the quality of teaching was low.⁵⁸ However, this problem of Indigenous language education and intergenerational relations is a long term issue, which Covid-19 only shed more visibility on. While local autonomous governments may have specific regional

⁵² Interview with Christine Kandie (previously cited), 18 September 2023.

⁵³ UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), *Rights of the indigenous child under the United Nations Declaration on the Rights of Indigenous Peoples*, 9 August 2021, UN Doc A/HRC/48/74, para. 83.

⁵⁴ Interview with Pratima Gurung, 8 August 2023 (previously cited).

⁵⁵ Minority Rights Group International, *Minority and Indigenous Trends 2021: Focus on Covid-19*, June 2021, p. 129.

⁵⁶ EMRIP, *Rights of the indigenous child* (previously cited), para. 66.

⁵⁷ EMRIP, *Rights of the indigenous child* (previously cited), para. 67.

⁵⁸ Research data submitted, on file with Amnesty International, for the report “Any tidal wave could drown us – Stories from the climate crisis”, IOR 40/6145/2022, November 3, 2022.

curricula, they do not necessarily cover Indigenous languages. In schools that do provide it, the courses are optional and may only be two or three times a week.⁵⁹

The loss of elders during the pandemic also impacted the ability of Indigenous languages to be passed down. The Special Rapporteur on the rights of Indigenous Peoples underscored in 2020 that as a result of the vulnerability to Covid-19 experienced by Indigenous elders, the pandemic was causing “irreparable cultural loss.”⁶⁰ In general, elders carry Indigenous knowledge, language, and culture, and pass it to the next generation.⁶¹ In Mexico, UNESCO noted in 2020 that the speakers of the 68 Indigenous languages and their 364 variants were in the highest risk population range for Covid-19.⁶² Also in 2020, National Geographic reported on the death from Covid-19 of one of the last individuals to grow up speaking the Puruborá language in Brazil.⁶³

8. THE PANDEMIC’S CONTINUING IMPACTS ON INDIGENOUS CHILDREN AND THEIR FAMILIES

Despite the pandemic being officially declared over, Indigenous children and their families continue to experience its impacts, including school dropouts and learning loss. Although the pandemic revealed and underlined for governments and the world the stark inequalities facing marginalized communities, including Indigenous Peoples, these lessons have not necessarily translated into action.

A study in **India** found that of households surveyed, Adivasi and Dalit parents were more likely than other rural parents to report that their children’s reading and writing abilities declined during school closures.⁶⁴

In **Mexico**, campaigners reported increased dropout rates among Indigenous youth in the Na savi, Me’phaa, and Naua communities of the Montaña and Costa Chica regions of Guerrero, because of the pandemic.⁶⁵

In 2021, **Uganda’s** National Planning Authority predicted that more than 30% of 15 million learners would likely not return to school.⁶⁶ While the dropout rate amongst Batwa students was 51.4% in 2021, it increased to about 60% in 2022; most Batwa children did not return to school after the reopening in 2021.⁶⁷ Reported factors causing drop-outs included loss of family income and increased poverty, early marriage, “distance to nearby government aided schools, discrimination in schools, lack of sanitary materials for girls, lack of scholastic materials, lack of information on the existing education policies among others.”⁶⁸ Also, because of the lack of access to radio, television, and home study materials during the pandemic, once school resumed, Batwa students had fallen behind in their studies.⁶⁹ Once schools reopened, “there was automatic promotion [to the next grade] on the basis that they were learning from home,” which was not true of many Batwa students. As a result, these students “could not compete favourably in the next class, so a majority

⁵⁹ Interview with an Indigenous community member in Russia, 4 July 2023 (previously cited).

⁶⁰ UN Special Rapporteur, Rights of Indigenous Peoples (impact of the coronavirus disease) (previously cited), para. 74.

⁶¹ UN Special Rapporteur on the Rights of Indigenous Peoples, Report: *Indigenous Peoples and Coronavirus Disease (COVID-19) Recovery*, 6 August 2021, UN Doc. A/HRC/48/54, para. 47.

⁶² UNESCO, “[Indigenous Peoples and COVID-19: The View from Mexico](#)”, 6 August 2020.

⁶³ National Geographic, “[Losing Elders to COVID-19 Endangers Indigenous Languages](#)”, 13 November 2020.

⁶⁴ Nirali Bakhla and others, *Locked Out* (previously cited), p. 20.

⁶⁵ Amnesty Mexico, Interview with Centro de Derechos Humanos de la Montaña Tlachinollan, June 2023.

⁶⁶ The Independent, “[Uganda School System to Lose 30% of Learners](#)”, 7 November 2021.

⁶⁷ Interview with Denis Mucunguzi, 6 July 2023 (previously cited).

⁶⁸ Denis Mucunguzi, email to Amnesty International, 17 June 2022 (previously cited).

