



ASIA INDIGENOUS PEOPLES PACT

COVID-19 AND HUMANITY:

**HUMAN RIGHTS
IN PERIL**

This is the third release of the "COVID-19 and Humanity" series prepared by the Response and Communication Network on COVID-19.

Editorial note

The COVID-19 pandemic is not only a calamitous global event, but it is revealing the worst fears, especially, human rights, conflict, racism, and starvation.

While thousands of migrant workers belonging to Indigenous communities have lost jobs and are stranded in several places across Asia – especially in India, Bangladesh, Nepal and Thailand – and are struggling to survive, governments are using the situation as a cover for conducting military campaigns, land grabbing, rolling back protective rights, weakening environmental laws and safeguards, etc. Further, licenses are being granted to large-scale development projects in forest lands and mining operations are continuing in some countries. Along with this, the severe impact of the lockdown has been felt in general, but indicatively, the degree of severity is likely to be felt by women and persons with disabilities (even in the future) looking at the trend.

"The democratic fabric of many countries is eroding during this pandemic. When people are in lockdown and prevented from going out and protest or go to the court, governments are rolling back constitutional rights of Indigenous Peoples, and evicting people from forest lands and military campaigns are being carried out. Are all these in any way relevant to the fight against the pandemic? Human rights and democratic norms are being put to peril," says Secretary General of Asia Indigenous Peoples Pact (AIPP) Mr. Gam A. Shimray.

AIPP has been observing the situation in Asia and the trend indicates that stringent measures put in place by governments in the last few months has not been effectively used to put their house in order to deal with the impact of the cycle of the pandemic curve that is likely to continue for some more time. Severe food and clean water shortages continue, and access to healthcare and essential services have hardly improved. Even appropriate awareness information in local languages for communities is still a major challenge.

In this update, we provide some of the trends on the issue of human rights in Asia and it based on information compiled by AIPP i.e. both secondary sources and communication from the ground.

*Asia Indigenous Peoples Pact
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Human rights, militarization and criminalization

The efforts to combat COVID-19 have not halted military operations in Indigenous areas despite the call by the UN Secretary General for an immediate global ceasefire and focus on the fight against the spread of pandemic.

In **Chittagong Hill Tracts (CHT), Bangladesh**, human rights violations by the military and law-enforcement forces continue unabated with full impunity due to non-implementation of the CHT Accord. Indigenous rights advocates for the implementation of the CHT Accord have become the main target of the government and military forces. They are being labelled as armed criminals, extortionists, separatists and so on creating fear psychosis among the communities.

From February to April 2020, several cases of human rights violations have been reported from CHT. Under the pretext of countering terrorism, the following cases of human rights violations were reported:

- In the name of searching for terrorists, about 29 houses were thoroughly searched without any search warrants.
- Three innocent Jumma civilians were kidnapped by security forces and government-backed armed groups.
- Seventeen persons, including two union council members were arrested and kept under detention in military camps in CHT.
- Seventeen persons were tortured by the security forces and the government aided armed group.
- One person was kidnapped killed and was dubbed as killed in a crossfire in CHT by the security forces.
- Further, two Jummas were reportedly shot dead by an armed group in the Dighinala area of the Khagrachhari Hill District on 28 April 2020.



Chittagong Hill Tracts (CHT)
Photo: hillvoice.net

Living under the shadow of militarization and COVID-19, women are seriously impacted with the disruption of their free movement, livelihood practices and as primary provider of food to their families.

A Jumma pregnant woman in critical condition was detained by security forces at the Subalong Camp under Barkal upazila of Rangamati hill district for almost an hour while on her way (by boat) to the hospital. She lost precious time and died before she could reach the hospital.

Further, five indigenous women, including a 16-year-old girl, sustained injuries on 16 April 2020 while they were returning home after losing their jobs. This incident occurred when police incepted and beat up the indigenous workers returning home in Khagrachhari. Furthermore, in March 2020, two indigenous girls from CHT were reportedly raped by the Bengali settlers.

In the **Philippines**, the government has taken a militarist approach to the COVID-19 crisis. The military and police have adopted martial law style measures such as threats, harassment, intimidation, arrest, detention, and filing of charges against those seen as violating the Bayanihan law. Bayanihan law was officially designated as Republic Act No. 11469 on March 24, 2020, declaring a state of national emergency, granting the President additional authority and creating an inter-agency task force to combat the 2020 coronavirus pandemic in the Philippines. The Act lists down the penalties and violations of the law, including imprisonment of two months or a fine of 10,000 to one million Peso.

