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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Report of the Secretary-General

Summary

The present report is being submitted pursuant to General Assembly resolution [74/165](#) of 18 December 2019, entitled “Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities”. The period covered by the present report has included the momentous impacts of the coronavirus disease (COVID-19) pandemic, which has disproportionately affected minorities and continues to expose deeply rooted structural discrimination, triggering increased attention to minorities and their rights under international human rights law. It recommends, inter alia, that Member States commit to collecting and analysing comprehensive disaggregated data in order to tailor legislation, policies and programmes to better protect minority rights.

* [A/76/150](#).



I. Introduction

1. The present report is presented pursuant to resolution [74/165](#), in which the General Assembly requested the Secretary-General to “submit to the General Assembly at its seventy-sixth session a report on the implementation of the present resolution, including information on activities undertaken by Member States, the Office of the High Commissioner, the Special Rapporteur, relevant United Nations entities and other relevant stakeholders to enhance the implementation of the Declaration and to ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities”. The report, covering the period from June 2019 to May 2021, provides a summary of activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations human rights mechanisms, United Nations entities, States and other stakeholders.

2. In the reporting period, the world experienced both the profound impacts of the COVID-19 pandemic and searing events linked to demands for racial justice and equality. The compounded effects on minorities of the pandemic and sustained, structural racial discrimination has led to deepened disenfranchisement, exploitation and victimization. The COVID-19 pandemic has also exposed deeply rooted discrimination, exacerbated inequalities within and among countries, and ushered in an economic and social crisis affecting the enjoyment of all human rights, including, disproportionately, those of minorities.¹

3. The most devastating impacts of the COVID-19 pandemic have been on the lives, health and well-being of persons and communities most affected by historic and contemporary forms of systemic discrimination.² Various studies have shown that social determinants of health such as poverty, lack of access to reliable health care, bias in the provision of care, chronic health conditions and types of occupation, all of which are rooted in inequalities, imply substantially increased risks to COVID-19 infection and mortality, particularly for racial and ethnic minorities.³ As such, there is a disproportionately higher number of COVID-19 cases, hospitalizations and mortality rates among certain racial and ethnic groups owing to social determinants. The COVID-19 crisis offers the opportunity to fundamentally reconsider strategies to confront discrimination facing minorities and how to combat it more effectively.

II. Main issues arising in the protection of minorities during the reporting period

4. International human rights law provides specific protection for individuals belonging to minorities under article 27 of the International Covenant on Civil and Political Rights and article 30 of the Convention on the Rights of the Child. Furthermore, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is based on the premise found in its preamble, that “the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live”. Adopted by consensus in 1992, the Declaration offers authoritative guidance on minority rights and measures that States

¹ https://www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf.

² See, for example, WHO Social determinants of health, Report by the Director-General EB148/24, 6 January 2021, https://apps.who.int/gb/ebwha/pdf_files/EB148/B148_24-en.pdf.

³ See, for example, https://apps.who.int/gb/ebwha/pdf_files/EB148/B148_24-en.pdf and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7234789/>.

can undertake to protect their rights, ranging from existence and identity to non-discrimination and participation in economic, social and political life.

A. Non-discrimination guarantees and measures to counter exclusion, including in the context of COVID-19

5. The Declaration states, in article 4(1), that “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law”. The international law norm of non-discrimination is non-derogable, even in a state of emergency that threatens the life of a nation, with non-discrimination on grounds of race being of a customary nature.

6. While many States have implemented measures to counter the inequality experienced by minorities, the discrimination they experience is visible in their lack of access to various types of resources, whether in relation to health care, employment or participation in public life. Despite some progress achieved in recent decades, COVID-19 has exposed the scope of systemic discrimination and the risks it entails, with minorities moving deeper into inequality and oppression in all regions of the world.⁴

7. Despite the fact that many States possess legislation that bans discrimination in both the public and private sectors, minorities are often poorly represented even in public sector employment. They often live in poor neighbourhoods or remote areas, with limited prospects for economic development (see [A/HRC/25/56](#), para. 65). They have largely been left behind in access to necessary support services and are often excluded from participating in designing solutions to problems, even when they are the ones disproportionately affected (*ibid.*, para. 32).

8. States are under legal obligations to eliminate all forms of racial discrimination⁵ and to protect people residing in their territory.⁶ Some rights may be permissibly limited to protect public health under human rights law, so long as the restrictions are necessary and proportionate, but in no circumstances whatsoever can such measures be discriminatory. While the pandemic requires urgent action from Governments across the world, States have at times used the pandemic as a pretext to impose policies inconsistent with international human rights law and with limited oversight.⁷ Freedom of movement restrictions, such as lockdowns and border closures, bans on freedom of peaceful assembly and, in some cases, the detention of human rights

⁴ UN Department of Economic and Social Affairs, “World Social Report 2020: inequality in a rapidly changing world”, 2020, available at, <https://www.un.org/development/desa/dspd/world-social-report/2020-2.html>; Wilton Park, “Addressing the disproportionate impact of COVID-19 on minority ethnic communities”, November 2020, available at <https://www.wiltonpark.org.uk/wp-content/uploads/2020/11/WP1861V-Report.pdf>.