⁶⁹ Denis Mucunguzi, email to Amnesty International, 17 June 2022 (previously cited); Interview with Denis Mucunguzi, 6 July 2023 (previously cited).

of them stayed in their former classes”.⁷⁰ Enrollment of Batwa students has since returned to normal as a result of new students joining the schools.⁷¹

A Researcher on Forest and Tribal livelihood who works in the state of Odisha, India, told Amnesty International that, in the districts of Kalahandi and Koraput, the number of Indigenous students dropping out increased in India during the pandemic, with some of these students then migrating for seasonal labour: “what they will do, they are not going to school. OK, so how many days they will be in their villages doing nothing?”⁷² In 2021, the government estimated almost 50,000 additional Scheduled Tribe and Scheduled Castes students had dropped out compared to 2019-2020.⁷³ Following the pandemic, the researcher reported that students are facing a challenge because of the closing down of primary schools with low enrollment.⁷⁴ The closing down of schools has led to dropouts as students are not able to travel to farther away schools. He also reported that the dropout rate amongst girls has been higher because of gender biases and safety concerns while traveling.⁷⁵ Although there is a government initiative to provide transportation funds for students, civil society campaigners report that this may not fully address the reasons for low enrolment which also include insufficient numbers of teachers and poor quality of teaching.⁷⁶ In some cases, school mergers have resulted in Indigenous children under 10 years old leaving their families to live in a hostel to attend another school.⁷⁷

In Kenya, the majority of dropouts of Ogiek students concerned girls, especially girls who got pregnant during COVID 19 or were subjected to early marriage. “Boys between the ages of 12 and 18 who had begun working in jobs such as motorcycle taxi drivers or farm workers to earn money for themselves and their families also dropped out.” Parents were also affected when school resumed because many could not afford to pay school fees. Parents’ incomes were significantly impacted by government imposed curfews which affected the community’s economic activities and some parents could not pay fees due to the loss of their homes as a result of government evictions. There were reportedly cases of dropouts following the pandemic due to primary fees, especially in Sasimwani, Narok County. The majority of dropouts have been “those who fail to transition from primary to secondary school because parents cannot afford to pay the escalating secondary schools fees in Kenya.”⁷⁸

9. CONCLUSION

In the context of the pandemic and other public emergencies, the right to self-determination requires that Indigenous Peoples be empowered to create their own emergency response. The government has a duty to exercise oversight in order to ensure that the right to education is respected, but this has to be reconciled with the right of Indigenous Peoples to establish their own educational institutions. The pandemic evolved over a significant period of time; states needed to develop immediate emergency responses, but over time longer-term interventions allowed for more considered engagement with affected sectors of the population. While recognizing that in the initial emergency phase there may have been little time to act, there was a requirement for a minimum level of engagement with Indigenous Peoples. As the Indigenous voices in this briefing indicate, Indigenous Peoples had

⁷⁰ Interview with Denis Mucunguzi, 6 July 2023 (previously cited).

⁷¹ Interview with Denis Mucunguzi, 6 July 2023 (previously cited); Survey response from Denis Mucunguzi, 21 June 2023.

⁷² Interview with Chittaranjan Pani, 28 June 2023 (previously cited).

⁷³ The Hindu, “[Odisha School Dropouts Among Tribals, Dalits Very High](#)”, 3 August 2021.

⁷⁴ Interview with Chittaranjan Pani, 28 June 2023 (previously cited). The initiative to close down low enrollment schools in Odisha began in 2014, continuing into the pandemic. Times of India, “[Poor Enrolment Prompts Odisha Govt to Shut Rural Schools](#)”, 9 July 2021; Careers360, “[Odisha School Mergers Forcing 10 Year-Olds to Leave Home for Hostels](#)”, 12 November 2020.

⁷⁵ Interview with Chittaranjan Pani, 28 June 2023 (previously cited).

⁷⁶ Times of India, “[Poor Enrolment](#)” (previously cited).

⁷⁷ Careers360, “[Odisha School Mergers](#)” (previously cited).

⁷⁸ Survey response from Daniel Kobei and Kennedy Kipng'eno, 31 August 2023 (previously cited); Kennedy Kipng'eno, email to Amnesty International, 1 September 2023 (previously cited).

specific needs which governments were in many cases unaware of; consultation could have overcome these knowledge gaps. Furthermore, Indigenous Peoples often had their own proposals for improving access to education, which governments were under an obligation to consider, and in some cases provide resources to support their implementation.

FPIC processes may be adapted to the situation, if agreed to by the Indigenous Peoples concerned. For example, an autonomous protocol in the Philippines, the Subanen Manifesto, provides for an expedited process “when urgent matters of security is affected.”⁷⁹ Empowerment may require the provision of adequate funding from the national or regional government. The right to FPIC also requires that governments include Indigenous Peoples in national-level decision-making process on responses to the pandemic or other emergencies. This may require, for example, ensuring that Indigenous Peoples are represented in decision-making bodies and provided decision-making roles as opposed to only advisory roles. Before decisions are taken the relevant bodies must engage in a FPIC process with Indigenous Peoples who might be impacted. This process should occur before the response plan is drafted or early in the drafting process, rather than only serving as a review of an otherwise completed plan.

