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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Rights of persons belonging to national or ethnic, religious and linguistic minorities

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report, covering the period from 1 January to 31 December 2020, is submitted pursuant to Human Rights Council resolution 43/8. It contains information on relevant developments concerning United Nations human rights bodies and mechanisms, and on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the provisions of relevant international human rights treaties. The report concludes, inter alia, that the coronavirus disease (COVID-19) pandemic has had a broad range of disproportionate and adverse negative impacts upon minorities. It recommends that States act with a sense of urgency to improve the protection of minorities as the pandemic unfolds and in their efforts to build back better and strengthen the mechanisms for dialogue to ensure the effective participation of minorities in decisions that affect them.



I. Introduction

1. In July 2020, the Human Rights Council adopted its resolution 43/8 on the rights of persons belonging to national or ethnic, religious and linguistic minorities. In that resolution, the Council requested the United Nations High Commissioner for Human Rights to continue to present a report to it annually.

2. The world has rarely experienced a simultaneous, global shock as complex as COVID-19. Today's multifaceted health crisis and its associated economic consequences have unmasked the strong link between ethnicity, socioeconomic status and health outcomes.¹ COVID-19 has had a broad range of disproportionate and adverse impacts upon national, ethnic, religious and linguistic minority communities. To guide the human rights response to the crisis, OHCHR issued detailed guidance regarding the impact of COVID-19 on minorities, emergency measures, civic space, and women and racial discrimination, among other topics.²

3. The Human Rights Council, at its forty-third session, held an "urgent debate on current racially inspired human rights violations, systemic racism, police brutality against people of African descent and violence against peaceful protests". Anti-racism protests in many countries, triggered by the killing of George Floyd in May 2020 in Atlanta, Georgia, in the United States of America, were a sign of global outrage against racism, inequality and discrimination.

4. During the reporting period, the High Commissioner highlighted the glaringly disproportionate impact of COVID-19 on racial and ethnic minorities, including people of African descent, and the way in which the pandemic has exposed alarming inequalities within societies.³

II. Activities of the United Nations High Commissioner for Human Rights and recent developments in human rights bodies and mechanisms, including in the context of the COVID-19 pandemic

A. Data collection

5. Wherever they exist, disaggregated data indicate that members of minorities both are more likely to die of COVID-19 and are hit the hardest by its socioeconomic consequences, revealing substantial, structural inequalities in society.⁴ Some minority groups have suffered death rates several times higher than those of other groups during the pandemic.⁵

6. In June 2020, OHCHR issued a guidance note on the impact of COVID-19 on minorities. This guidance note gave an overview of trends, promising practices and recommendations for action by Member States – which included gathering research and publishing data on testing, cases and deaths related to COVID-19, disaggregated by sex, age, racial or ethnic origin and other status; and developing evidence-based policies driven by such data, specifically targeting those most in need.

¹ See www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26232&LangID=E.

² See www.ohchr.org/EN/NewsEvents/Pages/COVID-19.aspx.

³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25916&LangID=E.

⁴ In the United Kingdom of Great Britain and Northern Ireland, death rates from COVID-19 in England were higher for black and Asian ethnic groups than for white ethnic groups. The Office for National Statistics has examined data and reported that persons of black African or black Caribbean ethnicity are 1.9 times more likely to die due to COVID-19; males of Bangladeshi or Pakistani ethnicity are 1.8 times more likely to die, and females of Bangladeshi or Pakistani ethnicity are 1.6 times more likely to die. All excess deaths are compared to those of persons of white British ethnicity. See "Beyond the data: understanding the impact of COVID-19 on BAME groups", Public Health England, June 2020.

⁵ See www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf.

