



Checklist to strengthen UN work at country level to combat racial discrimination and advance minority rights



The United Nations Network on Racial Discrimination and Protection of Minorities was created by decision of the Secretary-General at the 6 March 2012 meeting of the Policy Committee, with the main goal of providing a platform to address issues of racial discrimination and the protection of national or ethnic, linguistic and religious minorities, including issues of multiple and intersecting forms of discrimination based on gender, disability, age and other grounds.

<https://www.ohchr.org/EN/Issues/Minorities/Pages/UNNetworkRacialDiscriminationProtectionMinorities.aspx>

As Secretary-General Antonio Guterres has stated, “Racism is the rejection of our common humanity, which is a central aspect against the Charter of the United Nations.” He has called on every member of the Organisation to “assert our values: the values of common humanity, the values of the Charter, equality, non-discrimination, mutual respect, and the capacity to support all the movements that fight for these values that are also deeply linked to the affirmation of human rights.”

Our equality, and equal rights as human beings, are essential to every aspect of the UN's work. But the differential impact of the COVID-19 pandemic, and rising public outrage about systemic racism and racist violence, have recently driven system-wide realisation that the UN has not done enough to address racism and related forms of discrimination – or to secure the protection and inclusion of minorities.

Today, members of minorities are on the frontline of the COVID-19 crisis, in every sense of the word. The pandemic's impacts on minority communities – in loss of lives, livelihoods, educational opportunities, and in many cases, loss of dignity – have been stark. At the same time, many members of communities have been at the forefront of efforts to keep societies safe and functioning. As “essential workers” – from health-care staff to supermarket and meat industry workers – they have been under-paid and over-exposed to risks. This is particularly true for women and girls, older persons, people with disabilities and LGBTI from minority groups, who frequently exposed to compounded risks.

At the same time, it has been impossible to ignore the rising tide of video evidence of people of African descent and others being abused by security forces in countries around the globe. These acts of gratuitous brutality have come to symbolise the systemic and institutional racism that harms millions of people – causing pervasive, life-long, generational and too often, lethal harm. Members of other minorities – such as Jews, Muslims, Roma, Dalits and people of Asian descent, as well as migrants – have faced heightened hostility, attacks by vigilantes, targeted security measures, and reinvigorated conspiracy theories.

The year 2020 brought us the unified voices of those who have stood up to demand an end to such abuse. Their cause is vital, and it is urgent. We at the United Nations need to strengthen our engagement, and the effectiveness of our action, so that we can work together with governments and people everywhere to overcome these negative forces and their legacies.

Reinvigorating the UN Network on Racial Discrimination and Protection of Minorities is an important part of that effort. This checklist is another. Produced by my Office in tandem with more than 20 other UN bodies, it aims to help all UN Country Teams, Resident Coordinators and relevant field bodies to strengthen their work to end all forms of racial discrimination, and to protect minority communities.

I hope you, as well as Governments, National Human Rights Institutions, civil society organizations and human rights defenders, will find it useful in bringing together and sharpening our efforts in these areas for the greatest possible effect.

This is not a short-term effort. Asserting the equal rights and dignity of every human being should be at the core of everything we do. The forces of exclusion are strong, pernicious and durable – and addressing them requires focused vigilance and consistent engagement. My Office will strive to assist you as we continue this work together.

Thank you for standing up for human rights.

Michelle Bachelet
United Nations High Commissioner for Human Rights
Geneva, 19 March 2021

Purpose

This checklist is a response to UN Country Teams worldwide which have expressed the view that the UN can and should do more to address racism, racial discrimination, xenophobia and related intolerance and to support the participation and protection of minorities, and have reached out for guidance and support in understanding and enhancing possible UN roles and actions in these areas.

The UN Network on Racial Discrimination and Protection of Minorities¹ provides this annotated checklist to assist UNCTs and other UN field entities, as well as Governments, National Human Rights Institutions, civil society organisations, peoples' and minority communities and human rights defenders in gathering and preparing information for the Common Country Analysis (CCA) and United Nations Sustainable Development Cooperation Framework (CF) processes, as well as for the development of COVID-19 response and recovery plans.

This document is aimed at assisting persons, agencies and institutions working on CCAs, CFs or COVID-19 response plans in framing appropriate questions to assess areas of possible action to strengthen the inclusion and protection of minorities and combat racial discrimination and related forms of intolerance.

How to use it?

This checklist is designed above all to support the elaboration and guide the implementation of programming. It poses a series of questions and provides resources for going beyond analysis to arrive at substantive work to address structural discrimination and exclusion. As such, this checklist builds on the experience of the United Nations worldwide in the design and implementation of practical programming to address the problem of racial discrimination, and to strengthen the participation and protection of minorities as a core component of UN programming.

This checklist has two parts: (1) a one-page version for senior UN officials, representatives and others engaged at political level; (2) a longer, more detailed checklist for technical personnel.

This checklist can also serve as a basis for organising workshops and other brainstorming initiatives with the view to assessing areas of possible action to strengthen the inclusion and protection of minorities and combat racial discrimination and related forms of intolerance.

In order to properly reflect the needs and rights of minorities it is essential to include, already from the outset of the design process, representatives of such minorities as well as of other groups facing stigma or discrimination in any assessments and programming efforts.

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¹ <https://www.ohchr.org/EN/Issues/Minorities/Pages/UNNetworkRacialDiscriminationProtectionMinorities.aspx#>

1. Background

International human rights law places positive obligations on Member States to prohibit and eliminate discrimination in all its forms and to guarantee the right of everyone to equality before the law, notably in the enjoyment of their human rights. Racism and racial discrimination constitute serious violations of and obstacles to the full enjoyment of all human rights and are among the root causes of many internal and international conflicts.² The prohibition of racial discrimination is non-derogable. International human rights law also sets out requirements to ensure the full development of human potential and sense of dignity and self-worth, and to strengthen respect for human rights, fundamental freedoms and human diversity. While the primary responsibility for combating racism, racial discrimination, xenophobia and related intolerance lies with member States, the Durban Declaration and Programme of Action (DDPA)³ also calls for the active involvement of international and non-governmental organizations, political parties, national human rights institutions, the private sector, the media and civil society at large. Article 9 of the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities⁴ also sets out that the specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in the Declaration. In addition, States and relevant human rights bodies, organs and mechanisms of the United Nations, specialized agencies, funds and programmes, international, regional, sub-regional and non-governmental organizations, including organizations of people of African descent, national human rights institutions and other stakeholders are requested to develop and implement specific action-oriented activities in their areas of competence to implement the programme of activities of the International Decade for People of African Descent (2015-2024)⁵ in the spirit of recognition, justice and development.