The lack, unavailability, or unreliability of disaggregated data on the impact of the pandemic on access to education for Indigenous children was highlighted by respondents in countries including Russia, Kenya, Nepal, and India.⁸⁰ In the absence of disaggregated data, the full impact of the pandemic on Indigenous Peoples cannot be understood, particularly to remedy its impacts nor can governments adequately plan to prevent the disproportionate impacts of future crises on Indigenous Peoples, that were seen during the pandemic. To ensure future crises are responsive to the needs of Indigenous Peoples, governments must collect disaggregated data, and share such data, conforming to the principles of data sovereignty and the duty to obtain free, prior, and informed consent. This also means that Indigenous Peoples must be empowered to collect their own data and conduct their own monitoring. As highlighted by a respondent in Russia, some of the impacts of the pandemic will not be known for some time, and as such further research is needed.⁸¹

10. RECOMMENDATIONS

TO STATES:

- Create emergency response plans, including those relevant to education, in close cooperation with Indigenous Peoples and respecting the right to free, prior, and informed consent. Governments also must not interfere unduly with Indigenous Peoples’ own emergency responses and should support Indigenous Peoples in these initiatives as requested.
- Consult closely with Indigenous Peoples during any school closures to take targeted, appropriate and innovative measures for ensuring the right to education for Indigenous children, including through allocating sufficient financial and other resources to support their access to education, particularly for Indigenous children living in rural areas and Indigenous children living in families with many children.
- Ensure that emergency responses are implemented without discrimination.
- Work closely with Indigenous Peoples through their representative organizations, to move towards co-management and eventually complete Indigenous autonomy in educational

⁷⁹ [Subanen Conference on Free Prior and Informed Consent – Manifesto](#), 22 November 2009, para. O.

⁸⁰ Interview by video call with an Indigenous community member in Russia (previously cited), 4 July 2023; Interview with Christine Kandie, 18 September 2023 (previously cited); Interview by video call with Bimala Tamang and Bhagavati Adhikari (previously cited), 30 June 2023; Interview by video call with Chittaranjan Pani (previously cited), 28 June 2023.

⁸¹ Interview with an Indigenous community member in Russia, 4 July 2023 (previously cited).

provision in Indigenous communities, with appropriate state oversight, and ensuring that curricula are culturally appropriate.

- In consultation with Indigenous Peoples, ensure that Indigenous women and girls, youth and older people, Indigenous LGBTI, two-spirit and non-binary students and Indigenous students with disabilities have equal access to education during future pandemics and other emergencies.
- Work closely with Indigenous Peoples to improve access to the internet and to improve the provision of devices to Indigenous communities. Where providing distance learning is not yet possible, as a short-term solution, states should consult closely with Indigenous Peoples to prioritize low tech/paper solutions, including through manually powered radios, schools and teachers distributing more teaching materials as well as going into communities.
- Work closely with Indigenous Peoples to address any barriers that Indigenous children face in resuming education, providing the necessary support and investment during the post-pandemic phase and future health emergencies.
- Remedy impacts on Indigenous livelihoods, in consultation with Indigenous Peoples.
- Organize tailored programmes in close consultation with Indigenous Peoples for the reintegration of Indigenous women, girls and boys who have dropped out of school, including those who have dropped out due to marriage or childbirth. States should support pregnant people, including women and girls, and those who have become parents, to continue their education by supporting childcare services, amongst other resources.
- Provide educational resources in Indigenous languages and support Indigenous language education, in close cooperation with Indigenous Peoples. States should also strengthen the status of Indigenous languages in the workings of official bodies.
- Continue to address the disparities in education access that the pandemic highlighted, by working in close cooperation with Indigenous Peoples to ensure sufficient resources for Indigenous students, and particularly Indigenous students with disabilities.
- Not charge fees for public primary schools whilst also progressively making secondary education free, and should support families with the cost of materials and uniforms.
- Support Indigenous Peoples to collect and make available disaggregated data on Indigenous status, including by Indigenous group, conforming to the principles of data sovereignty and the right to free, prior, and informed consent.
- Provide information on emergency responses in Indigenous languages and accessible formats including sign language and other formats catering to the visually impaired as appropriate.
- Ensure that Indigenous Peoples are represented, with genuinely effective participation roles and real influence on decisions, in relevant decision-making bodies related to emergency responses.

TO INTERNATIONAL ORGANIZATIONS:

- Take shared responsibility, when collaborating with governments on emergency responses, for ensuring that the development and implementation of these plans conform to the right to free, prior and informed consent.
- Provide specific guidance on emergency responses, including pandemics, tailored to the situations and rights of Indigenous Peoples, with a special emphasis on the rights to self-determination and free, prior, and informed consent.

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