



# International Monterrey Model United Nations Simulation

American School Foundation of Monterrey



## Organization of American States

**Topic:** Dealing with the marginalization and discrimination of Indigenous peoples in countries' legal systems

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### I. Committee Background

Founded on April 30th, 1948, the Organization of American States (OAS) works to establish peace and justice in the nations of the Western Hemisphere; it also aims to promote solidarity and collaboration among members to defend their sovereignty, territorial integrity, and independence, as stipulated in the first chapter of its Charter (*Our History 2009*). The OAS grew out of an international organization previously established by the United States (US) for the Western Hemisphere, the Pan-American Union. Starting in 1889, the Pan-American Union engaged in a series of meetings known as the Pan-American Conferences, which concluded with the foundation of the OAS and the signing of its Charter at the conclusion of the Ninth Conference, held in the city of Bogotá, Colombia. The new organization was originally meant to function as a forum for international cooperation and security among Latin American countries and the US after the beginning of the Cold War. By the 1990s, the newly independent Caribbean nations and Canada became members, and the organization's focus shifted towards the encouragement of democracy in member states (*Our History 2009*).

Like the United Nations (UN), the OAS is administered by a General Secretariat, headed by a Secretary-General who is elected every five years. Its main policy-making body is the General Assembly, which hosts the foreign ministers and chiefs of state of each of the 35 independent nations of the Western Hemisphere on an annual basis. The General Assembly also controls the organization's budget and oversees additional specialized organs. When the General Assembly is not convening, the regular work of the organization is carried out by the Permanent Council, which, as the name suggests, is composed of elected permanent representatives from each nation in the OAS. Even though the OAS is committed to fulfilling the UN's regional goals from the 1940s, the organization's resolutions are not subject to approval by the UN or any other international body. Any resolution that passes by a simple majority is considered to be final and non-binding (*Our History 2009*).

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## II. Introduction

### Description and Definition of the Topic

Indigenous people are those who initially inhabit a region and can also be referred to as “First people, Aboriginal people, native people, or autochthonous people” (*Indigenous peoples* 2021). They belong to culturally distinct ethnic groups, native to a certain place; five percent of the world’s population is made up of Indigenous people, that is a total of 370 million people who belong to around 5,000 different groups and are spread across 90 countries (*Indigenous peoples* 2021). Indigenous people are strongly linked to their territories which commonly come with an abundance of natural resources. However, their territories are commonly colonized by outsiders who end ruling over the natives, which are completely left out of the new society and are not considered in the decision making of the land nor society. Since Indigenous people have very distinct social, political, and economical systems, speak different languages, practice different cultures, and have different beliefs, laws set by the state typically marginalize and discriminate against Indigenous groups, this ends up affecting the development of their ancestral environments as well as systems (*Indigenous peoples* 2021). Marginalizing and discriminating such groups means that Indigenous people are constantly being thought of as less important; this makes them deal with unjust laws that do not respect their traditions, culture, and society. They are ignored and have no say on what the state decides regarding them and their surroundings. The colonizing society perceived Indigenous people to belong in a lower social class than them, using this to justify the decision making process of the land they live on (*Indigenous peoples* 2021).

In most American countries, Indigenous groups face systematic oppression and are excluded from any and all political and economic power. Their necessities and rights are not taken into account; therefore, they face unjust treatment like the disruption of their resources or relocation of their community. As Indigenous groups are pushed aside from society they are basically “cut off from basic social services and mainstream income generation” (*Marginalization of Indigenous ... Funders* 2015). Indigenous groups are overrepresented as illiterate, destitute, and receive unfair treatment: being displaced by wars, environmental disasters, having their lands taken away from them, and depriving them of their resources and culture.

### The Problem

Currently, given the lack of equality many Indigenous communities suffer from malnutrition, landlessness, low-quality education, and other poverty related areas; of those in poverty, 15% are a part of a native group (*Indigenous peoples* 2021). Furthermore, “National statistics on health, poverty, and access to education show that many Indigenous people are still





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the poorest of the poor, the least healthy, and the ones who do not have access to formal education” (*Funding Indigenous ... Support* 2015). They have had their ancestral lands dispossessed and their natural resources became unavailable to them. Often, these lands are stolen by large companies to “develop them”; in reality they are destroyed and replaced by factories. Some have sought to prevent this issue by advocating for the establishment of collective rights for Indigenous people, including their communal territories. Advocates have attempted to gain recognition for these ancestral territories, made recommendations to countries’ legal systems, and organized protests. Regardless, Indigenous people still hold few positions of economic or political power, making it difficult to implement these changes. As a result, they are more prone to abuse and violence from discriminatory legal systems and companies that are looking to place factories on Indigenous soil.