With the 2030 Sustainable Development Agenda being the globally accepted blueprint for a healthier planet and a more just and equitable world, its global goals and its central promise to leave no one behind and to reach the most marginalised in society first is the framework within which the UN delivers on its mandate. We face challenges to deliver on the transformative promise of the 2030 Agenda, and the COVID-19 pandemic is exacerbating existing inequalities, including discrimination on the basis of race, colour, descent, national or ethnic origin and discrimination against persons belonging to minorities. The UN is currently involved in system-wide responses to the COVID-19 pandemic, including to its human rights impacts.⁶ The year 2020 has seen, in addition to the COVID-19 pandemic, global attention to the urgent need to end structural racism and to address the root causes of systemic racial discrimination, including the legacies of slavery, the slave trade and colonialism, as well as other forces in all societies worldwide. The anti-racism movement and members of various groups, including people of African descent, have taken to the streets calling for justice and protesting against impunity for police violence and calling for an end to systemic discrimination.

Under the auspices of the UN Secretary-General, the UN Guidance Note on Protection and Promotion of Civic Space, adopted at the end of 2020, recognizes the centrality of involving people, including minorities, in finding solutions to the many development, peace and security, human rights and humanitarian challenges.

The UN Secretary General's 2020 Call to Action on Human Rights obliges the UN system to work to rectify all forms of discrimination and inequality, including related to "age, gender, or diversity, because of what they look like, where they live, or how they worship, because of their sexual orientation or gender identity. We must understand and pay special attention to the specific needs and experiences of children and young people, people living with disabilities, minorities, indigenous communities, refugees, migrants and other groups facing

² <https://adsdatabase.ohchr.org/UN%20Documents/2001%20Durban%20Declaration%20Programme%20of%20Action.pdf>

³ https://www.ohchr.org/Documents/Publications/Durban_text_en.pdf

⁴ <https://www.ohchr.org/en/professionalinterest/pages/minorities.aspx>

⁵ <https://undocs.org/en/A/RES/69/16>

⁶See: <https://www.un.org/en/coronavirus/UN-response>
https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf
https://www.un.org/sites/un2.un.org/files/un_framework_report_on_covid-19.pdf

specific challenges.”⁷ With a view to ensuring full implementation of the 2030 Agenda, its Sustainable Development Goals, and the pledge to leave no one behind, the Secretary General’s call envisions UN work to be human rights-based, empower people and creating avenues for civil society participation, as well as applying human rights-sensitive, non-discriminatory approaches to data collection, monitoring and reporting; making the full use of human rights mechanisms, including the Universal Periodic Review, the human rights Treaty Bodies and the Special Procedures, as well as national human rights institutions to contribute to implementation of the 2030 Agenda, particularly at the national and local levels; and continuing efforts to help design policies that support the most vulnerable and/or excluded groups, recognizing and responding to multiple and intersecting deprivations and “sources of discrimination that limit opportunities and make it harder to escape poverty, live with dignity and enjoy human rights on a healthy planet”.

2. High-Level One-Pager Checklist for Political or Representational Level

1. What minority groups exist in the country? What groups face stigma or discrimination? Do any groups face denial or invisibility? Are any in danger of being left behind? How can UN programming or advocacy strengthen the position of these groups?
2. Are there legacies of systemic human rights abuse or structural discrimination which need to be overcome? How can the UN play a role in supporting advances in addressing past and current racial discrimination, related intolerance or exclusion of minorities?
3. How has the COVID-19 pandemic affected minority or other marginalized groups in the country?
4. What negative or positive discourses exist in society, including hate speech and incitement to violence? How can UN programming work with or challenge, as relevant, available or prevalent discourses in society?
5. How does racial discrimination manifest itself in the country? Are there patterns or practices of discrimination, violence or other forms of negative treatment by law enforcement? In criminal justice? In the exercise of civil, cultural, economic, political or social rights?
6. Are any minority issues gendered in the country? How can UN programming strengthen the situation of minority women, girls or LGBTI people among minorities? Are there other intersectional, compounded or multiple issues to address, such as the situation of youth or older people among minorities, or minorities with disabilities?
7. What role does the UN human rights system have to play in supporting UN Country Team work to address racial or other discrimination, exclusion and/or stigma facing minorities in the country, as well as to work toward the empowerment of and creating open and safe spaces for minorities and other groups facing racial or other systemic discrimination?
8. Is there sufficient disaggregated data on the situation of minorities and other groups facing racial or other systemic discrimination in the country, and in particular on their ability to exercise in practice all civil, cultural, economic, political and social rights in practice? Do minorities in practice participate at all levels in decisions affecting them? How can UN programming promote full and effective participation on minorities and national decision-making process?
9. Does the education system include minorities, including people of African descent, as well as other marginalised groups? Are all relevant groups represented as teachers and school administrators?

⁷ https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Aspiration_A_Call_To_Action_For_Human_Right_English.pdf

Does the curriculum sufficiently present the positive role such people and communities have played in the history and culture of the country? Are dark chapters of the past – atrocities or persecution of minorities and other people facing racial or other systemic discrimination -- addressed with sufficient honesty and clarity?

10. How does the media reflect minority issues and matters facing other groups facing racial or other systemic discrimination? Are minorities visible in televised or other mainstream media?

11. What role can the UN play in addressing these issues in the country?

3. Detailed Checklist (Expert or Technical Level)

People and Groups at Issue

1. Which minorities or other groups threatened by racial discrimination or bias-based exclusion⁸ exist in the country? Where are they located?
2. Are any minorities or other groups threatened by racial or other discrimination or bias-based exclusion particularly at risk of being left behind? Have any particular groups been disproportionately impacted by the COVID-19 pandemic, including by social or economic effects resulting from the pandemic? If yes, which peoples or groups?
3. Is there denial that certain minorities exist? How is this denial expressed and by whom? Is there a desire to be recognized as a particular group that has been denied? If yes, which groups? Please explain. Is there a fear on the part of certain groups to being identified as minorities? If yes, which groups? Please explain.

Manifestations of Racism, Racial Discrimination, Xenophobia or Related Intolerance

4. Is there a current pattern or history of human rights violations or atrocity crimes affecting any minorities or other groups threatened by racial discrimination or bias-based exclusion in particular? What are the sources, forms and manifestations of discrimination faced, and which groups are targeted?
5. Is there a denial of racial discrimination or of other forms of discrimination or intolerance which would need to be overcome in order to address exclusion?
6. What negative discourses, or patterns and practice of hate speech or incitement to violence, discrimination or hostility, exist in society which may cause or exacerbate stereotypes, prejudices, minority-negative or otherwise exclusionary forces which perpetuate systemic discrimination and/or hate crimes? Have any such discourses worsened in the COVID-19 pandemic? Are these negative discourses amplified by or prevalent in political parties or other formal groupings?
7. What positive discourses exist in society which might be worked with to broaden the inclusion and diversity agenda and combat prejudices which lead to systemic discrimination?
8. *What UN programming can be envisioned/designed to build on and strengthen positive discourses in society (human rights education, awareness raising, peer-to-peer learning etc.), and/or challenge problematic online and offline discourses (incitement to hatred, discrimination and/or violence, hate*

⁸ Hereinafter “minorities or other groups threatened by racial discrimination or bias-based exclusion”. The International Convention on all Forms of Racial Discrimination (ICERD) defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” Please see the Annotation below for guidance with regard to the groups potentially at issue.

speech, stereotypes and stereotyping etc.) in society (as concerns minorities or other groups threatened by racial discrimination or bias-based exclusion)?