Some of the issues and incidences are as follow:

1. Since the law was passed, more than 133,000 people have been arrested for violating the law. Those arrested include members of progressive organizations conducting relief operations. Among those arrested, they are targeting people who have issued statements criticizing the government by filing false charges against them.
2. Despite the supposed ceasefire between the military and the New People's Army, military operations and armed encounters between these two groups continue. Bombings were also reported by Lumad communities in Sarangani province in Mindanao.
3. In the Mountain Province, military helicopters flew over the municipalities of Sagada and Besao and dropped leaflets with candies. The leaflets were propaganda materials attacking communist rebel organizations and their supposed "legal fronts". Instead of using valuable resources for relief efforts, the military chose to use expensive aviation fuel for helicopters to do these propaganda tactics.
4. In a national televised message on 1 April 2020, the President responded to the protesters demand for food packs in Manila slums by warning the public: "Do not intimidate the government. Do not challenge the government. You will lose." He continued by giving direct orders to police and military to shoot dead "anyone who creates trouble."

"This pronouncement of the President is basically a state order to implement mass murder," states Chair of the Cordillera People Alliance (CPA) Mr. Windel Bolinget.¹

Mr. Bolinget and members of the organization, CPA were allegedly threatened by the Philippine National Police, Armed Forces of the Philippines, and Duterte fanatics using their individual and group Facebook accounts. Not only for the comments, Mr. Bolinget and the members of CPA have experienced many cases where red-tagging has resulted in extrajudicial killings, enforced disappearance, threats, harassment, intimidation and other forms of human rights violations. The malicious tagging of CPA as communist front and terrorist organization by the government has been happening since the birth of CPA.

Mr. Bolinget is a life-long Indigenous human rights defender, a close partner to AIPP and a key actor in the National Alliance of Indigenous Peoples in the Philippines (KATRIBU).

Further, Indigenous organizations have raised and called on the government to release of political prisoners, especially the elderly, sick and falsely charged, and remove them from the risk of contracting COVID-19 in detention centers and prisons where cases of the spread of the virus have already been reported.

To the AFP, PNP and their minions, ... why don't you focus your efforts and resources in helping the people and stop red-tagging and destroying families? You should engage in humane, professional, reasonable and meaningful discussion on issues I raised in social media. You should avoid personal attacks and threats.



Windel Bolinget
Chairperson, CPA

Photo collected from social media

In **Myanmar**, the government seems to see the global focus on the pandemic as an opportunity to intensify its crack down on Indigenous Peoples and other ethnic groups.

Fierce fighting, including indiscriminately shelling and airstrikes, on a regular basis has resulted in the loss of lives of several civilians. The war has affected humanitarian assistance as well. It has been reported that even the vehicle of WHO transporting COVID-19 samples came under attack and killed its driver and injured passengers on 20 April.²

Military operations have been intensified in Rakhine and Chin states leaving behind several civilian casualties and displacing thousands. It is also reported that the presence of military troops and confrontations are increasing in the Karen areas between the Karen National Liberation Army (KNLA) and Tatmadaw. This has resulted in thousands of villagers fleeing their homes. The concern over the increased presence of troops was also raised by the Karen Peace Support network in April.³

One of the consequences of the armed confrontation has been targeting freedom of speech and media. Prominent journalists have recently been labelled as terrorists under national legislation and more than 221 homepages blocked in the pretext of controlling the spreading of fake news and disinformation.⁴

In **the Naga areas of India and Myanmar**, the armed forces of India are engaging in provocative and systematic operations against the Naga armed resistance groups with utter disregard to the Ceasefire Ground Rules signed in 1997. Several joint military operations are being conducted by the Indian and Myanmar security forces in the North Western parts of Naga Self-Administered Zone (SAZ) bordering India and Sagaing Region of Myanmar.

Some of the issues and incidences are as follow:

- Military deployment in the Naga villages in the border districts of India and Myanmar is increasing causing tension and traumatizing the villagers. The security forces often camp in the shifting cultivation fields in large numbers disrupting the livelihood practices and preventing access to food resources.
- In one of the recent incidences, on 23 April 2020, a troop of Assam Rifles came unannounced to Kashung Bungbung village. The Assam Rifles did not disclose the purpose, but the villagers suspected that they were on their way to raid NSCN-IM (National Socialist Council of Nagaland-IM) camps in the border villages (in proximity to their village) despite the cease fire agreement between the NSCN-IM and the Government of India.