7. To facilitate effective responses that address the human rights impacts of COVID-19, OHCHR has developed a framework of 10 human rights indicators – building on the data frameworks of the Sustainable Development Goals and the Global Humanitarian Response Plan for COVID-19 – to enable clarity in identifying especially hard-hit and vulnerable groups, including minorities, and to assist the implementation of effective policies to avert these harms. These key indicators have been appended to the framework document that guides all United Nations socioeconomic responses to COVID-19.⁶

8. Through its “surge initiative” and particularly within the context of the socioeconomic crisis generated by the pandemic, OHCHR has stepped up engagement to combat economic and other inequalities, contributing rights-based analysis and solutions with a spotlight on those at risk of being left behind, including minorities. For example in Peru, OHCHR is undertaking a study on the impact of COVID-19 and related measures on Afro-Peruvians in Lambayeque and Piura, with a specific focus on their right to health, decent work and social protection. This project and its findings will be key in enabling the required follow-up to the recent 2020 visit of the Working Group of Experts on People of African Descent, which declared that the pervasiveness of structural discrimination faced by Afro-Peruvians was reflected in the disparities in education, employment, housing, food, health, and adequate standard of living. These disparities have been seriously exacerbated as a result of the pandemic.

9. In regard to Kyrgyzstan, the OHCHR Regional Office for Central Asia completed research during 2020 on non-discrimination and equality, which included both an analysis of the legal framework and a survey of practitioners, among others, lawyers and judges. This research is aimed at providing data on inequality in Kyrgyzstan and the extent to which existing mechanisms could be used to combat discrimination.

B. Early warning mechanisms and protection of the existence of minorities

10. OHCHR continued to assist national authorities and other relevant actors in taking steps to prevent or mitigate human rights violations against persons belonging to minorities, including by supporting early warning mechanisms, risk assessments and rapid response capacities.

11. In response to the COVID-19 pandemic, OHCHR has developed an internal information management system to gather, organize, process and deliver timely information and analysis on COVID-19, including to design OHCHR interventions. At the field level, human rights information is shaping strategic decisions by governments and other national counterparts and the United Nations country teams, to mitigate the human rights impacts of COVID-19, including with regard to minority issues.

12. In February 2020, OHCHR updated the Human Rights Council on the progress made by Sri Lanka in implementing Council resolution 30/1 on promoting reconciliation, accountability and human rights in the country. The High Commissioner expressed concern over the increased use of hate speech, and of security and policy measures, which appeared to be applied in a discriminatory manner and disproportionately directed against minorities, both Tamil and Muslim.⁷

13. In March, the High Commissioner presented a report to the Human Rights Council on the root causes of violations and abuses against Rohingya and other minorities in Myanmar.⁸ In September, she presented another report⁹ in which she noted that minority groups continued to be subjected to violations and abuses, particularly in the context of armed conflicts in Rakhine and Chin States.

14. In May, the High Commissioner expressed serious concern about the killing of five men by opponents of an inter-caste relationship in Nepal, as well as about several other

⁶ See <https://unsdg.un.org/sites/default/files/2020-04/UN-framework-for-the-immediate-socio-economic-response-to-COVID-19.pdf>.

⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25624&LangID=E.

⁸ A/HRC/43/18.

⁹ A/HRC/45/5.

incidents of caste-based discrimination and violence that had taken place during the COVID-19 pandemic.¹⁰

15. The human rights service of the United Nations Assistance Mission in Afghanistan (UNAMA) continued to document deliberate targeting of civilians and civilian objects, in particular direct attacks against the Shia Muslim population, most of whom were ethnic Hazara, and against the Sikh community. In the first half of 2020, in addition to 18 attacks on religious leaders by anti-government elements, UNAMA reported an attack by Islamic State in Iraq and the Levant – Khorasan Province, on 6 March, at a commemoration for a Hazara leader in Kabul, which killed 34 civilians and injured 78. A subsequent attack by Islamic State in Iraq and the Levant-Khorasan was perpetrated on 25 March on worshippers at a Sikh-Hindu temple in Kabul, which killed 25 civilians and injured 12.¹¹

16. The OHCHR Regional Office for Central Asia monitored incidents of violence in south-eastern Kazakhstan between ethnic Kazakhs and Dungans taking place in February which killed several people and injured many others. Reportedly, over 4,000 Dungans crossed the border into neighbouring Kyrgyzstan, returning to Kazakhstan only after several days.

17. The OHCHR Regional Office for Central Asia noted a sharp increase in nationalistic rhetoric in Kyrgyzstan, following a political crisis in October. The results of parliamentary elections held on 4 October were annulled after allegations of widespread fraud, and subsequent protests. Frequent nationalistic rhetoric, including negative comments about non-Kyrgyz speakers and non-Kyrgyz journalists, was shared.