Legal, Institutional and Policy Framework

9. What measures have been taken to prohibit and eliminate all forms of discrimination on all grounds, including its intersecting forms, and to guarantee equality before the law in the enjoyment of all human rights? Does the country have an effective anti-discrimination legal and institutional framework, including independent complaints mechanisms to which individuals and groups can report in cases in which they allege discrimination? What remedies and redress are provided? Does the country have a national action plan against all forms of discrimination?
10. Are there discriminatory laws, rules, policies or practices (including indirectly discriminatory laws, rules or policies) which should be repealed?
11. Are hate crime and bias-motivated crimes specifically criminally recognized? Is there human rights-compliant legislation to tackle incitement to hatred, discrimination and/or violence and policy initiatives to address hate speech?
12. Are there any special measures, affirmative or positive action to create equal opportunities for groups or individuals facing racism, racial discrimination, xenophobia and related intolerance in the economic, civic, cultural, political or social spheres?
13. *What UN programming is or could be envisioned/designed to support positive changes in the legal/policy/institutional framework to protect the human rights of marginalized groups and eliminate racial discrimination (i.e. strengthening the anti-discrimination law framework) and/or removing/amending problematic laws?*

Participation

14. Are minorities or other groups threatened by racial or other discrimination or bias-based exclusion able to participate effectively and equally in cultural, religious, social, economic and public life and governance?

Is there genuine and inclusive consultation with minorities in matters affecting their communities?

Are minority participation arrangements guaranteed by national law?

Are all communities, including linguistic minorities, provided information in languages they understand, such that they may participate equally and effectively?

Are any particular minorities excluded from genuine participation?

Have there been any changes in this regard as a result of the COVID-19 pandemic and response?
15. *What UN programming can be envisioned/designed to strengthen minority participation and that of other groups threatened by racial or other discrimination or bias-based exclusion in decision-making?*

Freedoms

16. Do minorities or other groups threatened by racial discrimination or bias-based exclusion enjoy, on an equal basis with others the rights to:

freedom of opinion and expression;
freedom of peaceful assembly and association
freedom of thought, conscience, religion or belief?

17. Are religious or belief minorities able to register officially on an equal footing with majority or dominant religious or belief organisations and do they enjoy equal rights of effective exercise of freedom of religion or belief?
18. Are there any changes in the effective exercise of these rights by minorities or other groups threatened by racial discrimination or bias-based exclusion arising as a result of the COVID-19 pandemic?

Status and Personal Documents

19. Do minorities or other groups threatened by racial discrimination or bias-based exclusion enjoy, on an equal basis with others:
- The right to nationality;
 - The right to marriage and choice of spouse;
 - The right to own property alone as well as in association with others;
 - The right to inherit;
 - Access to personal documents necessary for exercising civil, cultural, economic, political, social rights?
20. Are minority women able to pass on their nationality to their non-citizen husband and/or children?

Policing and Justice

21. Are there patterns and/or practices of institutional/structural discrimination in access to justice and contact with the justice system, including disproportionate and discriminatory use of force and police violence, racial or religious profiling, over-representation in the criminal justice system, including detention, harsher sentencing, inequalities in treatment by family courts, or other forms of disparate, negative treatment facing minorities or other groups facing racial discrimination?
22. Are minorities or other groups threatened by racial discrimination or bias-based exclusion able to enjoy and exercise effectively the right to equal treatment before the tribunals and all other organs administering justice, as well as to fair trial and due process, including in having access in their language to all relevant legal information and free legal aid?
23. Do minorities or other groups threatened by racial discrimination or bias-based exclusion enjoy in practice the right to security of person and protection by the State against violence or bodily harm?
24. Are there any new dynamics or practices affecting minorities or other groups threatened by racial discrimination or bias-based exclusion arising as a result of the COVID-19 pandemic?
25. *What conclusions as concerns programming following from the information provided above in this section?*

Media and Education

26. Does the education system, curriculum and programming act on the positive obligation on States to ensure the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity?

27. Does the education system, curriculum and programming include information for all on the history, language and culture of all minorities and other groups affected by racial discrimination in the country? Is there a full and accurate inclusion of the history and contribution of minorities including people of African descent to the society-at-large in the general educational curriculum?
28. Do textbooks and other educational materials reflect historical facts accurately as they relate to past tragedies and atrocities relevant for the country at issue, including past instances of genocide, crimes against humanity, slavery, the slave trade and/or colonialism?
29. Does the education system ensure language accessibility for all children, including linguistic minorities, migrants and refugees? Do minority children receive own-language education?
30. Do minorities have the possibility to broadcast their own media independently and without interference? Is minority culture sufficiently represented in mainstream media?
31. Do the media play a role in fighting racism, racial discrimination, xenophobia and related intolerance? How? Are there any negative or positive trends in the media as a result of the COVID-19 pandemic?
32. Are minorities and other groups threatened by racial discrimination or other forms of bias-based exclusion adequately represented in mainstream media?
33. *What UN programming can be envisioned/designed to strengthen minority inclusion and representation in education, peer-to-peer learning and media?*

Work, Housing, Social Protection and Health

34. Do minorities or other groups threatened by racial discrimination or bias-based exclusion exercise in practice equal access to work and related labour rights? Are there any manifest disparities in this regard?
35. Do minorities or other groups threatened by racial discrimination or other forms of bias-based exclusion enjoy in practice equal rights to public health, including sexual and reproductive and maternal health, medical care, housing, social security and social services? Are there any manifest disparities in this regard?
36. *What UN programming can be envisioned/designed to strengthen minority protection can be envisioned in these areas?*

Data and Information

37. Is disaggregated data, done on a human rights basis, and analysis of the data available, including as concerns minorities/based on ethnicity and/or race? Have baseline studies or equality impact assessments been conducted to evaluate the disparities faced by minorities, to understand their root causes, and to inform and design appropriate and efficient policies and national plans, including remedies and redress?
38. Is data readily available to the public-at-large on cases and concerns brought by minorities and other groups facing racial discrimination under the anti-discrimination law framework, and on measures to resolve such cases?
39. Is data gathering done in compliance with international human rights law and standards, and is it accompanied by explanations readily understandable to the public as to the social inclusion and human rights compliance aspects of the data-gathering?
40. *What UN programming can be envisioned/designed to strengthen data collection and dissemination, and to embed equality impact assessments in policy- and law-making?*