Assam Rifles personnel in the Kashung Bungbung village. Photos: EASTMOJO

With fear of resumption of armed confrontations, the villagers intercepted the Indian troops. Around 300 women of Kashung Bungdung village came out of their homes and stopped the troops from advancing. The women folks told the Assam Rifles that they will not tolerate such attitude from the Army or the administration when the world is fighting to save life from the pandemic. One of the woman leader shouted at the troops, "Should we fear the pandemic or the Army?"

It was only after hours of face-off with the local women that the troops returned to Kashung outpost. However, the locals remained vigilant braving the cold weather fearing that the security forces might return and create unnecessary panic.

- In another incident, the Government of Manipur decided to evict 1346 persons who had allegedly encroached within the Langol reserved forest. Despite the village's plea to settle the matter after the lockdown was over, the government went ahead with the eviction drive. The incident turned ugly with the police resorting to firing rubber bullets and tear gas shells and leaving people homeless and helpless.



People left stranded after the eviction drive in Manipur, North East India, Photo: EASTMOJO

- The vulnerable conditions and issues of stateless Indigenous Peoples like the Chakmas and Hajongs of Arunachal Pradesh has also been reported. There have been reports of hunger as they are excluded from socio-economic schemes such as National Food Security Act, National Rural Employment Guarantee Scheme, and rations under the Antoyadaya Scheme, etc.
- Issues on the plight of the Chakmas has also been reported from the state of Mizoram. In one particular case, the National Commission for Women (NCW) in May issued notice to the Mizoram Chief Secretary seeking probe into a district hospital's decision to making it "mandatory for every woman delivering a child" to produce voter ID first. The issue has been raised in the light of where several Indian citizens, including the Chakmas, are without voter ID or Adhar Card putting them into immense hardship particularly during this pandemic.
- Further, at Longding in Arunachal Pradesh, a civilian was killed, and several others sustained minor injuries when the army fired upon them in Pumao village. The incident occurred following a stalemate in resolving a case between the army and the villagers where a youth of the village was tortured during interrogation.

In **Thailand**, there are also reports of intimidations from the authorities. On 12 May, human rights defender Katima Leeja was visited and questioned by a military officer in plainclothes around a week after she led a protest against the forest authorities relating to a land dispute.

Notes:

- 1.'Shoot them dead': Duterte's orders alarm Indigenous Peoples' Human Rights Defenders. <https://www.iwgia.org/en/news-alerts/news-covid-19/3556-shoot-them-dead-duterte%C2%B4s-orders-alarm-indigenous-peoples%E2%80%99-human-rights-defenders.html>
2. www.aljazeera.com/news/2020/04/attack-vehicle-killed-myanmar-driver-condemned
3. <https://frontiermyanmar.net/en/karen-ceasefire-frays-under-tatmadaw-road-building-push>
4. <https://rsf.org/en/news/mid-coronavirus-crisis-myanmar-blocks-221-sites-fake-news>

Human rights, livelihood, and land rights

In **Bangladesh**, thousands of Indigenous Peoples are jobless and facing food shortage due to the countrywide lockdown and returning migrant workers causing severe food insecurity concerns.



Members of a Mro family in remote Langkom Mro Para eating rice with only wild spinach due to food shortage. Photo: Daily Star



A Mahali Adivasi old man passing his days with acute food shortage in Fulbari upazila of Dinajpur district. Photo: marpranerbangladesh.com

"Around four millions Indigenous Peoples in the country are mostly poor and suffering because of the countrywide shutdown. These marginalized communities have largely not been provided with relief and other humanitarian help from the government and non-government institutions," says General Secretary of Bangladesh Adivasi Forum Mr. Sanjeeb Drong. He urged the government, UN agencies, and other development partners to take special measures to support Indigenous Peoples in the country.



Hundreds of indigenous jobless families blocked the Dinajpur-Rangpur Highway in the North Bengal region on 20 April demanding relief aid. Photo: Dinajpur News



Burning of rubber plantation Bandarban to grab the land. Photo: Daily star

To add salt to the wounds, Indigenous leaders and organizations have reported that land grabbing and mining operations are continuing without the consent of the affected communities. Reports have come in from AIPP member-organizations that around 5,000 acres of rubber plantations of the indigenous people were burnt down in different areas in Bandarban Hill District of CHT to drive out the indigenous Jumma villagers from their villages and grab their lands. The confrontations have led to the arrest of innocent villagers as the land grabbers are powerful companies and influential persons belonging to political parties or are political party leaders themselves.

In the **Philippines** too, destructive projects such as mining in indigenous territories is continuing. Indigenous Peoples protesting these projects are targets of harassment under the cover of COVID-19.