⁵ Committee on the Elimination of Racial Discrimination, general recommendation No. 30 (2004) on discrimination against non-citizens, para. 3; Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 30; and Human Rights Committee, general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, para. 10.

⁶ This principle lies at the heart of the commitments on the “responsibility to protect” made by all Member States at the 2005 World Summit.

⁷ See, *inter alia*, “Secretary-General highlights COVID-19 as pretext for violations, in message for opening of Human Rights Council’s forty-sixth session”, press statement, 22 February 2021, available at <https://www.un.org/press/en/2021/sgsm20589.doc.htm>.

defenders, have had an impact on the vital role of civil society, including the work of non-governmental organizations.⁸

Measures taken by States to protect against discrimination

9. In reply to the OHCHR note verbale dated 10 February 2021, 14 States submitted contributions on recent activities undertaken to promote and protect minority rights.⁹ They referred to their respective constitutions, wherein the principles of equality and non-discrimination are enshrined. Various States reported having adopted specific legislation and policy measures designed to protect minorities, strengthen social cohesion and support racial and religious harmony. States also highlighted their active participation in and contribution to the activities of international human rights bodies as a demonstration of their commitment to safeguarding the rights of minorities and harnessing strength from diversity.

10. Argentina considered that the term “minority” had historically been used to refer to vulnerable social groups whose fundamental human rights were at risk of being violated. As such, discrimination was not a problem of minorities and majorities but of inequality in access to and exercise of power. Argentina noted that its policies and measures were focused on equality before the law as a primary objective to arrive at equality in diversity for all people and in relation to all aspects of life.

11. In its submission, Chile referred to its Law No. 21.151, published on 16 April 2019 and establishing legal recognition of Chilean Afrodescendants and obligations of the State towards the Chilean Afrodescendent population as specifically contemplated in articles 4 to 7 of the aforementioned law.

12. Ecuador highlighted that the 2014 National Council for the Equality of Peoples and Nationalities ensured compliance with the specific rights of peoples and nationalities through the formulation and promotion of public policies contained in the 2019–2021 agenda for equal rights of nationalities, indigenous peoples, Afro-Ecuadorian people and Montubio people. The National Council was working on a strategy to mainstream the agenda at all levels of Government, to ensure to everyone full and effective enjoyment of constitutional individual and collective rights, as well as those provided for in international instruments.

13. Greece noted that a number of important measures favouring persons belonging to the Muslim minority had been adopted by the Government in recent years. Particular attention was paid to education, while other adopted measures aim at promoting and safeguarding the cultural identity of persons belonging to the Muslim minority and facilitating their access to employment in the public sector.

14. Honduras reported that the Indigenous and Afro-Honduran Peoples Public Policy, which had six axes, addressed social and political participation, the right to education and health, access to resources, the right to land and territory, and access to formal and community justice. The preparation of the Plan of Action for the implementation of the Policy was based on broad consultation process at the national

⁸ International Service for Human Rights, “Covid-19, How to ensure the protection of the rights of defenders during the pandemic?”, 27 April 2021, available at <https://ishr.ch/latest-updates/covid-19-how-to-ensure-the-protection-of-the-rights-of-defenders-during-the-pandemic/>.

⁹ Contributions were received from Argentina, Chile, Ecuador, Greece, Honduras, India, Iraq, Italy, Lebanon, Lithuania, Mauritius, Mexico, Mongolia, Qatar, Romania, the Russian Federation, Slovakia, Switzerland, Ukraine and Uruguay, one intergovernmental organization, one specialized agency and 10 non-governmental organizations. The contributions are reproduced as received, in the language of submission only, and are available at <https://www.ohchr.org/EN/Issues/Minorities/Pages/MinoritiesIndex.aspx>.

level in which more than 500 representatives of indigenous and Afro-Honduran peoples participated.

15. According to the submission by India, the vision of the Ministry of Minority Affairs was to empower the minority communities in the country and to create an enabling environment for strengthening the multiracial, multicultural, multilingual and multireligious character of the country. The Ministry had adopted a multipronged strategy by way of implementation of various schemes, which aimed at educational empowerment, employment-oriented skill development, infrastructure support and other aspects for the uplifting of minorities across the country. India had undertaken numerous initiatives to empower all sections of society without any discrimination. Particular focus had been given to the rights of women, education of children, skill development, and protection and promotion of culture, especially for minority communities.

16. Italy reported that Law No. 482/1999, established under article 6 of the Constitution, was aimed at protecting the 12 historical linguistic minorities recognized in the country. Implementation of the law was monitored through the collection of statistical data, focusing specifically on the number of actions and initiatives dedicated to minority communities on various issues. Among the priorities highlighted by the Government was the urgent need to strengthen the protection of minorities who were fewer in number compared to larger minorities, which enjoyed greater protection. Religious pluralism had become a reality in Italy and various measures protecting religious communities had been taken. The Observatory for security against acts of discrimination, established at the Ministry of Interior in late 2010, had the purpose of improving the role of the Italian police agencies in preventing and combating hate crimes and organized different activities to that end.

17. Iraq noted in its submission that particular attention was paid to protecting the rights of the Yezidi minority, especially women who were subjected to abuse by Da'esh. Lebanon reported that it had taken measures towards guaranteeing the rights of minorities who were migrants and/or refugees.