Multiple, Compounded and Intersecting Discrimination

41. How are minority women and girls, minorities with disabilities, minority children, minority older persons, or Lesbian, Gay, Bisexual, Trans or Intersex minorities particularly affected by policy, discrimination or other forces in society? What measures might be needed to address, protect and empower these segments of minority and other marginalized communities?
42. What measures have been taken and implemented to provide protection for, and review and repeal all policies and laws that could discriminate, against people of African descent, persons of Asian origin, Roma and other minorities or ethnic groups facing multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as sex, language, religion or belief, political or other opinion, social origin, property, birth, disability, sexual orientation and gender identity, or other status?
43. How do efforts to eliminate racial discrimination and to ensure the inclusion and advancement of minorities meet gender equality requirements? How do they address multiple, compounded and intersecting forms of discrimination and uphold the State's obligations to advance the empowerment of minority women and girls and other marginalized people in the community?
44. *What UN programming can be envisioned/designed to strengthen the situation and protection of minority women and girls or other segments of minority communities facing multiple, compounded and/or intersecting forms of discrimination?*

Other, Particular Human Rights Issues

45. Are there any other human rights issues related to minorities or other groups threatened by racial discrimination or other forms of bias-based exclusion which have not been addressed above, which merit inclusion here?

4. Annotations and Explanations in Support of the Checklist

Questions 1-3: People and Groups at Issue

The term “minorities”, in a United Nations context, refers to members of the four categories set out in the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of 18 December 1992. There is no universally accepted definition of minorities, although certain core principles are accepted, such as the fact that minorities cannot be limited to citizens. A core principle of the “Guidance Note of the Secretary General on Racial Discrimination and Protection of Minorities”, adopted by the Secretary General in March 2013, is to focus on the most marginalized: “While in most cases minorities are in a non-dominant position, the UN approach must reflect the fact that there are great differences between the experiences and positions of minorities. Whereas some minorities are systematically marginalized and excluded from decision-making and receive little or no support to improve their situation, others play an important role in the economy, state structures and other contexts. Such diversity can also be present within minority communities. In considering such differences, which vary over time, the UN system should pay particular attention to those who are economically, politically and/or socially most marginalized and whose rights are particularly at risk.”⁹ Linguistic minorities are increasingly understood to include some persons also covered by the Convention on the Rights of Persons with disabilities, most notably users of sign language.¹⁰ UN Treaty Bodies such as the Committee on the Elimination of Racial Discrimination (CERD Committee) have extensively extended the lists of groups it deems as falling within the ambit of the ban on racial discrimination.¹¹ The UN Special Rapporteur on minority issues

⁹ <https://hrbportal.org/resources/guidance-note-of-the-secretary-general-on-racial-discrimination-and-protection-of-minorities>

¹⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26278&LangID=E>.

¹¹ Thus, for example, in its most recent review of Japan, the CERD Committee expressed particular concern at the situation of the Ainu people, Ryukyu/Okinawa peoples, Barakumin, Koreans, comfort women, Muslims of foreign origin, migrants, foreigners and non-citizens, as well as at

has held, as concerns religious or belief minorities: “This category includes a wide range of religious, non-religious, non-theistic and other beliefs, such as unrecognized and non-traditional religions or beliefs, including animists, atheists, agnostics, humanists, ‘new religions, etc. The Special Rapporteur recommends that, wherever possible, United Nations entities and others should replace the term ‘religious minorities’ with “religious or belief minorities” .¹²

The United Nations system has also expressed concern about particular groups facing racism, racial discrimination, xenophobia or related forms of intolerance or exclusion, and a number of the groups below are named explicitly in the Durban Declaration and Programme of Action, adopted at the close of the 2001 World Conference Against Racism.¹³ Of necessity, the following is a non-exhaustive list:

- **Ethnic minorities:** The naming of particular groups of concern is in general deemed a question for local and national identification. In its review of States’ compliance with and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the UN Committee on the Elimination of Racial Discrimination (CERD) tends to name groups it regard as requiring particular attention in the struggle to eliminate racial discrimination and achieve equality,¹⁴ although this may not be the case (1) in cases where there are a high number of affected communities and groups and/or (2) where denial is so pervasive that communities are unable or unwilling to be named. Particular groups requiring attention in national contexts may also be named by other UN human rights mechanisms, such as by UN Treaty Bodies,¹⁵ UN Special Procedures Mandates Holders,¹⁶ and/or in the Universal Periodic Review.¹⁷ Certain groups, such as Rohingya and other Muslim minorities in Myanmar, Yazidis in Iraq and Syria,¹⁸ and Uyghurs in China¹⁹ have been the subject of very high international concern.
- **People of African Descent:** In 2001, the Durban Declaration and Programme of Action recognized that people of African descent have for centuries been victims of racism, racial discrimination and enslavement and of the denial by history of many of their rights, and asserted that they should be treated with fairness and respect for their dignity and should not suffer discrimination of any kind.²⁰ The UN Working Group of Experts on People of African Descent, was established as a special procedure in 2002²¹ In 2011 the :Committee on the Elimination of Racial Discrimination adopted General Recommendation no. 34 on Racial discrimination against people of African descent.²² In 2014, the UN General Assembly proclaimed 2015-2024 the International Decade for People of African Descent Recognition, Justice and Development . The Programme of Activities for the Implementation of the International Decade for People of African Descent, is to be implemented at several levels. At the national level, states should take concrete and practical steps through the adoption and effective implementation of national and international legal frameworks, policies and programmes to combat racism, racial discrimination, xenophobia and related intolerance faced by people of African descent.²³
- **Roma, Sinti, Travellers and People Self-Identifying as or stigmatized as “Gypsies”:** Discrimination against Roma has been the subject of a specific CERD General Recommendation 27 of 2000, as well as a 2014 Human Rights Council Resolution 26/4, recognizing that Roma have faced, for centuries,

“intersecting forms of discrimination and violence against women”
(https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJP%2fCO%2f10-11&Lang=en).

¹² See A/75/211, paras. 51-59 and 76.

¹³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N02/215/43/PDF/N0221543.pdf?OpenElement>

¹⁴ <https://www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx>.

¹⁵ <https://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

¹⁶ <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

¹⁷ <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

¹⁸ <https://www.ohchr.org/EN/countries/AsiaRegion/Pages/MMIndex.aspx>

¹⁹ CERD/C/CHN/CO/14-17.