18. In September, the Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances issued joint guidelines on COVID-19 and enforced disappearances, highlighting the fact that women from minority groups and women affected by poverty and social inequalities were particularly exposed to enforced disappearances. These pre-existing vulnerabilities may be exacerbated by the COVID-19 pandemic.

C. Preventing and addressing acts of discrimination

19. During the period under review, OHCHR engaged in activities and strategies for the promotion and inclusion of non-discrimination guarantees regarding minorities, in relation to legal and policy processes, including in the context of measures adopted to fight the COVID-19 pandemic.

20. In December 2019, India passed the Citizenship (Amendment) Act. The High Commissioner raised her concerns over its discriminatory nature against the country's Muslim minority, and followed up by filing during 2020 an intervention application in the Supreme Court of India laying out the obligations of India under international human rights law, with respect to the right to non-discrimination and equality before the law.¹² In the months following its passing, concerns were also raised by several United Nations human rights experts, including about the widespread crackdown on activists and protesters demonstrating against the Citizenship Amendment Act, the majority of whom were Muslim.¹³

21. In June, OHCHR published a guidance note on racial discrimination in the context of the COVID-19 crisis, concluding that people of African descent, people of Asian descent and Roma were disproportionately affected by the pandemic. In addition, they represented a significant percentage of front-line workers who were more exposed to the risk of

¹⁰ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25913&LangID=E.

¹¹ See https://unama.unmissions.org/sites/default/files/unama_poc_midyear_report_2020_-_27_july-revised_10_august.pdf.

¹² See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25425&LangID=E.

¹³ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25343>.

contamination, and had accounted for the large numbers of contaminations and deaths in the current pandemic.¹⁴

22. OHCHR, together with Minority Rights Group International, held a webinar on 24 June 2020 on COVID-19 and the human rights of minorities. The conclusions included the need to implement strategies focused on securing the effective participation of minorities, as a key ingredient of equality, for achievement of the central principle of the Sustainable Development Goals of leaving no one behind.

23. On 19 June, following the aforementioned “urgent debate on current racially inspired human rights violations, systemic racism, police brutality against people of African descent and violence against peaceful protests”, the Human Rights Council adopted its resolution 43/1. In the resolution, the Council requested the High Commissioner, “with the assistance of relevant special procedure mandate holders, to prepare a report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and people of African descent, to contribute to accountability and redress for victims” and “to examine government responses to anti-racism peaceful protests, including the alleged use of excessive force against protesters, bystanders and journalists”. The report will be presented to the Council at its forty-seventh session.

24. Following the adoption of Human Rights Council resolution 43/1, OHCHR established a dedicated team to work towards its implementation. On 1 October, the High Commissioner presented her first oral update to the Council, at its forty-fifth session, as requested in the resolution.¹⁵

25. In July, OHCHR participated in a webinar organized by the National Campaign on Dalit Human Rights, entitled “Impact of COVID-19 on Dalits in India: voices from the ground”. OHCHR reiterated the usefulness of the guidance tool on descent-based discrimination, entitled *Key Challenges and Strategic Approaches to Combat Caste-based and Analogous Forms of Discrimination*, in combating this form of discrimination. In September, OHCHR participated in a webinar on the human rights situation of Dalits in Nepal during the COVID-19 pandemic in order to reflect on the challenges connected with ensuring a functioning judiciary in countries heavily affected by the pandemic.

26. On 12 October, OHCHR held, together with the International Dalit Solidarity Network, a webinar on examples of language and expressions that reinforce stigma and discrimination and on the need to protect those who are often at the front line of abuse, particularly in the context of COVID-19.

27. The OHCHR office in Tunisia, in partnership with Minority Rights Group International, conducted training for 122 lawyers, including 79 women, to assist them in providing legal assistance to victims of racial discrimination. In October, one of the lawyers who had taken part in the training obtained the first, historic judgment to allow removal of the part of a client’s surname that marked him as being descended from a family of emancipated slaves.