18. According to Lithuania, in 2017, the Department of National Minorities had commissioned a study on ethnic minorities that analysed the situation of national minorities. Based on the study's findings, Lithuania had developed a 2018–2027 strategy for policy on ethnic minorities. A draft law on national minorities in Lithuania was being prepared, which would be aimed at regulating and enhancing the rights of national minorities, including the right to influence public decisions affecting persons belonging to national minorities, and related obligations of the State.

19. Mauritius noted that its Constitution guaranteed minorities the right to equal protection under the law without discrimination, thereby upholding and strengthening an environment conducive to equal opportunities and equality for all Mauritians. The rights of minorities in Mauritius were further safeguarded by the Equal Opportunities Act, which complements relevant provisions of the Constitution.

20. In Mexico, the National Institute of Indigenous Peoples focused on discrimination directed at both minorities and indigenous peoples. The law on the National Institute of Indigenous Peoples provided for the elimination of discrimination against indigenous and Afro-Mexican peoples. In this regard, goal 8 of the National Programme for Indigenous Peoples 2018–2024 was to guarantee respect and protection of the rights of persons belonging to indigenous and Afro-Mexican communities.

21. According to Mongolia, in 2020, the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe signed a memorandum

of understanding with the Minister for Education and Science of Mongolia to support bilingual education for minority (Kazakh and Tuva) children in the country.

22. Qatar noted that the Doha International Center for Interfaith Dialogue had organized various activities with the aim of raising awareness regarding respect for religious diversity and against hate speech. According to Romania, within the context of the National Action Plan 2020–2022, the Government had continued the process of collecting data on the application of the legal provisions on the use of the mother tongue in relation to the local public administration authorities (where the number of citizens belonging to a national minority exceeds 20 per cent of the population). The draft national strategy for combating anti-semitism, xenophobia, radicalization and hate speech, 2021–2023 was in its final stages of adoption.

23. The Russian Federation reported on measures to protect linguistic and religious minorities, with special attention directed to vulnerable minority groups such as the Russian Roma living in different regions of the country. Slovakia noted in its submission that the principal task of the Ministry of Culture in the field of cooperation in the prevention of violence against persons belonging to religious minorities was the strengthening of inter-religious dialogue through cooperation between the state and church in educational, social and cultural fields. The strategy geared towards the prevention of radicalization and evolution of extremist groups was based on interreligious dialogue towards understanding of and respect for different as well as shared values.

24. As per the submission from Switzerland, the Government's October 2019 ordinance on measures to promote the security of minorities in special need of protection concerned not only religious minorities, including members of the Jewish and Muslim communities, but also all minorities in need of special protection, including Yenish, Sinti/Manush and Roma. Its purpose was to regulate the granting of financial support by the Swiss Confederation to organizations that implement measures in Switzerland to protect particularly vulnerable minorities from attacks by terrorists or violent extremists.

25. Ukraine noted that it had undertaken initiatives geared towards encouraging conversations to facilitate a deeper understanding of ethnic and religious relations, which could be instrumental in fostering and nurturing cross-cultural exchanges. It also promoted the use of national minority languages and protecting minorities' right to information in their own language through a special broadcasting coordination centre for national minorities, which was established within the National Broadcasting Company in 2019 and became fully operational in 2020.

26. According to its submission, Uruguay had now incorporated the ethnic-racial dimension as a cross-cutting issue in analysing access to human rights in the country. It noted that the national framework for equality and non-discrimination was being strengthened, with the development of the National Plan for Racial Equity and Afrodescendants covering the period of 2019 to 2022, in response to recommendations of the Committee on the Elimination of Racial Discrimination and the universal periodic review.

B. United Nations action and minority communities

27. Respect for economic, social, cultural, civil and political rights is fundamental to the success of the public health response and recovery from the COVID-19 pandemic. It is within this context that OHCHR has developed COVID-19 policy guidance on the cross-cutting areas its mandate covers and pursues its implementation

in partnership with other actors from both the public and private sector.¹⁰ The OHCHR note entitled “COVID-19 and minority rights: overview and promising practices” offers examples of practices and key actions that can guide States and other stakeholders in addressing the severe impacts of COVID-19 on members of minority communities. Adapted to specific context and experience, the core elements of the OHCHR guidance can help mitigate the devastating impact of the pandemic on minorities everywhere. The guidance also includes recommendations for ensuring that those who are most vulnerable are not left behind but instead are reached.¹¹

28. Towards that end, OHCHR has engaged in actions at the country level to help to alleviate the adverse impacts of COVID-19. For example, in Cambodia, it has supported initiatives introduced by the Government to combat the pandemic, including with a national health strategy. OHCHR shared its recommendations with the Government and underscored the importance attached to the voices of minorities, including in the response to COVID-19.

29. In 2020, OHCHR in Moldova initiated the creation of a non-governmental task force on COVID-19 and human rights. A total of 56 organizations working at the national and local levels joined the task force. Among them are non-governmental organizations promoting and monitoring the rights of persons belonging to ethno-linguistic minorities. One of the thematic groups established under the task force continues its work in identifying main issues and challenges faced by ethno-linguistic minorities in the context of COVID-19 in order to better help the relevant State authorities to address them. OHCHR also helped Romani women-led organizations in south-eastern Europe to apply for support from the United Nations voluntary trust fund on contemporary forms of slavery for work to address child marriage. As a result, for the first time, four Romani women-led activist civil society entities submitted applications requesting support from the Fund, to be considered at the Board of Trustees’ next annual session in November 2021.