In 2007, Indigenous people’s rights were stated inside the United Nations Declaration on the Rights of Indigenous People, these include: the right to have Indigenous languages recognized, to be educated in their native tongue, and to face no discrimination, among others; however, these groups continue to be mistreated (*Indigenous peoples* 2021). The land native people hold serves as a prominent example of their discrimination: it is stated under the international law that “States cannot relocate Indigenous Peoples without their free, prior and informed consent and without offering them adequate compensation” (*Indigenous peoples* 2021). However, 80% of these groups live in areas rich with natural resources, making governments and private companies gain control of their lands by selling, leasing, and polluting them. After governments and corporations take away Indigenous people’s lands, they are forced to leave, and many relocate to urban cities, where they are victims of more discrimination, poverty, and violence. Leaving their communal territories also leads them to deviate from their traditions and language, which may even result in the group’s extinction.

Moreover, countries’ judicial systems perpetuate discrimination against Indigenous people causing Indigenous overrepresentation in prisons. Currently, the percentage of Indigenous people in prison is greater than the overall percentage of the country’s Indigenous population, and these numbers have only increased with time. Women are often more affected than men. In Canada, the Indigenous prison population has increased from 10% to 25% since the 1990s; however, the rate of native women incarcerated is higher than the rate for native men. Indigenous women make up a third of females imprisoned in Canada (Rudin, 2018). “[T]hese trends are also well documented across other settler countries like Australia, New Zealand, and the United States” (Chartrand, 2021). A study about racial disparities in American jails showed that Indigenous youth are three times more likely to be incarcerated compared to white youth. Native youth have an incarceration rate of 255 for every 100,000, compared to a rate of only 83 out of 100,000 for white youth (Daniel, 2020).





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Speaking up about this topic is vital and yet, whenever an activist or a member of a native group does this, they face violence, murder, and legal charges: Máxima Acuña, an Indigenous land rights activist “stood up against one of the world’s biggest gold mining companies. The company tried to intimidate her into leaving her land so that they could exploit it” (*Indigenous peoples* 2021). She had to undergo five years of trials before the unproven charges against her were dropped. This follows an increase in Indigenous people leaving their homelands, driving some to total extinction. Many countries are unaware that Indigenous people have managed the country's natural resources sustainably and preserved them for future generations; their annihilation will end different cultures, and have negative effects on the countries’ natural resources (*Indigenous peoples* 2021).

### III. History of the Topic

#### Chronological History of the Topic

The Indigenous communities in the Americas have experienced hardships and injustices through the centuries generated by a lack of support from their governments and legal systems. Globally, Indigenous people were denied the right to self-determination “which refers to peoples’ right to freely determine their political status and freely pursue their economic, social and cultural development” (*Indigenous peoples* 2021). The discrimination against them sprung when Latin American territory was occupied by the European colonizers that dehumanized them disrespecting their areas, rights, and traditions; the oppression began when the colonizers stripped the natives from their land, meaning they lost political territoriality completely. Settlers implanted establishments that were placed in areas known as ‘no man's land’, a free territory that was deserted. The laboral exploitation was not the only burden colonizers brought from Europe; diseases, such as malaria, measles, smallpox, typhus, and yellow fever, took over their communities. Colonizers were already immune to these diseases, but for the Latin American Indigenous people, these were destructive and caused an estimated 90% decrease in population (Del Popolo et al., 2014).

In the 19th and 20th centuries, the Indigenous Canadian youth were banned from communicating in their language in the Indian Residential Schools; they were mistreated, told their parents had died, and it was all with the goal to remove their Indigenous culture interests and make them more ‘modern’ for the outer world. Around 150,000 children were withdrawn from their families and were forcefully enrolled in these abusive national fund schools with the purpose of incorporating them into society. “These children usually grew up without the knowledge that they were in fact partly Aboriginal. Today they have been named the ‘Stolen Generation’” (*Press Kit: Issues ... Racism* n.d.). Subsequently, “Aboriginal people were expected

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to have ceased to exist as a distinct people with their own governments, cultures, and identities” (*Indigenous peoples 2021*). Inclusively, “some governments denied that Indigenous peoples existed within their borders. Others denied the existence of any kind of discrimination - in contradiction to the reality encountered” (*Press Kit: Issues ... Racism n.d.*).

In 1923, Cayuga Chief Deskaheh, representative of the six Iroquois Nations; Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora, attended Geneva’s League of Nations soliciting for his cause. In the League he was denied an audience, nevertheless, he campaigned through Europe, successfully reaching his target audience and spreading awareness (*State of the ... Peoples 2009*). Over time the population of Native Americans continued to decrease while the settler populations multiplied; hence, attention to their concerns dwindled. Eventually, the Indigenous groups remained in the shadows of society in their respective countries. It was until the last fraction of the 20th century that the international community recognized their mistreatment of these peoples and more action was taken; discussions on increasing Indigenous rights sprung, and there was a greater recognition of these communities. At a General Assembly meeting near the end of 1994, August 9 was declared the International Indigenous Peoples Day, the Office of the High Commissioner of Human Rights (OHCHR) created a fellowship for Indigenous people, and other similar efforts began by the UN. However, as independence campaigns began in multiple countries it led to an intensified Indigenous denial from the colonizers.