28. Throughout the year, the human rights service of UNAMA engaged in discussions with Afghan Islamic law scholars and the Afghanistan Independent Human Rights Commission about national legislation, international human rights standards and the interpretation of Islamic law in several areas, including minority rights and non-discrimination, victim-centred justice, and women’s rights, as well as criminal law and human rights standards.

29. The OHCHR Regional Office for Central Asia has been providing technical support and capacity-building for the Coalition for Equality, a civil society coalition in Kyrgyzstan, which is advocating for the adoption of comprehensive anti-discrimination legislation in the country. In January, the Regional Office facilitated exchanges of experiences with experts from equality bodies and civil society in Georgia, the Republic of Moldova and Ukraine. In

¹⁴ See www.ohchr.org/Documents/Issues/Racism/COVID-19_and_Racial_Discrimination.pdf.

¹⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26326&LangID=E.

Tajikistan, the Regional Office has been providing ongoing technical support to the drafters of the anti-discrimination legislation.

30. In October, the OHCHR presence in the Republic of Moldova conducted media training for media professionals and students of journalism of the Transnistria region and Gagauzia, including on the impact of COVID-19 on human rights.

31. The Committee on the Elimination of Racial Discrimination issued a statement on 7 August in which it noted that greater exposure to the virus is due to often inadequate or particular living conditions, limited or no access to clean water and sanitation facilities, or limited or no access to health care, medication, medical services, social security and social services, which could result in higher rates of infection and mortality.

D. Emergency support and provision of services to minorities in the context of the COVID-19 pandemic

32. OHCHR continued to support authorities and other relevant actors by issuing guidance and sharing promising practices on COVID-19 and the provision of services to minorities. In certain regions or countries, minorities are more likely to live in overcrowded housing, making physical distancing and self-isolation more challenging, and some live in conditions where there is inadequate access to water and sanitation. Members of minorities who live in poverty often are less able to cope with lockdowns, as they do not have cash savings or food stocks. Information on how to prevent and address COVID-19 and on the availability of health services and economic and social relief can be more difficult to access, as it is often not readily available in minority languages.¹⁶

33. The OHCHR office in Yemen has been monitoring the situation of the Al-Muhamasheen minority in the context of the pandemic, who face harassment and have been accused of the spreading of COVID-19. Members of the Al-Muhamasheen minority have allegedly been subjected, during and before the pandemic, to discrimination and inequality, leading to denial of their human rights.

34. In the Republic of Moldova, OHCHR created a task force on COVID-19 and human rights with 54 non-governmental organizations (NGOs), including NGOs working on minority issues. The subgroup on minorities works to identify the main issues and challenges that minorities face, which include limited access or lack of access to information accessible in minority languages. Roma communities have been particularly affected in a number of areas, including their rights to education, work and social security. These findings contributed to shaping United Nations planning, programming and interventions in the context of COVID-19 in the country, which included the delivery of food packages, personal protective equipment and hygiene products to vulnerable Roma families.

35. In Iraq, the UNAMI human rights office engaged with relevant partners, including NGOs and the Iraqi High Commission for Human Rights, to provide food for poor minority communities (especially Roma and Iraqis of African descent), whose livelihoods and access to basic services were particularly impacted by the COVID-19 restrictions. In September 2020, in order to make information more accessible to minorities, UNAMI, in collaboration with six NGOs working on minority rights, carried out an awareness-raising campaign, including through social media, in six minority languages, on how to prevent and address COVID-19.

36. The OHCHR Regional Office for Central Asia provided technical support in Kyrgyzstan, focusing on four areas where significant minority populations live in close quarters. The Regional Office co-chaired the meetings of the protection sector, providing input and technical support on protection of human rights, particularly in the context of the emergency response to COVID-19 and its impact on minorities and other vulnerable groups. OHCHR supported the translation of regulations. Furthermore, OHCHR supported national human rights institutions in carrying out monitoring, including through the provision of

¹⁶ See www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf.

personal protective equipment, and also provided expert support to members of the United Nations country team and State partners on human rights and the COVID-19 response.