30. OHCHR is seizing the opportunities presented by the exceptional current context to focus more effort on minority rights as a thematic area, including by organizing online conversations that include vital insights as to what can be done better in efforts to protect minority rights. Implementing strategies focused on securing the effective participation of minorities remains a key ingredient in achieving equality. For example, at a webinar entitled “COVID-19, the health of minorities and their right to effective participation”, held on 2 December 2020 in collaboration with the Permanent Mission of Austria, recommendations were made as to the importance of minorities’ effective participation in health-related decisions that affect them, especially as regards strategies to reduce health disparities. Central to the discussion was how vulnerabilities often resulting from intersecting forms of discrimination bring on a broad range of adverse impacts to minorities and how they should be considered as a criterion for priority access to both treatment and the COVID-19 vaccine.¹²

¹⁰ Available at <https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx>.

¹¹ OHCHR, “COVID-19 and minority rights: overview and promising practices”, 4 June 2020, available at https://www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf.

¹² United Nations Children’s Fund, “No-one is safe until everyone is safe – why we need a global response to COVID-19”, 24 May 2021, available at <https://www.unicef.org/press-releases/no-one-safe-until-everyone-safe-why-we-need-global-response-covid-19>.

C. Participation in decision-making by minorities, including those belonging to descent-based communities

31. Participation in public affairs is a stand-alone right, but also underpins the realization of other human rights to which it is inextricably linked.¹³ Upon the request of the Human Rights Council, in 2018 OHCHR published guidelines on effective implementation of the right to participate in public affairs and how States can ensure that individuals and groups can take part in society ([A/HRC/39/28](#)).

32. Minorities, especially minority women, have historically been excluded from full and effective participation in decision-making. The right to participation, including that of minorities belonging to descent-based communities, continues to be encumbered by various barriers. The Committee on the Elimination of Racial Discrimination, General Recommendation No. 29 (2002) concluded that discrimination based on descent covered caste and analogous systems of inherited status or “inherited identity” and was thereby covered by the International Convention on the Elimination of All Forms of Racial Discrimination. In her 2016 report to the Council, the then Special Rapporteur on Minority Issues noted that while many caste-affected groups might belong to the same larger ethnic, religious or linguistic community, they often shared minority-like characteristics ([A/HR/C/31/56](#), para. 21). More recently, the current Special Rapporteur stated that “ethnic minorities, through ancestry, descent, origin or lineage, can include individuals recognized because of shared physical characteristics, such as Afrodescendants, as well as social castes and similar groups, including Dalits in India (and elsewhere) and the Burakumin of Japan” ([A/75/211](#), para. 70 (d)).

33. Minority women, especially those belonging to descent-based communities, are often confined within intricate webs of intersecting discrimination that deprive them of their human rights and condemn them to lives of poverty and exclusion. In terms of the pandemic, “overall, COVID-19 has impacted the most women and girls, in all their diversity. It has been further shrinking their leadership, voice and their space and challenging hard-won gains on gender equality”.¹⁴ The systematic exclusion of minorities, including minority women, from decision-making reinforces grievances and can establish fertile ground for violence and conflict. It is therefore vital that States engage with minorities and guarantee their participation in decision-making, including as a preventative measure.

34. In 2020, OHCHR contributed to various efforts in India and Nepal to combat descent-based discrimination through advocacy and capacity-building focused on COVID-19 and caste. For example, a webinar organized with the International Dalit Solidarity Network explored patterns in language and expressions that reinforce stigma and discrimination against persons belonging to those communities. Lessons learned from COVID-19 highlighted that the use of expressions such as “safe distancing” and “physical distancing” may thus be more apt than “social distancing”. This work is linked to the document entitled “Guidance tool on descent-based discrimination: key challenges and strategic approaches to combat caste-based and analogous forms of discrimination”,¹⁵ which was drafted in the context of the United Nations network on racial discrimination and the protection of minorities, coordinated by OHCHR and launched in Nepal in March 2017. Since then, OHCHR has organized awareness-raising, capacity-building and joint actions using the guidance tool to

¹³ Statement by United Nations High Commissioner of Human Rights, 26 February 2021, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26806&LangID=E>.

¹⁴ Statement by the United Nations High Commissioner of Human Rights, 27 April 2021, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27030&LangID=E>.

¹⁵ Available at <https://www.ohchr.org/Documents/Issues/Minorities/GuidanceToolDiscrimination.pdf>.

address descent-based discrimination through collaboration with various partners. In 2020, OHCHR translated the guidance tool into French, for purposes of focused advocacy and capacity-building by the OHCHR Senegal and Mauritania offices.

35. The International Decade for People of African Descent (2015–2024) has also provided an important framework and an opportunity to address historical injustices that have contributed to the present-day disparities found in descent-based communities. As coordinator of the International Decade, the United Nations High Commissioner for Human Rights has continued to bring awareness to the Decade and the unique situation of people of African descent through various events and activities, including by providing substantive and technical support to States and other stakeholders. In this connection, in 2019 OHCHR organized, in collaboration with the African Union Commission, the third regional meeting of the International Decade, hosted by the Government of Senegal. The meeting focused on increasing engagement towards full implementation of the Decade’s commitments.