By the end of the 1900s and the beginning of the twenty-first century, the UN made efforts to diminish the discrimination towards native ethnic groups and advocated for the rights of Indigenous people. Canada and the US “have focused efforts on settling land claims with Indigenous groups and on achieving reconciliation for past injuries, including those done in the name of assimilation”. Meanwhile, in Guatemala during their civil war, “they gave a specific role to Indigenous peoples” (*Press Kit: Issues ... Racism n.d.*). To this day, a lot of progress has been made regarding this issue; however, there is still room for improvement to ensure the impartiality of Indigenous people.

## Historical Case Studies

### The Case of Gene Gibson

In 2013, Gene Gibson, a member of an indigenous Australian group that resided in the Gibson Desert, had an unjust trial where he was charged with manslaughter. Mr. Gibson, originally born in Kiwirrkurra, only spoke the native language of Pintupi and Kukatja and lived a very disadvantaged life: losing his father at a young age, being abandoned by his mother, abusing drugs, and having a limited education. However, the leading factor for the injustice in his case was due to the appellants’ “limited ability to comprehend and communicate in English and

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significant and pervasive cognitive impairments" (Sergi et al., 2017). On February 25, 2010, around three years before being charged with manslaughter, Gene Gibson was driving a stolen vehicle, the next morning at 3:00 A.M, Joshua Warneke was found dead on the road where the car had traveled. Three years later, Gene Gibson was identified as the killer of Joshua Warneke the day after participating in electronically recorded interviews with the police. The appellant was charged with manslaughter and was sentenced to over seven years in jail after he was pleaded guilty by the court. The integrity of the plea was affected by the appellants understatement of "the legal process, the case against him, his legal advice, and the alternate options and consequences" since his understanding of the English language was very limited (Sergi et al., 2017). In addition, the witness statements that the police obtained were false. Gene Gibson's case was later classified as a miscarriage of justice since several aspects indicated that the circumstances in his trial were insitutional disadvantages that severally affected his plea. This particular exhibition brought awareness to the flawed institution that indigonus people from remote communities have to face regarding the "provision of interpreters in the relevant dialect" that determines their fate (Sergi et al., 2017). If Mr.Gibson had the ability to speak English properly it could have facilitated his opportunity to fight in his own case.

## The Garífuna Indigenous Injustices

The Garífuna are an Afro-Honduran Indigenous community who do not label themselves as Afro descendants since it distracts from their unique qualities. Historically, these Indigenous people fought for decades against colonizers until their rival's advanced weapon technology left them no choice but to accept their exile in the coast of Honduras, where they currently reside. Many made amends with the Spanish, and even sided with them against independence movements the *criollos* were seeking; this heightened the Garífuna's marginalization. The Garífunas are one of the most numerable Indigenous group in the the country, still, they struggle with discrimination. Community activists claim that "the current government disputes their status as a people", this comes from the erroneous idea that the Garífuna come from 'elsewhere' when this group lived in Honduras long before it became independent (*Garífuna* 2018). In 2015, the Inter-American Court recognized the human rights violations and mandated certain changes like the reparation of their lands; there has not been any action taken up until now. According to the Minority Rights Group International, their reserved coastal areas are currently threatened with ownership extinction: the legal possession of property would be removed from the Garífunas. The island's remoteness caused land to remain untouched for many years; however, tourism companies are interested in the territories and found loopholes to claim it as theirs. The Indigenous group is not receiving help from the government, as a matter of fact, in 2001 the tourism secretary actually favored the tourism development leading to the tribe's eviction from





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their property. The community was not pleased with this and in 2003 petitioned the Inter-American court to file a case against the government's ignorance on the Garífuna land; 12 years later that the Court ruled in favour of the Indigenous people. Other than property rights, human rights for this group are completely violated: they suffer from unequal opportunities in employment, limited access to education and public services, and ignorance in regards to crimes against the group. Subsequently, the Indigenous human rights defenders were criminalized by the Honduran government: usurpation and robbery include two of the accusations made by the public prosecution office against them; there are around 29 arrest warrants still pending (*Honduras must ... experts* 2019). The Garífunas, as many other American Indigenous groups experience prejudice that reduces their opportunities of proper integration with society. Laws are there with the purpose to protect, ensure freedom, and secure one's' rights against others' abuses; these laws seem to exclude Indigenous communities as they are not granted full legal rights leading to a spectrum of inequality.