E. Emergency declarations and minorities

37. OHCHR has published detailed guidance on COVID-19 and minorities and on emergency measures and COVID-19, recalling that restrictions must not be discriminatory.¹⁷ Emergency declarations and other measures adopted by States in the context of the pandemic have been used in some locations to further exclude minorities, to silence the work of minority rights defenders and to squash dissenting voices. Concerns have also been raised that tracking tools deployed on public health grounds could result in ongoing surveillance of minorities in some places.¹⁸

38. In April, the Human Rights Committee issued a statement on derogations from the International Covenant on Civil and Political Rights in connection with the COVID-19 pandemic. It stressed that States 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. States 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 foreign nationals.¹⁹

39. The Committee on the Elimination of Racial Discrimination recalled that measures including the closing of borders, lockdowns, quarantines and enforcement addressing the COVID-19 pandemic must not be enacted or enforced in a manner that violated the prohibition of racial discrimination. It further stated that the COVID-19 pandemic had made members of groups and minorities protected under the International Convention on the Elimination of All Forms of Racial Discrimination particularly vulnerable to discrimination.²⁰

40. In addition, United Nations human rights experts expressed grave concern at the rising number of accounts of police killings and other acts of violence within the context of COVID-19 emergency measures, particularly against people living in vulnerable situations, such as minorities. All people who are often disproportionately affected by the virus because of their precarious conditions of existence should not be victimized further because of state-of-emergency measures.²¹

F. Hate speech against minorities

41. Stigmatization and an increase in acts of incitement to hatred of minority communities have been reported in many locations, with minorities sometimes being cast as scapegoats for the virus. In various locations, Christians, Jews, Muslims, Dalits, Adivasis, Roma or people of African or Asian origin have all borne the brunt of such abuse.²² These claims, and endemic prejudice, have exposed members of minority communities to hate speech and violence. Reports of related violence, discrimination, arbitrary denial of services, and heightened exclusion in the COVID-19 crisis against minorities are widespread, and have affected Roma, people of African descent, people of Asian descent and religious minorities.²³

¹⁷ See www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf.

¹⁸ See www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf.

¹⁹ See www.ohchr.org/Documents/HRBodies/CCPR/COVIDstatement.docx.

²⁰ Statement on the COVID-19 pandemic and its implications under the International Convention on the Elimination of All Forms of Racial Discrimination, 7 August 2020.

²¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25802&LangID=E.

²² See www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf.

²³ *Ibid.*; and see <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25308>.

42. During 2020, OHCHR has responded to the system-wide United Nations Strategy and Plan of Action on Hate Speech, launched by the Secretary-General in 2019, by mobilizing broad internal consultations, including throughout the OHCHR field presences. OHCHR has aimed to examine in what ways it can best support States, national human rights institutions, United Nations country teams, civil society and human rights defenders in addressing hate speech in human rights-compliant modes, and with the overall goals of strengthening inclusion and diversity. Designed on the basis of these consultations, the OHCHR strategy and action plan to tackle hate speech, adopted in June, is framed around five pillars: (a) clarifying the contours of “hate speech”; (b) media and technology; (c) supporting victims and countering harmful stereotypes; (d) working with influencers, leaders and different groups; and (e) supporting engagement by and coherence of the United Nations system.

43. The #Faith4Rights toolkit,²⁴ launched online by OHCHR in January, translates the Beirut Declaration and its 18 Commitments on Faith for Rights²⁵ into practical peer-to-peer learning programmes that include concrete ideas for addressing incitement to hatred and violence against minorities, especially in the COVID-19 context. OHCHR has been piloting the #Faith4Rights toolkit with faith-based actors, academics and United Nations human rights mechanisms at the national, regional and global levels.²⁶ Webinars on keeping the faith in times of hate and on confronting COVID-19 through the prism of faith, gender equality and human rights were conducted, in collaboration with Religions for Peace, United Nations human rights experts, and the Committee on the Elimination of Discrimination against Women (as part of its Knowledge Hub).²⁷

44. In February, the OHCHR Regional Office for the Middle East and North Africa piloted the #Faith4Rights toolkit through a dedicated session during the Middle East and North Africa regional round of the Price Moot Court Competition in Lebanon.²⁸

45. Throughout 2020, the OHCHR Regional Office for the Middle East and North Africa monitored hate speech, discrimination and xenophobia against minorities. Incidents against persons of certain ethnicities were identified, especially those of Asian origin. In this vein, the Regional Office collaborated with resident coordinators, governments and civil society to help raise awareness and combat incidents of discrimination against migrant workers. In addition, the Regional Office initiated a social media campaign with the United Nations Information Centre regional office on fighting xenophobia and hate speech.