36. In May and June 2020, the OHCHR regional office for Europe organized, in cooperation with the European Network of People of African Descent and within the framework of the Decade, an online interactive training programme on fulfilling the human rights of girls and women of African descent in the European Union. The four-part webinar series provided participants with a digital space in which to connect and share information, knowledge and experience about participating and engaging in public life and advocating for equal rights using the relevant United Nations human rights mechanisms.

D. Minorities, the United Nations and faith actors

37. In May 2020, the High Commissioner for Human Rights, the Special Adviser to the Secretary-General on the Prevention of Genocide and the High Representative for the United Nations Alliance of Civilizations convened a virtual consultation, which resulted in the Global Pledge for Action by Religious Actors and Faith-Based Organizations to Address the COVID-19 Pandemic in Collaboration with the United Nations.¹⁶ Taking note of the powerful role played by religious leaders in guiding responses to the pandemic, the High Commissioner urged them to speak out firmly against intolerance and hate speech that targeted minority communities throughout the world.¹⁷

38. The 18 modules of the #Faith4Rights toolkit,¹⁸ a peer-to-peer learning programme launched online by OHCHR in 2020, contain specific ideas for exercises, such as how to address incitement to hatred and violence against minorities, especially in the context of COVID-19. In addition, webinars entitled “Keeping the faith in times of hate” and “Confronting COVID-19 from the prism of faith, gender equality and human rights” were conducted with Religions for Peace, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on minority issues and representatives of the Committee on the Elimination of Discrimination against Women.¹⁹

¹⁶ See www.ohchr.org/Documents/Issues/Religion/GlobalPledgeAction.pdf.

¹⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25909&LangID=E.

¹⁸ See www.ohchr.org/EN/Issues/FreedomReligion/faith4rights-toolkit/Pages/Index.aspx.

¹⁹ See www.ohchr.org/Documents/HRBodies/CEDAW/Statements/CEDAW_statement_COVID-19_final.doc.

E. Empowerment and participation: strengthening capacity for advocacy and monitoring

39. Since its establishment in 2005, the OHCHR Minorities Fellowship Programme has proven to be an effective empowerment tool for minority rights advocates and has provided training in minority rights advocacy for 112 men and 92 women from 72 countries. In 2020, OHCHR adapted the Programme, which is carried out annually in Geneva, to the imperatives of the COVID-19 pandemic. OHCHR selected 14 former fellows who had received the training in Geneva in previous years to be “senior fellows” and placed them for initial periods of between 3 and 12 months in OHCHR regional and country offices, United Nations country teams or United Nations peacekeeping operations in order to build capacity with regard to minority issues, general human rights advocacy and leadership skills.

40. During the reporting period, OHCHR also marked the fifteenth anniversary of the Minorities Fellowship Programme through a side event, organized in collaboration with the global network of former minority fellows, at the thirteenth session of the Forum on Minority Issues in November 2020.

41. In 2020, former OHCHR fellows established a core group to help coordinate joint activities and reinforce solidarity among themselves, and their communities, countries and regions. OHCHR organized two global consultations with this core group to assist fellows in preparing contributions to the commemorative activities to mark the thirtieth anniversary of the Declaration, which was scheduled for 2022. During the reporting period, OHCHR also launched a series of internal thematic consultations between former fellows and current senior fellows with four Special Rapporteurs – on freedom of religion or belief; on the human rights to safe drinking water and sanitation; on adequate housing; and on minority issues – in preparation for their submission of thematic studies and annual reports to the General Assembly and the Human Rights Council.

III. Key developments at the United Nations and the international institutional framework for the protection of the rights of all persons belonging to national or ethnic, religious and linguistic minority communities

A. Human Rights Council

42. On 17 June 2020, the Human Rights Council adopted resolution [43/1](#) on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, in which it requested the United Nations High Commissioner for Human Rights, with the assistance of relevant special procedure mandate holders, to prepare a report on systemic racism and violations of international human rights law against Africans and people of African descent by law enforcement agencies in order to contribute to accountability and redress for victims. Preparations for the report included a call for submissions and broad consultations, in particular with people of African descent, victims and their families, and other stakeholders from a variety of sectors and countries.²⁰

43. In her subsequent report to the Human Rights Council, the High Commissioner examined the compounding inequalities that Africans and people of African descent

²⁰ See www.ohchr.org/EN/Issues/Racism/Pages/Call-Implementation-HRC-Resolution-43-1.aspx.

face in all areas of life as a result of their marginalization and lack of equal access to opportunities, resources and power, and called for an end to impunity for the violence committed by law enforcement officials against people of African descent, and for that issue to be addressed as part of broader responses to systemic racism. She also stressed the need to address the legacies of enslavement, the transatlantic trade in enslaved Africans, and its context of colonialism. The report, to be read in conjunction with an accompanying conference room paper, includes the “Four-Point Agenda towards Transformative Change for Racial Justice and Equality” (A/HRC/47/53, annex).