## The Residential Schools

One of the most prominent examples of Indigenous marginalization in Canada were the residential schools. In 1876, the Canadian parliament passed the Indian Act, which forced children to go to residential schools and prohibited them from living with their families or attending any other educational institution of their choice. These schools were established during the 1880s and remained open until the late 20th century. They were government-run schools administered by churches: their goal was to educate Indigenous children and indoctrinate them into Christianity. White people perceived the native people as savage and uneducated; thus, they felt a need to 'civilize' them and force them to follow the same traditions as they did. "Children were forcibly removed from their homes and were sent to live in institutions that had the explicit aim of stripping away their culture, language and identity" (Voce et al., 2021). Duncan Campbell Scott, a prominent bureaucrat in 1895, believed that Indigenous children should receive a proper education, which he thought entailed assimilating Indigenous children into Canadian society. He also believed Indigenous parents would not be able to help their children integrate to the white Canadian society, so residential schools prevented Indigenous children from interacting with their families or culture. However, these institutions did not care for the children properly; specifically in one school, 76% of children died (Blackstock, 2016). More information about these places is still being uncovered to this day: as of 2021, over 1300 graves were found at residential schools and investigations are still ongoing. "Residential schools systematically undermined Indigenous, First Nations, Métis and Inuit cultures across Canada and disrupted families for generations" (Hanson et al., 2020). After going over testimonies made by the victims of residential schools, it was determined that these institutions, with the help of the Indian Act,





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were a form of cultural genocide. Although residential schools have now been dismantled, their impact is still seen to this day: Indigenous children in Canada are twelve times more likely to be placed in foster care, a result of poor housing conditions, poverty, and addiction.

## The Guatemalan Genocide

During 1960 in Guatemala Mayan civilians were persecuted and killed in what is known as the Mayan Genocide. It started when the Indigenous people began to participate in protests and movements against the government, advocating for their equality and the inclusion of their culture (*Genocide in Guatemala* n.d.). Around the same time, Guatemala was suffering from the Guerilla movement; the result was the government creating ‘Operation Sophia’. The authorities believed that Mayan individuals were behind this movement; therefore, it was them who were especially targeted by the operation. During the following three years, 626 villages and over 200,000 people were killed because they formed part of the ‘enemy ethnic group’; another 150,000 people escaped to find shelter in Mexico (*Genocide in Guatemala* n.d.). Overall, there were a total of total 166,000 Mayan civilian deaths (*Genocide in Guatemala* n.d.). The army would use harsh techniques: abduction, destruction of crops, fouling water supplies, violating culturally significant places, and private death squads. The systematic persecution of the Mayan population in Guatemala made Mexico receive more migrants than usual, affecting its economy, shelter infrastructure, and other related areas. It was around the years 1978 and 1986 that the violence against the Mayan civilization drastically increased until 36 years later, in 1996 when the Guatemala armed conflict ended with the government and the Guatemalan National Revolutionary Unity guerrilla signing a peace accord: The Oslo Accords (*Genocide in Guatemala* n.d.). This started to show positive results around July 1997 when countries started to aid in the reconstruction. Still, it was not until February 1999 that the official report of the “Guatemala: Memory of Silence” confirmed how the genocide was targeted against the Mayan civilization (*Genocide in Guatemala* n.d.). Although the government was able to recognize the genocide they created, it is still evident how the root of this movement began due to the lack of equality given to the Mayan people; they were and still are in a vulnerable position to fall victims of such catastrophic events.

## The Raramuri Case

The Raramuri community of Choreachi residing in the Sierra of Tarahumara have struggled in the past to mark their territory. Although the Indigenous groups never lost possession and use of their land, Mexican agrarian authorities have not given them recognition for their territory; the lack of recognition is due to the failure of the federal government to recognize said Indigenous territories, as it is their duty to do so. In 2007, “the context of violence





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in the Sierra Tarahumara” significantly increased; “its geographical isolation, combined with its proximity to the border with the United States and the limited presence of” the Mexican government “contributed to the strong presence of organized crime, who terrorise the population and utilise these remote mountain ranges for poppy and marijuana cultivation” (*Racial discrimination ... Choréachi* n.d.). The Raramuri people were desperate to seek justice, so they fought for their rights through protests and publicity. There is no question that “the community of Choréachi is a landmark case that clearly demonstrates the link between the structural racism that infringes upon the human rights of Indigenous people in Mexico whilst facilitating the dispossession of their natural resources without free, prior and informed consent” (*Racial discrimination ... Choréachi* n.d.). In 2018, after plenty of efforts were made by the Raramuri community to raise awareness about their issue, they achieved an important milestone. They got a court sentence stating that “the boundaries delineating their ancestral territory must be respected and that the logging permits that were illegally granted to a non-Indigenous agrarian community, are invalid” (*Racial discrimination ... Choréachi* n.d.). The government is starting to acknowledge their rights and natural assets within the 32,832 hectares of territory they affirmed. Still, it is critical to keep in mind that this conflict is not yet completely resolved as in Chihuahua, after the sentence to assure Raramuri’s land and rights, there have been several human rights, land rights, and natural resources defenders assassinated; leaders of the Raramuri community amongst them. Therefore, the injustice towards Indigenous people is still present.