46. The OHCHR Regional Office for Central Asia completed an analysis of hate speech in the media in Kyrgyzstan during the early stages of the emergency, as the first cases of COVID-19 confirmed in Kyrgyzstan related to religious pilgrims in the south of the country, leading to many negative comments in relation to certain groups, including various ethnic minority groups. In addition, the Regional Office has monitored an increase in divisive rhetoric against ethnic minorities in the context of a political crisis that emerged in Kyrgyzstan in October 2020 following the cancellation of parliamentary election results. The Regional Office provided support for the visit of the Special Representative of the Secretary-General and Head of the United Nations Regional Centre for Preventive Diplomacy for Central Asia during her mission to Kyrgyzstan, where she was briefed about hate speech and divisive rhetoric. In particular, information was shared about nationalistic statements by prominent public figures, and the fear of ethnic clashes targeting Uzbeks, Dungans and other groups.

47. In March, the UNAMI human rights office organized a dialogue with Iraqi experts and stakeholders on the issue of hate speech. The event, co-chaired by UNAMI and the Special Adviser to the Secretary-General on the Prevention of Genocide and United Nations global focal point on hate speech, offered the opportunity for an informed debate on the issue of hate speech and ways to prevent it in Iraq.

²⁴ See www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf.

²⁵ A/HRC/40/58, annexes I and II.

²⁶ See www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx.

²⁷ See www.ohchr.org/Documents/HRBodies/CEDAW/Statements/CEDAW_statement_COVID-19_final.doc.

²⁸ A/HRC/22/17/Add.4, appendix.

48. In Mexico, OHCHR has followed up on a number of racist statements by immigration officers against migrants of African descent, in particular Africans, and Haitian nationals, as well as on some statements that consider migrants as potentially responsible for spreading COVID-19.²⁹ In May, in response to a statement by a local politician to a local media outlet that migrants could be a source of contagion, which could result in suspicion towards the newcomers, OHCHR sent an official communication to the authorities with specific recommendations to combat xenophobia against migrants, and calling for the protection of vulnerable groups during the pandemic.

49. In July, the Human Rights Committee adopted its general comment No. 37 (2020) on the right of peaceful assembly, in which the Committee stresses that assemblies may not be used for advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.³⁰

50. On 21–22 September and 19–20 October, the Special Rapporteur on minority issues held two virtual regional forums in Europe and the Asia-Pacific region on hate speech, social media and minorities, in order to increase the participation of minorities and promote greater interaction and exchanges at the regional level.

51. Discussions at the regional forums informed the recommendations of the Forum on Minority Issues at its thirteenth session, on 19–20 November, the theme of which was “hate speech, social media and minorities”. Expressions of online hate speech and discrimination mainly target minorities and often create a climate of exclusion, intolerance, hostility and even violence, which highlights the need for careful and delicate efforts to ensure respect for the right to freedom of opinion and expression while at the same time combating hate speech that may lead to harm for minorities. The Forum analysed practices, challenges, opportunities and initiatives in addressing hate speech on social media against minorities, in line with the principles and rights enshrined in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other relevant international instruments.

G. Measures to address the socioeconomic impact of COVID-19 on minorities

52. In November, the High Commissioner addressed in a statement the disproportionate impact of COVID-19 on minority communities, who have been overexposed to contagion because of their low-paid and precarious work in specific industries, including health care, and their limited access to health-care and social protections, as well as their inadequate living conditions and limited access to sanitation. To address this, she highlighted the need for policies that delivered universal and equal access to social welfare protections and quality health care, and called for longer-term work to advance the right to social protection.³¹

53. The OHCHR guidance note on COVID-19 and minorities emphasized that the pandemic had been most devastating for the lives, health and well-being of those with lower socioeconomic status, a category that tracks closely with minority status in most countries. In certain regions or countries, members of minorities are more likely to live in overcrowded housing, making physical distancing and self-isolation more challenging, and some live in conditions where there is inadequate access to water and sanitation or where those facilities are communal. In many places, minorities are at risk carrying out low-paid jobs on the frontlines that leave them more exposed to COVID-19.³²

54. In Nepal, OHCHR contributed to the United Nations framework for the socioeconomic response to COVID-19, including by actively promoting the guidance note

²⁹ See www.milenio.com/estados/coronavirus-migrantes-en-veracruz-son-llevados-a-albergue.