²⁰ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N02/215/43/PDF/N0221543.pdf?OpenElement>

²¹ <https://www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/WGEPADIndex.aspx>

²² https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/GC/34&Lang=en

²³ <https://www.un.org/en/observances/decade-people-african-descent>.

widespread and enduring human rights violations, discrimination, rejection, social exclusion and marginalisation all over the world and in all areas of life, and naming a specific form of racism faced by Roma: Anti-Gypsyism.²⁴ The situation of Roma has been a focus of extensive commitments during the World Conference against Racism and its 2009 follow-up conference.²⁵ In Europe, the situation of Roma and Travellers has consistently been at the top of the human rights agenda since the 1990s.

- Persons affected by caste- or descent-based discrimination: Caste-based discrimination is the subject of a specific General Recommendation by the UN Committee on the Elimination of Racial Discrimination.²⁶
- Persons of Asian Descent: In the recent period, and especially in the context of the COVID-19 pandemic, United Nations entities including the Secretary General have expressed concerns at the situation of persons of Asian descent, and at bias-motivated attacks and other forms of exclusion against these diverse categories of people and communities.²⁷
- Refugees, migrants and stateless persons: There is sufficiently high, long-term concern for these categories, that there is a specifically dedicated UN agency established for refugees (UNHCR). UNHCR has also had a formal mandate for over five decades as concerns stateless persons. As concerns migrants, the International Organization for Migration, originally not a part of the UN system, has recently been included in the UN family. Internally-displaced persons have a specifically dedicated UN Special Rapporteur.²⁸

Some religiously-defined groups may also fall in or near matters related to ethnic- or racial discrimination. This is particularly the case as concerns Jews, Muslims and Christians (Antisemitism, Islamophobia or anti-Muslim hatred), where for example the history of anti-Semitism is strongly affiliated with the history of racism more broadly, and/or where particular identities may fall on the line between religion and ethnicity. The UN system has dedicated specific attention to Antisemitism²⁹, Islamophobia/anti-Muslim hatred and persecution of Christians³⁰. Religious or belief minorities³¹ are covered by the mandate of the UN Special Rapporteur on minority issues³², and freedom of religion or belief has a specifically dedicated UN Special Rapporteur³³. The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has spoken widely on ethnic profiling based on suspicion of religious affiliation, in particular as concerns Muslim.³⁴ The Secretary General has requested that the High Representative of the UN Alliance of Civilizations act as the UN focal point on anti-Semitism.

From a different aspect, although often not self-identifying as ethnic minorities, Indigenous Peoples are treated within the international law ban in racial discrimination.³⁵ Indigenous Peoples are also the subject of a specific normative framework under international human rights law, especially with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted by the General Assembly in 2007 that recognizes among others the right to self-determination and self-identification.³⁶ Multiple UN mechanisms issue guidance and recommendations as concerns the rights of indigenous people, including the UN Expert

²⁴ <http://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/GlobalStudyonRomaworldwide.aspx>.

²⁵ See: <http://www.un.org/en/durbanreview2009/ddpa.shtml>

²⁶ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7501&Lang=en. OHCHR has published a toolkit on tackling descent-based discrimination, at: <https://www.ohchr.org/Documents/Issues/Minorities/GuidanceToolDiscrimination.pdf>

²⁷ <https://twitter.com/antonioguterres/status/1258613180030431233?s=20>

²⁸ <https://www.ohchr.org/EN/Issues/IDPersons/Pages/IDPersonsIndex.aspx>

²⁹ <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/ReportSRtotheGeneralAssembly.aspx>

³⁰ See e.g. A/74/195; A/74/215; A/HRC/43/28; https://www.un.org/en/genocideprevention/documents/advising-and-mobilizing/Action_plan_on_hate_speech_EN.pdf.

³¹ See A/75/211, paras. 51-59 and 76.

³² <https://www.ohchr.org/en/issues/minorities/srminorities/pages/srminorityissuesindex.aspx>

³³ <https://www.ohchr.org/en/issues/freedomreligion/pages/freedomreligionindex.aspx>

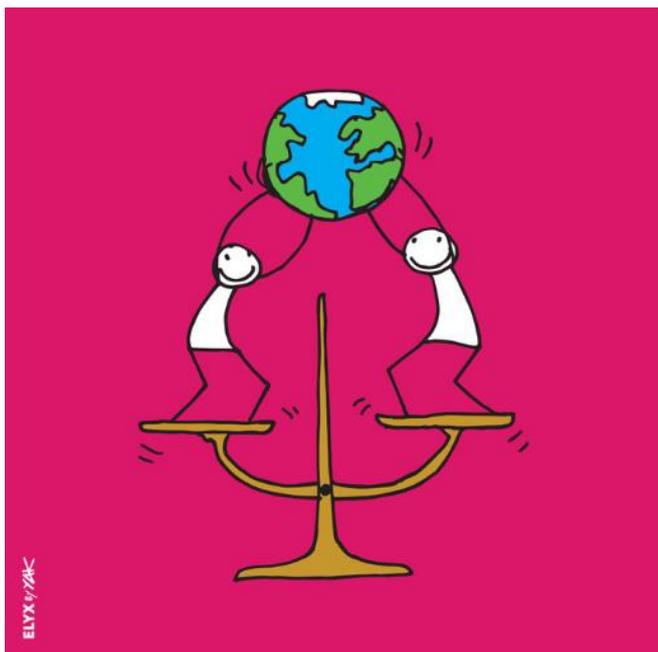
³⁴ See for example A/HRC/29/46.

³⁵ **See UN Committee on the Elimination of Racial Discrimination, General Comment General recommendation XXIII on the rights of indigenous peoples.**

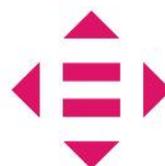
³⁶ <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>.

Mechanism on the Rights of Indigenous Peoples³⁷, the UN Forum on Indigenous Issues as well as a specifically dedicated UN Special Rapporteur.³⁸ It is important to note that many people who self-identify as indigenous peoples in many cases oppose being viewed as minorities for reasons including both an identity as first and original occupants of land, as well as due to the comparatively weaker international rights framework for minorities.