B. Special procedures of the Human Rights Council

44. In recent years, social media have become a potent vehicle for the spread of stigma, racism, xenophobia and hate, reinforcing negative stereotypes already exacerbated by the COVID-19 pandemic. Conspiracy theories, misinformation, disinformation and scapegoating of minorities in social media continue to contribute to inciting hatred, undermining intercommunal respect and eroding the elements necessary for stable democracies and peace. Hate speech on social media often targets the most vulnerable in society, such as persons of African, Asian and indigenous descent, Dalits, Rohingya and Roma, as well as religious or belief minorities, such as Muslims, Jews, Christians and Baha’i (see A/HRC/44/49; A/HRC/46/57, sect. IV; and A/HRC/47/25).²¹

45. While everyone has the right to seek, receive and impart information and ideas through any media and regardless of frontiers, that right is not absolute and can be made subject to permissible limitations. In accordance with article 20 of the International Covenant on Civil and Political Rights, “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” is prohibited. Legislation to protect people from different forms of hate speech must be carefully tailored to restrict freedom of expression only to the extent permissible within general conditions of legality, legitimacy, necessity and proportionality.²²

1. Special Rapporteur on minority issues

46. In his report to the forty-sixth session of the Human Rights Council (A/HRC/46/57), the Special Rapporteur on minority issues provided guidance on the human rights obligations of States, corporations and other actors in relation to addressing the most prevalent instances of hate speech in social media, namely, those targeting minorities (see A/74/486). On 15 March 2021, he observed that social media included platforms for the spread of hate, prejudice and incitement to violence and atrocities against minorities, echoing words by the Secretary-General regarding the need to tackle hatred and xenophobia that targeted minorities.²³ The Special Rapporteur also called for an international treaty to address the growing scourge of hate speech against minorities. He observed that in today’s digital context, minorities

²¹ See also the thirteenth session of the Forum on Minority Issues. Available at www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session13.aspx.

²² Statements made by the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan; the Special Rapporteur on minority issues, Fernand de Varennes; the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsoi Voule; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin, Geneva, 23 March 2021. See www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26937&LangID=E.

²³ See news.un.org/en/story/2020/05/1063542.

were too often, with relative impunity, scapegoated, “otherized” and presented as disloyal or as threats. Dehumanizing language normalized violence against minorities and made their persecution, and even potential physical destruction, acceptable. The Special Rapporteur added that the time was right for a human rights-centred regulatory framework that provided clarity on the obligations of States, social media businesses and other concerned parties to regulate hate speech and that focused on the most prevalent and harmful forms of hate: hate against minorities.²⁴

2. Special Rapporteur on freedom of religion or belief

47. In April 2020, the Special Rapporteur on freedom of religion or belief expressed extreme concern by the upsurge in incitement to hatred and the scapegoating of religious or belief communities, including Christians, Jews and Muslims, for the spread of COVID-19.²⁵ In October 2020, in his interim report to the General Assembly (A/75/385), the Special Rapporteur stressed that there would be no one left behind only when sustainable development efforts advanced the political, social and economic inclusion of persons belonging to religious or belief minorities. While noting that discrimination within the context of the right to freedom of religion or belief was not limited to members of religious minorities or non-believers and could also apply to members of religious majority groups, he underscored the fact that, if such discrimination and inequality with regard to religious or belief minorities was left unchecked, it could precipitate poverty, conflict, violence and displacement. He also encouraged all stakeholders – States, civil society (including faith-based actors) and United Nations entities – to include action on sustainable development in their efforts to promote freedom of religion or belief, in particular in the context of members of religious or belief minorities who might experience unequal access to essential services, such as health care, quality education and housing (*ibid.*, para. 3). The Special Rapporteur also encouraged States to employ specific indicators to identify the impact of interventions on reducing inequalities involving religion or belief.

3. Working Group of Experts on People of African Descent

48. The Working Group of Experts on People of African Descent held a thematic session entitled “The Urgency of Now: Systemic Racism and the Lessons of 2020”, building on its report on COVID-19, systemic racism and global protests (A/HRC/45/44). The participants at the session discussed priorities for the protection of the human rights of people of African descent, positive developments, good practices and how to address systemic racism on the basis of international human rights law. In 2019, the Working Group had issued two thematic reports: on data for racial justice (A/HRC/42/59), in which it analysed the varied intersections of big data and racial justice and injustice, and on the role of negative racial stereotypes of people of African descent in perpetuating racial injustice (A/74/274), in which the experts reviewed the historical use and ongoing prevalence of racial stereotypes in everyday life.

C. Universal periodic review

49. During the period covered by the present report, tailored recommendations were made in the context of the universal periodic review, providing States with important guidance on meeting their international legal obligations. One recommendation common to all States concerned the need to collect the disaggregated data required to measure progress made in the realization of human rights. The absence of data disaggregated by ethnic, religious and linguistic origin, for example, constitutes a

²⁴ See www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26900&LangID=E.

²⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25814&LangID=E.

major impediment not only to designing effective and targeted measures, but also to tracking progress and increasing the enjoyment by minorities of their human rights. Data that could allow policymakers to measure the experience of minorities and identify inequalities at the national level are also crucial to adjusting and calibrating public policy effectively in order to ensure non-discriminatory outcomes.