## Past UN Actions

The UN has recognized the marginalization of Indigenous groups since the “first Decade to Combat Racism and Racial Discrimination in 1973-1982” and began developing an assortment of mechanisms to promote and protect the rights of Indigenous individuals, fighting the ongoing discrimination against the targeted group (*Combating Discrimination ... Peoples* 2009). Since indigenous groups are constantly denied any control over their development of values, needs, and priorities, the UN Working Group on Indigenous Populations spoke out on their frustrations in 1982 over a draft of the Declaration of the Rights of Indigenous Peoples.; eventually the UN General Assembly adopted the “Declaration on the Rights of Indigenous Peoples” in 2007. Likewise, to create further awareness and advise the UN on the pressing matter, the Permanent Forum on Indigenous Issues was created. This forum is used to constantly promote and coordinate activities inside the field. Furthermore, the “Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people” gathers and exchanges any crucial information on all violations of human rights against any Indigenous individual and group (*Combating Discrimination ... Peoples* 2009). The UN Human Rights





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Council (UNHRC) is advised by the Expert Mechanism on the Rights of Indigenous Peoples thematic expertise on the rights of Indigenous groups.

These new policies and laws do not ensure a change in living conditions for the Indigenous people. For that reason, the UN has continued dedicating efforts to this cause; recently, the third General Assembly Committee, labeled as “the Social, Humanitarian and Cultural Committee”, reunited on November 19, 2020 to discuss the resolution: “Rights of Indigenous peoples” (*GA Third ... Peoples*” 2020). This resolution establishes the significance of Indigenous rights and seeks the reduction of their discrimination. It also recognizes the challenges faced by the Indigenous groups, one of the most affected groups during the Covid Pandemic, invites research of youth suicides in the Indigenous communities, encourages female legal equality, and more. The 19th of November, the 20th Session of the Permanent Forum on Indigenous Issues (UNPFII) was held with the main theme of “Peace, justice and strong institutions: the role of Indigenous peoples in implementing Sustainable Development Goal 16” (*20th session ... (2021) 2021*). The Forum discussed current issues of Indigenous groups, struggles due to the pandemic, and planning future actions for the next decade. Parts of the Declaration on Indigenous Peoples’ Rights have been implemented to American countries’ federal laws, however published statistics and results of the declaration are still lacking (*20th session ... (2021) 2021*).

## IV. Key Players and Points of View

### The United States

The American legal system discriminates against minorities, especially Native Americans. The US suffers from high Indigenous incarceration rates; when compared to the rates of white men, Indigenous men are four times more likely to be incarcerated. The same is true for Indigenous youth and women, which, when compared to their white counterparts, are 30% more likely to be sent to juvenile court and six times more likely to be incarcerated, respectively. When asked about Indigenous incarceration rates, Ralph Erikson, a federal judge, stated: “Native Americans are typically prosecuted under federal law for serious offenses committed on reservations [while] state punishments for the same crimes tend to be lighter” (Flanagin, 2015). These inequalities, which are committed or perpetrated by the justice system, are not just limited to incarceration. According to the National Council on Crime and Delinquency, Native Americans are the racial group that is the most likely to be killed by police officers; additionally, Indigenous people are the most subjected to violent crime, and often, the offenders are not punished. Domestic abusers and rapists who harm Native women rarely get sentences, especially after the U.S. limited Indigenous nations’ “criminal authority over non-Indians. As a result, until





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recent changes in the law, Indian nations were unable to prosecute non-Indians, who reportedly commit 88% of the violent crimes against Native women on tribal lands” (*Racial Discrimination ... Law* n.d.). When compared to the US population, Native Americans are twice as likely to be victims of violent and discriminatory attacks, and often, these perpetrators are non-Native, making it difficult for the victims to seek legal action; therefore, criminals tend to be increasingly violent towards women and children, making them vulnerable and causing them to live in fear of these racist attacks. Some suggestions made by Indigenous activists, which are currently in action but are not widespread, include providing services to aid with substance abuse recovery, mental health services, hiring more Indigenous police officers, and implementing tribal reentry programs for those who were previously incarcerated, among others. Additionally, the Indigenous Peoples’ Day, celebrated in October, helps raise awareness about colonialism and allows Native Americans to share their experiences; meanwhile, organizations, such as I. Am. Legacy, the Victim Assistance to Support Tribes, and the MacArthur Foundation’s Safety and Justice Challenge, are working to raise awareness and implement the ideas previously mentioned. However, in order to implement these changes and prevent generational trauma, it is necessary to recognize that currently, “tribal needs are an afterthought in local, state, and federal government operations” (Davis, 2021).