In one incident, the mining company OceanaGold violently broke through and dispersed the people's barricade in Didipio, Nueva Vizcaya to bring in their fuel supplies despite the lockdown.

In the incident, some people, including Mr. Rolando Pulido, Chairperson of the Didipio Earth Savers Multi-Purpose Association (DESAMA) were arrested. Further, in Quezon province at the construction site of the Kaliwa dam, military forces are heavily guarding the construction equipment in the area even while construction activities have halted causing concerns to the locals.



The violent dispersal of the community's anti-mining barricade in Didipio, Kasibu, Nueva Vizcaya. Photo: Collected

Further, the Secretary of the Department of Agriculture announced that the government plans to utilize idle ancestral lands for production of high value food crops in response to food shortages, especially during times of crisis as part of the Plant Plant Plant program of the government. While food production is good, ancestral lands are once again being targeted for investments in commercial agriculture. This plan poses threat to Indigenous communities on their ancestral domains for their sustenance. The threat posed by this plan over their ancestral lands is in addition to the existing threats posed by palm oil plantations, mining, and special economic zones, among other imposed development projects.

In **India**, issues of livelihood, starvation, land rights, and racism have become a major concern. There are reports⁵ of tribal migrant workers and students stuck in cities with little relief aid reaching them. In addition, they often faced police atrocities and racial discrimination, causing mental and psychological distress. Those from Northeast India were not even allowed to buy food from grocery shops and women are facing intense fear and trauma from racial attacks.

Some of the issues and incidences are as follow:

- In one of the recent cases, Chong Hoi Misao, a 20-year-old girl hailing from Manipur, was brutally attacked, and beaten to unconsciousness by some locals from Faizapur, Gurugram in Haryana just for passing through the locality on Sunday, 10 May 2020 afternoon.
- The Nagaland Express reported that a man threw tiffin at a Naga girl while going back to their room (with friends) on 17 May in Gokhalenagar, Pune. Further, around 300 nurses working in Kolkata have gone back home to Manipur because they were compelled to work without pay or protective gear and that they were heckled. Security guards and neighbours called them 'corona' or 'Chinese' and they did not get food from the nearby shops. And the hospital and local authorities did not extend any help to them despite their appeal. Furthermore, nine Naga girls were locked up in their rented house by the house owner for not being able to pay rent in Amritsar.

- Estimate shows that about 100 million Indigenous Peoples and forest dwellers depend on minor forest produces (MFP) or Non-Timber Forest Produce (NTFP) for food, shelter, medicines, and cash income⁶ from April to June (60% of annual collection). Mostly women are actively engaged in collection and sale of NTFPs, therefore, the adverse impact on women is potentially severe with ripple effects on the general health and resilience of the entire family for the coming year.
- On 6 April, the Ministry of Environment, Forest and Climate Change (MoEFCC) issued an advisory instructing all states and union territories to ensure reduction in human wildlife interface through restriction of movement of people to national parks/sanctuaries/tiger reserves. It has the potential to adversely impact about 3 to 4 million Indigenous Peoples and other marginalized groups living in and around protected areas. News reports have already come in that a critical zone has been declared, surrounding 30 kms of the park and there is complete restriction of movement of the local Van Gujjars to access the park due to this advisory. Furthermore, several quintals of milk that the Van Gujjars sell in dairies in Haridwar was overturned and destroyed by the forest department in a bid to prevent the Van Gujjars from reaching the cities.⁷
- In Kinwat taluka of Nanded District in Maharashtra, an elderly man from the Kolam PVTG group has allegedly been thrashed by the local forest department officials for going into the forest to collect bamboo.⁸ Thirty-two houses of tribals were reportedly demolished⁹ by forest officials in village Sagada, Khandualmali forest area, Kalahandi District, Odisha on 24 April. Gujarat forest dept officials allegedly torched tribals' huts, fields in Dang district. As per the report.¹⁰

In **Nepal** too, it has been reported that large development projects are continuing and letter of intent regarding the Fast Track highway has been to the Yooshin Engineering Corporation, Korea, Korea Expressway Corporation, Korea and Pyunghwa Engineering Consultants Ltd, Korea as consultant for the project in the midst of COVID-19 lockdown.

Further, the neglect by the government on the plight of persons with disabilities has also been reported. According to the Central Bureau Statistics (CBS) of 2011, there are about 2% (1.94% i.e. 513,321) people who are living with some forms of disability. Indigenous peoples with disabilities are 1.3 million among them. Indigenous persons with disabilities are adversely affected and their lives have been put in at high risks due to the abrupt and unsystematic imposition of countrywide lockdown.