Certain other groups, such as lesbian, gay, bisexual, trans or intersex people or communities (LGBTI),³⁹ persons with albinism,⁴⁰ persons with leprosy,⁴¹ persons living with HIV/AIDS may be similarly threatened with systemic, discrimination-based exclusion. These groups are generally not understood as within the UN definition of minorities. However, some parts of the UN human rights system have begun referring to LGBTI persons and groups as “minorities”, and making recommendations as to their protection.⁴²



10 REDUCED INEQUALITIES



To reduce inequalities within and among countries



In addition, there is increasing attention to the problem of ableism as a force akin to racism, facing persons with disabilities,⁴³ as part of wider discourse of the impact of stigma on the exercise of human rights.⁴⁴ Although these are not minority groups under the current definition, any or all of these groups and issues would be relevant for consideration in UN programming, the principle of leaving no one behind and reaching those furthest behind first.⁴⁵

United Nations Country Teams (UNCTs) and others working on the development of Common Country Analysis (CCA) and United Nations Sustainable Development Cooperation Framework (CF) processes, as well as for the development of COVID-19 response plans are urged to familiarize themselves in particular with UN human

³⁷ <https://www.ohchr.org/en/issues/ipeoples/emrip/pages/emripindex.aspx>

³⁸ <https://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/SRIIPeoplesIndex.aspx>

³⁹ <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/Index.aspx>

⁴⁰ <https://www.ohchr.org/EN/Issues/Albinism/Pages/IEAlbinism.aspx>

⁴¹ <https://www.ohchr.org/EN/Issues/Leprosy/Pages/LEIndex.aspx>

⁴² See for example UN Special Rapporteur on freedom of religion or belief who has recommended: “Ensure that legal protections for individuals to manifest their religion or belief, such as in healthcare settings, do not have the effect of denying women, girls or sexual orientation or gender identity minorities the right to non-discrimination or other rights; in all cases, States should ensure the right to physical and mental integrity as well as their right to health, including reproductive health, for women, adolescents and LGBT+ persons and effective access to reproductive health services and comprehensive sexuality education, in line with international standards”, A/HRC/43/48, para. 77.

⁴³ <https://www.ohchr.org/EN/Issues/Disability/SRDisabilities/Pages/BioethicsDisabilities.aspx>

⁴⁴ See for example A/HRC/22/33, A/HRC/21/42 and A/HRC/26/28/Add.2.

⁴⁵ [https://unsdg.un.org/resources/leaving-no-one-behind-unsdg-operational-guide-un-country-teams-interim-draft#:~:text=Leaving%20no%20one%20behind%20\(LNOB,LNOB%20at%20the%20national%20level.](https://unsdg.un.org/resources/leaving-no-one-behind-unsdg-operational-guide-un-country-teams-interim-draft#:~:text=Leaving%20no%20one%20behind%20(LNOB,LNOB%20at%20the%20national%20level.)

See also: <https://www.ohchr.org/EN/Issues/Pages/DraftGuidelinesRighttoParticipationPublicAffairs.aspx>

rights mechanisms engagements with the country concerned, and the manner in which peoples, communities and issues have been identified in such reviews, and the recommendations made in these contexts.

It is also recommended that programming take into account and address intersectional, compound or multiple discrimination.⁴⁶

Questions 4-8: Manifestations of Racism and Related Intolerance

The Durban Declaration and Programme of Action following the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance expressed alarm at the continued occurrence of racism, racial discrimination, xenophobia and related intolerance “in their more subtle and contemporary forms and manifestations, as well as by other ideologies and practices based on racial or ethnic discrimination or superiority”. It affirmed that “a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and evolving forms and manifestations is a matter of priority for the international community ... with a view to their total elimination through, inter alia, the initiation of innovative and holistic approaches and the strengthening and enhancement of practical and effective measures at the national, regional and international levels”.

The Durban Declaration further “acknowledged that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade, and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these acts and continue to be victims of their consequences.” It further expressed concern at racism, xenophobia and discrimination against non-nationals, particularly migrants, refugees and asylum-seekers, as well as against Roma/ Gypsies/Sinti/Travellers, as well as at intersectional discrimination.

Questions 9-13: Legal, Institutional and Policy Framework

ICERD Convention Article 2 sets out a comprehensive program of governance to end racial discrimination, comprising: (1) a requirement to condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, as well as ensuring that all public authorities and public institutions, national and local, shall act in conformity with this obligation; (2) not sponsoring, defending or supporting racial discrimination by any persons or organizations; (3) reviewing governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists; (4) prohibiting and bringing to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization; (5) supporting anti-racist and multicultural organizations and movements; and (6) undertaking positive measures to overcome and redress legacies of historic or present-day inequalities based on discrimination.

ICERD Article 6 sets out that victims are entitled to effective remedy for acts of racial discrimination. In its General Comment No. 20, the Committee on Economic, Social and Cultural Rights (CESCR) emphasised that the “adoption of legislation to address discrimination is indispensable in complying with [the] article 2, paragraph 2 prohibition of discrimination”.⁴⁷ The Human Rights Committee, in its General Comment No. 18, has recalled both the comprehensive nature of the ban on discrimination, as well as the requirement of equal protection of the law on a comprehensive basis.⁴⁸

⁴⁶ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22146&LangID=E>

⁴⁷ Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights*, UN Doc. E/C.12/GC/20, 2009, Para 37.

⁴⁸ “Non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights. Thus, article 2, paragraph 1, of the International Covenant on Civil and Political Rights obligates each State party to respect and ensure to all persons within its territory and subject to its jurisdiction the rights recognized in the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The CERD Committee has repeatedly called for criminal law measures, particularly as concerns bias-motivated violence acts, and it has deemed States which have not recognized bias or racial animus in violent acts as violating the ICERD Convention.

As concerns combatting hate speech and in particular incitement to violence, hatred and discrimination, the Secretary-General in June 2019, launched the United Nations Strategy and Plan of Action on Hate Speech which sets out 13 commitments of action by the UN to tackle hate speech. Moreover, for incitement OHCHR has developed a threshold test, extracted from the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence⁴⁹, to assist law and policy-makers in understanding what speech or expression acts should be addressed by which forms of law.⁵⁰ The six-part threshold test takes into account (1) the social and political context, (2) status of the speaker, (3) intent to incite the audience against a target group, (4) content and form of the speech, (5) extent of its dissemination and (6) likelihood of harm, including imminence.

Questions 14-15: Participation

ICERD Article 5 sets out that States undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities sets out at Article 2 the core principles that persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life; as well as that persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live. The Beirut Declaration and its 18 commitments on “Faith for Rights” also include the pledge “to stand up for the rights of all persons belonging to minorities within our respective areas of action and to defend their freedom of religion or belief as well as their right to participate equally and effectively in cultural, religious, social, economic and public life, as recognized by international human rights law”.⁵¹

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) expands on decisional rights concerning indigenous peoples, setting out in its Article 29 that “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”

The rule of genuine consultation with affected persons and groups is in a period of development. UN human rights bodies have articulated the details of involvement of affected groups in relation to particular rights. Thus, for example, the UN Committee on Economic, Social and Cultural Rights has held:

“Before any action that interferes with an individual’s right to water is carried out by the State party, or by any other third party, the relevant authorities must ensure that such actions are performed in a manner warranted by law, compatible with the Covenant, and that comprises: (a) opportunity for genuine consultation with those affected; (b) timely and full disclosure of information on the proposed measures; (c) reasonable notice of proposed actions; (d) legal recourse and remedies for those affected; and (e) legal assistance for obtaining legal remedies Where such action is based on a

Article 26 not only entitles all persons to equality before the law as well as equal protection of the law but also prohibits any discrimination under the law and guarantees to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (Human Rights Committee, General Comment 18 (non-discrimination) (1989)).