## Canada

Anti-Indigenous racism manifests itself in Canada in a variety of forms, including stereotyping, stigmatization, violence, as well as through many of the country's social structures. Social injustice, prejudice, discrimination, and the destruction of cultural traditions, all had an impact on the social conditions of Canada's Indigenous population which include: First Nations, Métis, and Inuit peoples. During the mid 1800s and up until 1998, Canada had a total of 140 federally-run residential schools for Indigenous kids; they would separate them from their families and indoctrinate them to remove and diminish their Indigenous background, language, beliefs, and way of acting. Since then, Canada has improved their treatment towards Indigenous people: in 2016, it was reported that 4.9% of the Canadian population was made up of Indigenous people and since 2006, the Indigenous occupation in Canada has grown 42.5%; therefore, Canadians’ treatment of Indigenous people has improved (Sawchuk, 2011). Still, there is an evident difference in the advantages of non-Indigenous people: “In 2019, the rate of employment for Indigenous peoples in Canada (57.5 per cent) was lower than the non-Indigenous population (62.1 per cent)” (Sawchuk, 2011). Their health is also at a disadvantage, as Indigenous people in Canada have life expectancy of 10-15 years shorter and their infant mortality rates can be two to four times higher than for the rest of the Canadian population (Sawchuk, 2011). There is a clear gap between the social and economic status of





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Indigenous and non-Indigenous Canadians that has improved and been worked on but not completely resolved yet. The federal government has been responsible for funding Indigenous groups such as First Nations, Inuit, and Métis. However, it is still not enough since due to the devastating behavior that non-native Canadians showcased in the past, the problems created still persist today (Sawchuk, 2011).

## Peru

Peru is home to over four million Indigenous people: 83.11% are Quechua, 10.92% are Aymara, 1.67% are Ashaninka, and 4.31% belong to other groups (*Peru n.d.*). Despite the great quantity of native individuals, they are still considered a minority in the country. Recurring events such as oil spills, palm cultivation, and forest fires on these lands due to the government and private enterprises, have overtaken their land (*Peru n.d.*). The government does not only take their territories without consent, but damages them and the cultural tribes as well; however, Peru has taken action regarding this catastrophic discrimination. In 2011, a law was established requiring the Indigenous people's permission before any government action project, that would affect them, took place (*Observations on the ... Peru 2017*). Regardless, the law failed at times, such as with industries that focused on hydrocarbons; they continued to do their extractions, mainly in the Peru territory, and did not stand by the law or native people's rights. Additionally, Peru has implemented the Law of Prior Consultation. This law states that, again, the government must consult the Indigenous people before issuing legislative or administrative measures that will have a direct impact on these communities (*Observations on the ... Peru 2017*). Repeatedly, we continue to see problems arise disregarding what the law says: it was in the concession of Lot 192, where people whose homes were located in these areas suffered from 45 years of oil extractions, leaving them with extensive environmental issues (*Observations on the ... Peru 2017*). Indigenous people stood against such actions and responded by sending a letter to President Ollanta Humala, though as expected their words were ignored. Quoted by a native group leader: they “were made invisible and were suspended” (*Observations on the ... Peru 2017*). We are repeatedly shown how laws that protect these Indigenous people's rights are there, though not respected by the authorities; Peru has not taken any successful action, and been ignorant to such an issue, seeing how cultural tribes continue to suffer from discrimination and lack rights in their country is evidence of this.

## Mexico

Indigenous people in Mexico account for around 9% of the country's overall population, and include indigenous groups such as Zapotecs, Rarámuris, Nahuas, Purépechas, Mixtecs, and more. These groups are among the most discriminated against in the country and face





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marginalization in several facets of their lives, causing many to live in poverty. According to Mexico's CONEVAL, "the percentage of Indigenous peoples who live in poverty is nearly double that of the general population: the rates were 70.3 percent versus 38.6 percent in 2016" (Canedo, 2019). Although poverty rates have decreased in Mexico, Indigenous poverty rates have remained constant. Additionally, Indigenous people earn less and face a plethora of other disadvantages: discrimination in the labor market, lack of proper infrastructure, vulnerability to natural disasters, and poor quality education (Canedo, 2019). A study that surveyed Indigenous people in 2005 concluded that "nine out of every ten thought that in Mexico they are discriminated against because of their ethnic origin; 90.3 percent feel they have fewer opportunities for employment... [and] three out of every four think they have fewer opportunities to get an education" (Martínez Medrano, 2006). The lack of education affects Indigenous women in particular: on average, when compared to Indigenous men, Indigenous women receive 50% of their education, are less likely to speak Spanish, and illiteracy rates are 20% higher; additionally, women have less access to health services (*World Directory of ... peoples* 2008). All of these disadvantages often lead to Indigenous women being exploited by their employers. Another issue currently affecting Indigenous people living in Mexico is the dispossession of communal lands and the privatization of the agricultural industry, which has caused many Indigenous people to migrate to urban areas. Various Indigenous groups, such as the ones listed above, have worked to protect and enforce the rights of Indigenous people, such as proposing laws; nevertheless, these efforts have not been entirely successful. Nevertheless, there have been governmental efforts to help Indigenous people: the National Commission for the Development of Indigenous Peoples, was placed in charge of promoting policies that will benefit the Indigenous population, has created laws, established councils, conducted research, promoted programs to respect Indigenous culture, and organized cultural events.