³⁰ See para. 50.

³¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26541&LangID=E.

³² See www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf.

on COVID-19 and minorities. A total of 1,197 people were consulted; this number included members of ethnic minority groups and Dalits, among many others.

55. In Serbia, OHCHR, jointly with the Government and the Association of Roma Coordinators, began the process of mapping substandard settlements inhabited mainly by Roma, using the criteria of risks and access to rights during the COVID-19 pandemic, and access to clean drinking water and sanitation, electricity and sustainable sources of income. OHCHR secured additional resources in order to expand the scope of the project to assess the impact of COVID-19 on the inhabitants of these settlements. The completed mapping covered 702 substandard settlements, with around 170,000 people from 94 local self-governments across Serbia. It provided, for the first time, reliable and cross-checked data that will inform and better guide tailored and sustainable interventions, beyond the COVID-19 crisis. Restrictive measures and the COVID-19 response disproportionately and negatively affected Roma women and girls through additional burdens in their traditional daily activities, and school-age children, who often lacked access to digital schooling offered on national broadcast channels due to limited access to electricity and technological equipment. Many residents of substandard settlements were denied timely and adequate information regarding the disease of COVID-19 and government measures aimed at preserving public health.

56. In Iraq, following the launch by the Office of the Prime Minister of an online drive for families economically affected by the COVID-19 curfew to apply for a temporary financial grant, the UNAMI human rights office assisted 47 individuals from 10 Roma households in Baghdad in April to register online for the grant and ensured that other minority communities seized the opportunity. Of the 2.1 million households considered eligible, 1.1 million have received the grant, including some minority households, but no breakdown was available.

57. The Committee on Economic, Social and Cultural Rights issued a statement in April on the COVID-19 pandemic, in which it recommended that all States parties adopt special, targeted measures to protect, and mitigate the impact on, vulnerable groups as well as those subject to structural discrimination and disadvantage. Such measures include – among others – targeted programmes to protect the jobs, wages and benefits of all workers; imposing a moratorium on evictions or mortgage bond foreclosures against people’s homes during the pandemic; and providing social relief and income-support programmes and tailored measures to protect the health and livelihoods of vulnerable minority groups.

58. In April, the Working Group on discrimination against women and girls recalled that measures to mitigate the risks to health and life posed by COVID-19 must take account of the specific risks faced by women and girls, based on factors such as their sex, gender, age, disability, ethnic origin, and immigration or residence status, among others. For example, women, including minority women, are disproportionately represented in informal sector jobs that are more vulnerable to disruption and fail to provide health coverage or paid leave.³³

H. Empowerment and participation

59. Due to the COVID-19 pandemic, in 2020 OHCHR had to redesign its Minorities Fellowship Programme and Indigenous Fellowship Programme, which otherwise are held annually in Geneva, into a country-based programme, which saw 34 former fellows posted as “senior fellows” in OHCHR country and regional offices, United Nations country teams and United Nations peacekeeping operations, in 29 locations in all regions. The main objective was to place the most successful former fellows in order for them to receive on-the-job training and to build their capacity to develop advocacy and leadership skills. At the same time, OHCHR and other United Nations entities benefited from the senior fellows’ expertise, knowledge and experience, which helped to expand diversity and ensure greater inclusion within United Nations structures.