D. Human rights treaty bodies

50. The treaty bodies regularly focus on the situation of those who are most disadvantaged and marginalized. While those committees have previously used more general notions of “disadvantaged and marginalized individuals and groups”, without explicitly referring to or exhaustively listing the groups and persons concerned, since 2020, in the light of the impact of the COVID-19 pandemic on minorities, they have issued more specific guidance relevant to national or ethnic, religious and linguistic minorities in their concluding observations following the examination of State party reports.

51. On 30 April 2021, the Committee on the Elimination of Racial Discrimination issued a statement on the rise of racial discrimination against Asians and people of Asian descent, in particular racist hate crimes and hate speech. The Committee expressed alarm that, in the context of the COVID-19 pandemic, Asians and people of Asian descent had been victims of stigmatization, labelling and scapegoating, and had been blamed for the spread of the COVID-19 virus and subjected to a wave of racist violence, threats of violence and physical harassment, while their children had been subjected to bullying at school. The Committee called on States parties, among others, to unequivocally, unconditionally and publicly reject and condemn racially motivated violence of all forms and urged them to adopt measures to prevent racial discrimination against Asians and people of Asian descent.²⁶

52. In its statement of 30 April 2020 on derogations from the International Covenant on Civil and Political Rights in connection with the COVID-19 pandemic, the Human Rights Committee stressed that States parties could not tolerate, even in situations of emergency, the advocacy of national, racial or religious hatred that would constitute incitement to discrimination, hostility or violence, and that they must take steps to ensure that public discourse in connection with the COVID-19 pandemic did not constitute advocacy and incitement against specific marginalized or vulnerable groups, including minorities and foreigner nationals (CCPR/C/128/2, para. 2). Human Rights Committee general comment No. 37 (2020) on the right of peaceful assembly refers to the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4, appendix), which contains a six-part threshold test on incitement to violence. It is also specified in the general comment that States must ensure that laws do not result in discrimination in the enjoyment of the right of peaceful assembly, and that particular efforts must be made to ensure the equal and effective facilitation and protection of the right of peaceful assembly of individuals who are members of groups that are or have been subjected to discrimination, or that may face particular challenges in participating in assemblies.

53. During its review of States parties during the reporting period, the Committee on Economic Social and Cultural Rights raised issues regarding the situation of

²⁶ See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=27047&LangID=E.

persons belonging to minorities and reflected its findings in concluding observations.²⁷ In April 2020, the Committee commented in a statement that States must make every effort to mobilize the resources necessary to combat COVID-19 in the most equitable manner, in order to avoid imposing a further economic burden on marginalized groups (E/C.12/2020/1). Socioeconomic position is a strong determinant of health-related outcomes and enabling local participation by minorities in health needs assessments and their translation into appropriate services is crucial. Consistent with the view that a human rights-based approach is vital to COVID-19 measures, vaccines should be allocated with pre-existing vulnerability as a criterion. In December 2020, the Committee therefore adopted a statement on universal and equitable access to vaccines for COVID-19, in which an explicit reference was made to persons belonging to minorities (E/C.12/2020/2). Previously, in April 2020, the Committee had issued general comment No. 25 (2020) on science and economic, social and cultural rights, in which it referred to the obligation of States to eliminate all forms of discrimination and address inequalities on all grounds, including on the grounds of religion, national origin, ethnic identity and any other relevant status.

E. Social inclusion as a priority in building back better

54. Economic exclusion is a cause, a manifestation and a consequence of discrimination against persons belonging to minorities. The economic cost of social exclusion can be captured through various measurements, including the loss of gross domestic product and human capital wealth. Left unaddressed, the exclusion of disadvantaged groups is costly from an economic point of view, in addition to its inherent wrongfulness.²⁸ Beyond the human rights concerns, minority communities are also more affected by the economic downturn caused by the pandemic. Nevertheless, the COVID-19 crisis offers the opportunity to focus on building back using more inclusive systems that allow society as a whole to become more resilient to future shocks. According to the World Bank, at the individual level, the most commonly measured impacts of discrimination include the loss of wages and lifetime earnings, poor education and fewer employment outcomes. There are also direct physical and mental health costs of racism and discrimination.²⁹

55. Getting the world back on track to achieve the Sustainable Development Goals of ending extreme poverty and boosting shared prosperity requires genuine social inclusion and participation. In 2020, the Working Group of Experts on People of African Descent issued operational guidelines on the inclusion of people of African descent in the 2030 Agenda, a tool intended to assist United Nations country teams, Member States, financial and development institutions and all other stakeholders in achieving the 2030 Agenda and the Goals, with a specific focus on people of African descent.³⁰

56. The Working Group provides compelling arguments, on the basis of human rights, as to why the Goals should specifically focus on people of African descent, since that population group faces multiple and compounded forms of discrimination,

²⁷ See the concluding observations on the third periodic report of Benin (E/C.12/BEN/CO/3), the concluding observations on the initial report of Guinea (E/C.12/GIN/CO/1), the concluding observations on the second periodic report of Latvia (E/C.12/LVA/CO/2), the concluding observations on the sixth periodic report of Norway (E/C.12/NOR/CO/6) and the concluding observations on the seventh periodic report of Ukraine (E/C.12/UKR/CO/7).

²⁸ See www.worldbank.org/en/topic/social-inclusion.

²⁹ Ibid.