## Bolivia

It is estimated that around 40 percent of the population in Bolivia have an Indigenous origin, which majorly refers to the 36 indigenous groups of the country. Ever since 1991 Bolivia has prioritized social and economic justice by becoming an International Labour Organization (ILO) signatory. Within their participation in ILO conventions their focus has been tribal and Indigenous rights, leading to modifications in the nation's labor standards, improving indigenous opportunities in the workforce sector (*Indigenous peoples in Bolivia* n.d.). Politically, in 2010 there was a shift in Bolivia's characteristics with the plurinational state status adoption. Plurinational is "defined as the coexistence of two or more sealed or preserved national groups within a polity (an organized community or body of peoples)" (*Plurinationalism* n.d.). Considering Bolivia's high Indigenous population percentage, employing the shift helped





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recognize the multiple communities and their respective leaders. Nevertheless, the government's tangible measures to benefit these groups' lives are lacking. A project to build a highway through Indigenous territory and national parks was firmly proposed by the government as it had promising results for Bolivia's economy. This proposal did not prosper further because of the VIII Indigenous March which halted its construction (*In Dialogue ... Economy 2021*). This is one example of the many in which, for monetary purposes, the government disregards the Indigenous groups rights. Similarly to the government's search for increased economic rates, the Indigenous communities in Bolivia struggle for the same reasons; they face extreme poverty meaning diminished educational, healthcare, and labor opportunities which is the main reason the people remain in poor economic status. There have been Bolivian laws that moderate poverty with a focus on the minority groups and potentially reduce the inequality groups. Additionally, the country officials have recognized Quechua, Aymara and the other Indigenous organizations as most vulnerable during the pandemic. Hence, there have been efforts to generate job opportunities and promote equal treatment in the workplace, penalizing violent acts against Indigenous people in the work sector. Emphasizing the laboral aspect, it is said to expect an improved quality of life, and economic liberties to minority communities. Moreover, COVID has further oppressed the Indigenous peoples: although the government plans to provide enough vaccines for all adults, it has been a challenge to apply them to the targeted 90% of 18+ Bolivians since the Indigenous habit in geographically remote areas, complicated for the distribution process (*In Dialogue ... Economy 2021*). Their partial separation from the urban and modernized people has somewhat protected them; nevertheless, the lack of vaccinations in them has led to continued deaths and poor health. Politically, economically, and health-wise the Indigenous face disadvantages when compared to the remainder of Bolivians, still efforts for improvement are present.

## V. Possible Solutions

The lands that have been stolen from the Indigenous people by the state have left them without a home and identity. These groups survive solely off of their lands and the resources that they provide. It is important that states and their government respect the principle of consent regarding the indigenous lands. Therefore, indigenous people need to be consulted about the use of their lands and need to be included in the development processes that the governments and states decide to implement. It is crucial that companies also participate in consulting and including the indigenous people as they too use these lands and have left so many indigenous groups without a home (*Eliminating discrimination against ... occupation 2007*).

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There is an enormous gap in employment discriminating indigenous people since they do not have access to adequate training and education that could potentially give them the opportunity to work in any desired field. A possible solution to resolve such issues would be for educational institutions to provide more opportunities for the indigenous people. One example of this solution is seen implemented in the indigenous educational institution in Latin America that “has been providing Bilingual Intercultural Education (BIE)” for such groups (*Eliminating discrimination against ... occupation* 2007). This institution has taken into account the linguistic and cultural barriers that stand between the urban society and the indigenous people and has personalized the education to fit into the necessities of the indigenous groups. Without equal access to training, the possibility of entering into any employment or occupation would be nearly impossible, which is why it is crucial to promote the equality of opportunities for everyone; including those with different ways of living (*Eliminating discrimination against ... occupation* 2007).

Furthermore, ILO Conventions works beside those whose basic human rights are constantly violated. This convention has organized vocational training amongst other educational opportunities that are sculpted into the necessities of the indigenous people regarding any or a particular occupation that they might want to partake in (Young, 2016). The Convention focuses on skills development schemes and facilities for the workers in the informal sector of the economy. It is important that the training indigenous people receive is based on their economic atmosphere and their socio-cultural conditions, this will promote the equal opportunities that they strive to receive (Young, 2016). Other states should begin implementing the work that this Convention has built in order to insure equality for the indigenous people.