⁴⁹ A/HRC/22/17/Add.4, appendix; <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/RabatPlanOfAction.aspx>

⁵⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/Hate-speech-threshold-test.aspx>

⁵¹ A/HRC/40/58, annex II, commitment VI. See <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx>

person's failure to pay for water their capacity to pay must be taken into account. Under no circumstances shall an individual be deprived of the minimum essential level of water."⁵²

A specific UN treaty – the Aarhus Convention – guarantees a right of public participation in matters related to the environment, although for the time being its application is limited to Europe, South Caucasus and Central Asia.⁵³

Questions 16-18: Freedoms

ICERD Article 5 sets out that States undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to freedom of thought, conscience and religion; the right to freedom of opinion and expression; and the right to freedom of peaceful assembly and association. In its general recommendation no. 35, the CERD Committee noted the following: "In addition to underpinning and safeguarding the exercise of other rights and freedoms, freedom of opinion and expression has particular salience in the context of the Convention. The protection of persons from racist hate speech is not simply one of opposition between the right to freedom of expression and its restriction for the benefit of protected groups; the persons and groups entitled to the protection of the Convention also enjoy the right to freedom of expression and freedom from racial discrimination in the exercise of that right. Racist hate speech potentially silences the free speech of its victims. Freedom of expression, indispensable for the articulation of human rights and the dissemination of knowledge regarding the state of enjoyment of civil, political, economic, social and cultural rights, assists vulnerable groups in redressing the balance of power among the components of society, promotes intercultural understanding and tolerance, assists in the deconstruction of racial stereotypes, facilitates the free exchange of ideas, and offers alternative views and counterpoints. States parties should adopt policies empowering all groups within the purview of the Convention to exercise their right to freedom of expression."⁵⁴

Questions 19-20: Status and Personal Documents

ICERD Article 5 sets out that States undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to nationality; the right to marriage and choice of spouse; the right to own property alone as well as in association with others; and the right to inherit.

The UN Special Rapporteur on racism has noted that "In the context of citizenship, nationality and immigration law and policy, States rely heavily on patriarchal laws and gender-based discrimination to achieve racial, ethnic and religious exclusion or restrictions. In several countries all around the world, women are denied the ability to confer their nationality on their children or on a non-national spouse.³⁹ This gender-based discrimination is often deployed by States to preserve notions of national, ethnic or racial "purity". An implicit aim of restricting the rights of citizenship to the children of male nationals and excluding married women from transferring their nationality to a foreign spouse is to discourage female nationals from marrying members of particular national, religious, ethnic or racial groups."

Questions 21-25: Policing and Justice

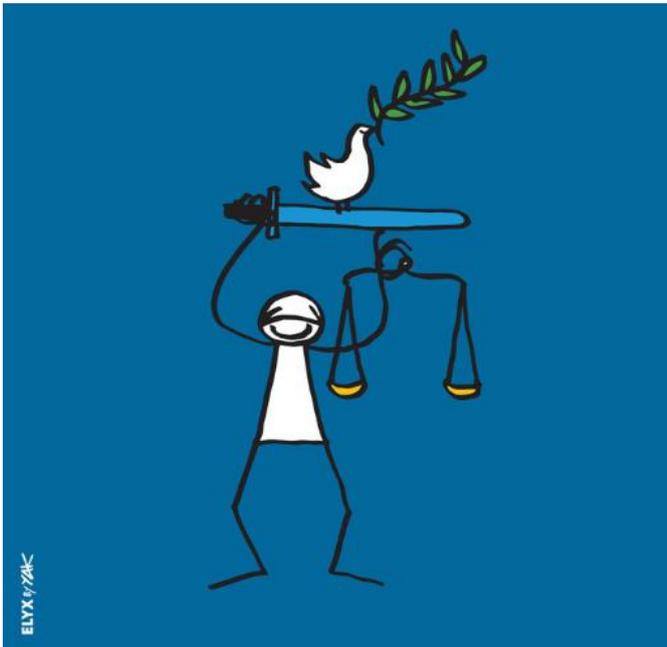
ICERD Article 5 sets out that States undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to equal treatment before the tribunals and all other organs administering justice; as well as the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution. The CERD Committee has issued detailed guidance in the form of a General Recommendation on combating

⁵² United Nations Committee on Economic, Social and Cultural Rights, "General Comment 15: The Right to Water", E/C.12/2002/11, 20 January 2003, para. 56.

⁵³ <https://www.unece.org/env/pp/aarhus/map.html>.

⁵⁴ CERD/C/GC/35, paras. 28-29.

racial discrimination in the administration and functioning of the criminal justice system, as well as more recently on racial profiling.⁵⁵



16 PEACE, JUSTICE
AND STRONG
INSTITUTIONS



To promote peaceful and inclusive societies, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels



Questions 26-33 Media and Education

ICERD Article 7 sets out that States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention. In a similar spirit, in setting out the grounds for the right to education, the Convention on the Rights of Persons with Disabilities (CRPD) sets out that education shall be directed to the “full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity”.⁵⁶

The Guidance Note on COVID-19 and Minority Rights⁵⁷ includes the following paragraph on education and peer-to-peer learning: “OHCHR has also developed tools such as the #Faith4Rights toolkit⁵⁸ to assist governments, religious leaders, faith actors, civil society and NHRIs in acting on positive obligations to advance human rights-based discourse, and to strengthen solidarity. The Toolkit includes peer-to-peer learning exercises and a case to debate on an epidemic, addressing the specific role and responsibilities of religious leaders, whose actions may either positively or negatively affect the overall health situation and even lead to stigmatization or discrimination of specific communities.”⁵⁹

⁵⁵ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7503&Lang=en and https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGC%2f36&Lang=en

⁵⁶ CRPD Article 24(1)(a).

⁵⁷ https://www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf.

See also Guidance Note on COVID-19 and Racial Discrimination, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx>

⁵⁸ <https://www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf>

⁵⁹ See modules 5, 6 and 16 as well as annex G of <https://www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf>.