³⁰ See www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/Operational-Guidelines-People-of-African-Descent-and-SDGs.aspx.

and since the ending of inequalities and discrimination should be prioritized to “leave no one behind” and “reach the furthest behind first”.³¹

57. In 2019, the High Commissioner for Human Rights launched the Surge Initiative to identify and pilot ways to strengthen field engagement with regard to economic, social and cultural rights, the Goals and prevention efforts. Through the Surge Initiative, OHCHR engagement with regard to economic, social and cultural rights and prevention has been reinforced by placing greater focus on impact at the field level through specialized knowledge and skills, better sharing of knowledge and experiences, and the leveraging of partnerships (see [A/HRC/46/48](#), para. 12). The COVID-19 pandemic has made it clear that building a more equal and sustainable world depends on supporting Member States and partners to place human rights at the front and centre of recovery efforts and development strategies. The Surge Initiative also provides for specialized advice and analysis on economic and social rights, especially with regard to accelerating efforts to achieve the Goals, such as by applying a human rights-based approach to macroeconomic analysis.³²

58. Racism, discrimination and exclusion remain difficult to measure accurately owing to one specific but cross-cutting concern: a lack of data to properly assess the situation. In countries in which such data are available, there is evidence that marginalization and socioeconomic status are likely to contribute to minorities and descent-based communities continuing to account for higher rates of infection and death from COVID-19. This raises questions about the hidden nature of the problem in countries in which disaggregated data are not gathered. OHCHR and United Nations human rights mechanisms advocate more data collection, as well as appropriate safeguards, with the participation of all the communities involved or affected and at all stages. OHCHR has offered valuable guidelines on safeguards that need to be in place to ensure that disaggregated data are collected and used in compliance with human rights principles, with the active and meaningful participation of relevant stakeholders, in particular those belonging to the most marginalized population groups.³³

IV. Conclusions

59. **COVID-19 has further exposed the strong associations between race, ethnicity, culture, socioeconomic status and health outcomes, while showing the pervasive inequality embedded in dominant cultures and social institutions. The socioeconomic factors that negatively influence health outcomes for minorities must be identified and contextualized on the basis of historical, political, social and economic considerations, for which appropriately disaggregated data are vital.**

60. **The impacts of the pandemic have extended far beyond adverse health outcomes to disrupt almost every aspect of life, from employment and education to housing and mental well-being. The shared burdens of the COVID-19 pandemic can, however, create momentum for solidarity, leading to long-term societal changes that are more likely to ensure that no one is left behind.**

61. **Enjoyment of economic, social and cultural, civil and political rights and the right to development is essential to building participatory and more peaceful**

³¹ Ibid.

³² For more information on the OHCHR Surge Initiative, see <https://sdgs.un.org/un-system-sdg-implementation/office-high-commissioner-human-rights-ohchr-24516>.

³³ OHCHR, “A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development”, 2018.

societies that benefit not only minority communities, but also the world at large. The Secretary-General's call to action for human rights in 2020 encompasses the full range of rights and underscores the need to pursue and attain all human rights as a compelling and mutually reinforcing collective need benefiting everyone everywhere. As the Secretary-General noted: "Human rights are the birthright of every person and in the interests of every country. They ensure stability. They build solidarity. They promote inclusion and growth."³⁴ The guiding principles of the Call to Action for Human Rights offer an important blueprint for all Governments and partners in addressing long-standing issues of discrimination, including through meaningful partnerships with the grass-roots leadership of affected communities.

62. The inequities brought to the surface by the pandemic have to be addressed. The High Commissioner for Human Rights has underscored that medical vaccines alone cannot resolve the pandemic or heal the damage that it has caused, but that the vaccine for hunger, poverty, inequality and climate change is found in human rights.³⁵ In her statement to the forty-seventh session of the Human Rights Council, she reiterated that policies that build social justice also help to develop stronger economies. They drive more inclusive political systems, deepen trust and build hope. Policies which support the rights of every individual to make their own choices advance the 2030 Agenda and are good for communities and nations.³⁶ The Secretary-General, in his speech entitled "Tackling the inequality pandemic: a new social contract for a new era", made further concrete recommendations for a more equitable, just and sustainable way forward, in line with the Sustainable Development Goals.³⁷

63. As the world moves towards a post-COVID-19 future and a new social contract, diversity must be inclusive and interdependence more just, in order to build a resilient global community of individuals, equal in rights and opportunities, regardless of nationality, ethnicity, religion, language and any other relevant status. The upcoming thirtieth anniversary of the Declaration in 2022 will provide an important opportunity to take stock of this process and evaluate its implementation status, identify constraints and achievements, and collect examples of good practices and priorities for the future, consistent with minorities' effective participation and based on their own realities and needs.

³⁴ See www.un.org/sg/en/content/sg/statement/2020-02-24/secretary-generals-remarks-the-un-human-rights-council-%E2%80%9Cthe-highest-aspiration-call-action-for-human-rights-delivered-scroll-down-for-all-english.

³⁵ See www.ohchr.org/EN/NewsEvents/Pages/Human-rights-key-to-build-the-world-we-want.aspx.

³⁶ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27178&LangID.

³⁷ See www.un.org/sustainabledevelopment/a-new-social-contract-for-a-new-era/.