Persons with disabilities are heterogeneous groups and some have chronic health conditions and others with severe types of disability that requires regular medical checkups, medical kits, and clinical apparatus. For example, Pushpalal Tamang, who has hemophilia and lives in a rural part of the country, has bleeding at least for four times in a month with severe pain. He must use factor and plasma CRYO every time to stop. Due to COVID-19, he worries about shortage of medical supplies. Likewise, there are more than 563 cases of hemophilia and they are facing similar kinds of challenges during this pandemic.



Pushpalal Tamang a hemophilia patient faces to lack of medication due to lockdown situation.
Photo: ekantipur.com

Furthermore, during this lockdown a 10-year-old girl with disabilities was reportedly raped in Rautahat district.

In **Thailand**, until the recent rainfall doused the forest fires, fighting against forest fires took precedence over the threat of COVID-19 in northern Thailand. Unfortunately, while communities have lost several lives, people in the city and governments continue to blame them. One of their main livelihood practices i.e. shifting cultivation has come under attack. The Deputy Prime Minister and the National Resources and Environment Minister in separate statements have threatened to completely shut off access to forests by communities. This is a major cause of worry for communities' food security and livelihood.

There are multiple factors to the cause of forest fires in Northern Thailand and just a flicker of fire can easily turn into uncontrollable blaze due to the drying conditions caused by climate change. The main problem is that government authorities are not prepared enough and not supporting the communities fight the forest fires. Forest fires can break out anywhere, but several forest fires start from the lowland and as it moves upwards, it becomes fiercer and dangerous. And Indigenous communities in the upland are fighting the fires with primitive tools and whatever they have.



Wild forest fires in Northern Thailand
Photo: Phnom Thano

We're doing this because the forest is our home, because we're proud of who we are. We are the guardians of the forest, not the destroyers. We also know that if we fail, the officials will use it against us to and evict us from our homes.

A Karen community leader who requested to be anonymous

Notes:

5. https://twitter.com/JharkhandJanad1/status/1247827403520393218?s=20https://www.business-standard.com/article/news-ani/trifed-writes-to-states-uts-outlining-impact-of-covid-19-on-tribals-120040301110_1.html

6. <https://pib.gov.in/newsite/PrintRelease.aspx?relid=178469>

7. Reported in Amar Ujala on the 8th of April, 2020.

8. Reported by Amit Kulkarni from Nanded, Maharashtra

9. <http://thewirehindi.com/119382/odisha-forest-department-officials-break-houses-of-32-tribals-amid-lockdown/>

10. <https://www.downtoearth.org.in/news/environment/amp/covid-19-gujarat-forest-dept-officials-allegedly-torched-huts-fields-70426>

Undermining laws and non-implementation of constitutional rights

Tenure security of Indigenous Peoples is key to ensuring their livelihoods and food security. This has been demonstrated across Asia.

In **India**, there are now several examples of empowered Gram Sabhas (traditional decision-making) with community forest resource (CFR) rights under the Forest Rights Act (FRA). The communities that have secured their land rights are generating higher revenues from collection and sale of NTFPs that are used for various purposes such as for village development activities, including for cases related to COVID-19. These Gram Sabhas have used such funds to procure and distribute essential food supplies to all village households to deal with the COVID crisis.¹¹

However, most of the Indigenous Peoples do not have recorded legal rights over forest land. This is likely to adversely impact livelihoods and food security in the lockdown period and after, especially women.

While the implementation of FRA has been neglected, the government is all out to clear development projects inside designated protected areas and rich forest areas. The standing committee of the National Board for Wildlife (NBWL) cleared 11 development projects on 7th April. The Expert Appraisal and the Forest Advisory Committees have also cleared several projects in the recent months.

Further, on 28th March, the MoEFCC amended the rules for Environment Impact Assessment 2006¹² exempting several categories of projects from the requirement of environment clearance. The amendment has also diluted the provision to obtain written consent of Gram Sabha under FRA.

Notes:

11. Out of the Woods: How the FRA Is Helping a Village in Maharashtra During the COVID Crisis. <https://thebastion.co.in/politics-and/out-of-the-woods-how-the-fra-is-helping-a-village-in-maharashtra-during-the-covid-crisis/>

12. <http://egazette.nic.in/WriteReadData/2020/218948.pdf>

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Previous releases:

1. COVID-19 and Humanity: Flash Update on IPs in Asia
2. COVID-19 and Humanity: Lessons learned from IPs in Asia

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