4 QUALITY EDUCATION

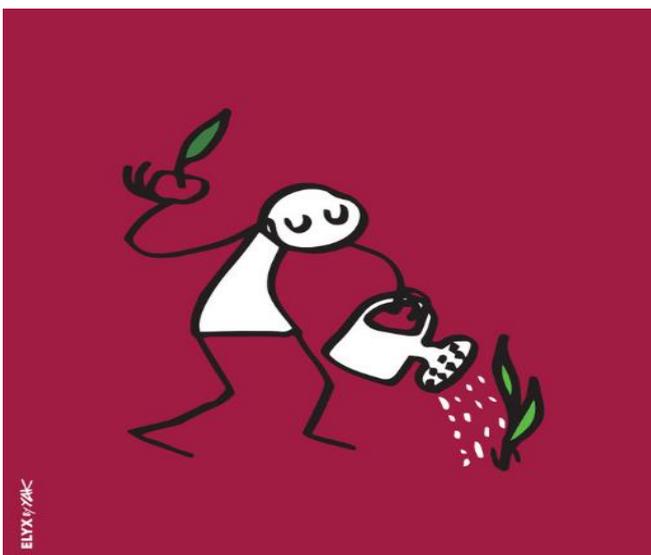


To ensure inclusive and quality education for all and promote lifelong learning



Questions 34-36: Work, Social Protection and Health

ICERD Article 5 sets out that States undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of economic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; (ii) The right to form and join trade unions; (iii) The right to housing; (iv) The right to public health, medical care, social security and social services; (v) The right to education and training; (vi) The right to equal participation in cultural activities. In some cases, “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity” can amount to crimes against humanity under the Rome Statute of the International Criminal Court.



8 DECENT WORK AND ECONOMIC GROWTH



To promote inclusive and sustainable economic growth, employment and decent work for all





1 NO POVERTY



To end poverty in all its forms everywhere by 2030



Questions 37-40: Data and Information

The Secretary General’s Guidance Note on Racial Discrimination and the Protection of Minorities includes a recommendation to “Pursue evidence-based actions and policies in fields ranging from conflict prevention to development, including through mapping of different dimensions of exclusion and by supporting data collection related to minorities, including in population censuses”.⁶⁰ The 2030 Agenda notes “Quality, accessible, timely and reliable disaggregated data will be needed to help with the measurement of progress and to ensure that no one is left behind.” OHCHR has produced detailed guidance on human rights indicators and on how to compile relevant, high-quality, and internationally comparable human rights indicators to advance the protection of human rights for all, including as concerns assessing discrimination and inequalities.⁶¹



5 GENDER EQUALITY



To achieve gender equality and empower all women and girls



Questions 41-44: Multiple, Compounded and Intersecting Discrimination

The Durban Declaration and Programme of Action calls on States to take “appropriate measures to prevent racial discrimination against persons belonging to national or ethnic, religious and linguistic minorities in respect of employment, health care, housing, social services and education, and in this context forms of

⁶⁰ <https://hrbportal.org/wp-content/files/GuidanceNoteSG.pdf>, p.1.

⁶¹ <https://www.ohchr.org/EN/Issues/Indicators/Pages/documents.aspx>

multiple discrimination should be taken into account”.⁶² The CERD Committee has set out that, “The principle of enjoyment of human rights on an equal footing is integral to the Convention’s prohibition of discrimination on grounds of race, colour, descent, and national or ethnic origin. The ‘grounds’ of discrimination are extended in practice by the notion of ‘intersectionality’ whereby the Committee addresses situations of double or multiple discrimination ...”⁶³

The work of the Human Rights Committee has increasingly involved examining indirect and multiple or intersectional discrimination.⁶⁴ Other UN treaty bodies have similarly ruled in intersectional discrimination cases, i.e. ones implicating a complex of grounds.⁶⁵ Discrimination against women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with Article 4, paragraph 1, of the CEDAW Convention and CEDAW Committee general recommendation No. 25.⁶⁶ Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.⁶⁷

⁶² https://www.un.org/en/durbanreview2009/pdf/DDPA_full_text.pdf.

⁶³ CERD/C/GC/32.

⁶⁴ See for example the Concluding Observations for Mauritania published in 2019 and included mentions of Haratines and Black African women (CCPR/C/MRT/CO/2 23 August 2019, paras 14-17).

⁶⁵ See in particular CEDAW communications including *Jallow v. Bulgaria*, 2012; *S.V.P. v. Bulgaria*, 2012; *Kell v. Canada*, 2012; *A.S. v. Hungary*, 2006; *R. P. B. v. the Philippines*, 2014; *M.W. v. Denmark*, 2016; as well as inquiries, in particular, concerning Mexico (2005) and Canada (2015)).

⁶⁶ CEDAW, GR 28, para. 18. See also Human Rights Committee General Comment 28 and CERD General Recommendation 25.

⁶⁷ CEDAW, GR 25, para. 12

5. ANNEX: Bibliography of Guidance Materials for the Involvement of Marginalized Minorities and Communities in Development Programming, as well as for Programming to Address Racism, Racial Discrimination, and Related forms of Intolerance

- United Nations Sustainable Development Framework Guidance
<https://unsdg.un.org/resources/united-nations-sustainable-development-cooperation-framework-guidance>
- The Secretary-General, “The Highest Aspiration: A Call to Action for Human Rights”
https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Aspiration_A_Call_To_Action_For_Human_Rights_English.pdf
- UNDP, “Marginalised Minorities in Development Programming: A Resource Guide and Toolkit”:
https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/human_rights/marginalised-minorities-in-development-programming-a-resource-guide-and-toolkit.html
- UNDG, “Mainstreaming Human Rights in Development Programming: Stories from the Field”
<https://www.ohchr.org/Documents/Publications/InterAgencypublication.pdf>
- Leaving No One Behind: A UNSDG Operational Guide for UN Country Teams (Interim Draft)
[https://unsdg.un.org/resources/leaving-no-one-behind-unsdg-operational-guide-un-country-teams-interim-draft#:~:text=Leaving%20no%20one%20behind%20\(LNOB,LNOB%20at%20the%20national%20level](https://unsdg.un.org/resources/leaving-no-one-behind-unsdg-operational-guide-un-country-teams-interim-draft#:~:text=Leaving%20no%20one%20behind%20(LNOB,LNOB%20at%20the%20national%20level)
- Guidance Notes on human rights dimensions of COVID-19 response
<https://www.ohchr.org/EN/NewsEvents/Pages/COVID-19.aspx>
- COVID-19 and Minority Rights: Overview and Promising Practices
https://www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf
- “Faith for Rights” framework and #Faith4Rights toolkit:
<https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx>
- Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence
<https://www.ohchr.org/EN/Issues/FreedomOpinion/Articles19-20/Pages/Index.aspx>
- UN Strategy and Plan of Action on Hate Speech
<https://www.un.org/en/genocideprevention/hate-speech-strategy.shtml>
- Guidance note on Countering and Addressing COVID-19 related hate speech – available in English and French
<https://www.un.org/en/genocideprevention/documents/publications-and-resources/Guidance%20on%20COVID-19%20related%20Hate%20Speech.pdf>
- UN Strategy and Plan of Action on Hate Speech: Detailed Guidance on Implementation for UN Field Presences
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