Adding on, it is evident how countries are aware of the discrimination Indigenous people face within their lands. They all establish laws that aim to protect them, still, people do not answer when they violate them anor do they face any consequence when doing so. In other words, these laws could be taken as non-existent. Having these laws reinforced is a possible and reachable solution; the laws are already there, it is the lack of attention and enforcement that continues to promote the issue (Young, 2016). Not only is encouraging them enough, but adding severe consequences to the violations of these is also necessary in order to make sure people do not continue and pass over Indigenous people's rights. Examples of repercussions include: economic sanctions, restrained actions, prison time, community service, and others. It is crucial that all laws are treated equally, therefore those that protect native people must be as strong and as enforced as those that protect any other person of society.

Spreading awareness is never enough, still it should not be taken out of the picture. Many people acknowledge the problem but fail to fully understand the complexity of the dilemma: the historical, economic, cultural, social, and political implications are not all known or understood





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by the public; therefore, Indigenous people's discrimination a non-relevant topic for many. It is crucial for the world to know what is going on to native people in these countries, so more attention can be given to such needs. Having people informed brings attention to nations treating people this way, and to encourage populations who wish to take action to participate in the solution (Young, 2016).

## VI. Current Status

Indigenous people are discriminated against in their everyday lives leaving them without access to education, healthcare, and labor opportunities. Native women are often the most at risk and face violence due to racism, as well as more inequalities in the legal system. Since 2002, the UN has held annual forums to address violence against Indigenous women and propose recommendations to aid them. The Permanent Forum on Indigenous Issues has adopted resolutions based on “the situation of Indigenous women in connection with a wide range of issues, including education, culture, health, human rights, environment and development, conflict and political participation” (*Recommendations on Indigenous Women* 2021). Among these recommendations, some of the most recent ones have included: preventing perpetrators of violence against Indigenous women from having impunity and improving systems and measures to address all forms of violence against these women. However, many of these efforts have been unsuccessful; currently, Indigenous women are murdered at a rate that is ten times higher when compared to other ethnicities; 84.3% of Native women have experienced violence (*Murdered & Missing Indigenous Women* n.d.).

Nonetheless, in recent years, activists have raised awareness about the issue and there have been recent, successful efforts. The US has focused on improving and adding protocols to support Indigenous people and prevent violence against them. Recently, it was announced that a police unit would be formed to solve murdered and missing Indigenous people cases. This follows several prior actions taken by the US, including raising awareness by establishing the National Day of Awareness for Missing and Murdered Native Women and Girls in 2019 and creating a task force to address Indigenous people’s concerns, both of which have helped communication between Indigenous people and the government (*Murdered & Missing Indigenous Women* n.d.). Other countries have also made efforts to aid Indigenous people. For example, the Minister of Canadian Heritage and Multiculturalism recognized that “the Government of Canada needs to do more to combat racism and discrimination in its various forms,” it presented its anti-racism strategy for 2019-2022 (*Building a Foundation ... 2019 - 2022* 2021). This strategy is an investment of \$45 million dedicated to ending inequalities through initiatives such as an Indigenous justice program, employment training, child and family





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services, and criminal legal aid, among others. Canada, along with several other nations, has shown progress in taking action to prevent Indigenous marginalization (*Building a Foundation ... 2019 - 2022 2021*).

The implications of solving the problem of legal discrimination against the Indigenous requires the consideration of subtopics. Territorial rights is one of the most common injustices that Indigenous peoples face, their land is many times deducted by the government or powerful corporations. It is forgotten that these communities care for the land in a spiritual way and are related to traditional celebrations. The theft of their property hurts them both physically and in deeper cultural ways too. Issues involving the justice system many times are complicated when regarding Aboriginal people, since they regularly have poorly qualified representatives when compared to their opponents. This means that when encountering territorial conflicts, legal issues, and other similar disputes, these groups are at a disadvantage. Other topics to consider upholding productive conversation as a committee are both education and employment opportunities. Due to geographic location, distinct practices, language barriers, and discrimination, children from Indigenous tribes are restricted from a full schooling opportunity spectrum. As a result, the communities become less educated and stay behind on modern skills, and subjects (Wodon & Cosentino, 2019). Contributing to the employment inequalities that are common for Indigenous, their laboral opportunities are already limited and that exclusivity increases with a general preference in hiring those that have been more involved in the globalized world, leads to an ongoing cycle of economic loss, opportunity inequalities, and minority discrimination, that reflects the lack of progress in these communities. It is of utmost importance to include and collaborate with those who are often underrepresented in the community to erase the marginalization and fight against the discrimination of Indigenous people.

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