60. During this period, several former OHCHR minority fellows launched a joint artistic campaign entitled “When the World Pauses, Music and Dance Continue”. The initiative has

³³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25809&LangID=E.

united artists from different backgrounds and regions of the world. It was principally supported by the network of former OHCHR minority fellows, and encouraged artists from different communities to celebrate solidarity and human connection through art during this time of uncertainty.³⁴

61. The 2020 OHCHR Fellowship Programme for People of African Descent took place online from 23 November to 11 December, with 32 fellows from Latin America, the Caribbean region, North America, Western Europe and the Asia-Pacific region. It was aimed at building capacity on international human rights law and mechanisms and on the international framework to combat racism, racial discrimination, xenophobia and related intolerance, and also examined intersecting issues affecting people of African descent.

62. At the virtual consultation held in May for a global pledge for action by religious actors and faith-based organizations to address the COVID-19 pandemic in collaboration with the United Nations, the High Commissioner stressed the powerful role of religious leaders in guiding responses to the pandemic. By speaking out firmly against intolerance and hate speech, religious leaders could help to shape minds, and restore respect for diversity.³⁵ The pledge includes a declaration by religious leaders and faith-based actors that contains commitments made in response to COVID-19 and also outlines possible areas of collaboration with the United Nations.

63. In May, the OHCHR Regional Office for Europe organized a four-module online programme entitled “Fulfilling the human rights of girls and women of African descent in the European Union”. The meeting was held in the framework of the International Decade for People of African Descent and in cooperation with the European Network of People of African Descent. Its main objectives were to provide a digital space for female activists of African descent to meet and build coalitions, to enhance participants’ understanding of the international human rights mechanisms, and to increase participants’ leadership and advocacy skills.

64. In 2020, the OHCHR office in Tunisia updated its 2017 study on ongoing discrimination against women in Tunisian legislation, and raised the issue of inequality in inheritance. This inequality is based on religious precepts and leads to several forms of discrimination against women.

65. In the Republic of Moldova, OHCHR conducted a two-day seminar in February for authorities, civil society and representatives of minority communities on the International Convention on the Elimination of All Forms of Racial Discrimination, where the draft State party report to the Committee on the Elimination of Racial Discrimination was discussed.

66. The OHCHR Regional Office for Central Asia, in collaboration with the State Personnel Service in Kyrgyzstan, implemented an internship programme for 24 participants, 10 of whom were from ethnic minority backgrounds, aimed at increasing the participation of underrepresented groups in State and municipal bodies. The Regional Office supported a public hearing for the Osh city budget for 2020, including by translating the draft budget into languages accessible by ethnic minorities.

67. The OHCHR Regional Office for South-East Asia continued to monitor the situation of ethnic minorities, especially those affected by large-scale development projects, including dams, mining, monocrop plantations and logging. The Regional Office, together with the United Nations country team, is working to ensure meaningful participation by local communities in socioeconomic and development programmes and projects, as a core principle of the implementation of the 2030 Agenda for Sustainable Development.

68. In 2020, the human rights service of UNAMA continued to engage with civil society actors at the central and local levels on issues related to the COVID-19 response, peace and human rights, civic space, and protection of human rights defenders. In several dialogues, civil society actors underlined the importance of representation of minority groups to sustain

³⁴ As part of the campaign, artists submitted videos of their performances (song, dance, poetry etc.), which were later shared on social media, under the hashtags #StandUp4HumanRights and #WhenTheWorldPausesMusicAndDanceContinue.

³⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25909&LangID=E.

the peace process, as well as the need to include women and other vulnerable groups in decision-making.

I. Religious minorities

69. In its guidance on COVID-19 and minority rights, OHCHR recommended, among the key actions for States and other stakeholders, guaranteeing inclusive dialogue that would help ensure that minority communities implemented and adhered to required public health measures voluntarily. This included analysing how cultural and religious practices may be adapted in response to COVID-19 preventive measures, such as by organizing virtual religious services.³⁶

70. The OHCHR Regional Office for the Middle East and North Africa finalized an interdisciplinary regional study in 2020 on the rights of ethnic and religious groups in the region, which included several in-depth country case studies analysing the strengths and gaps in national legal frameworks. As part of the study, which was developed through broad consultation and collaboration, recommendations were formulated to promote equality, combat discrimination and strengthen participation. The study further facilitated the creation of a strong, cross-disciplinary international network of partners. Moreover, the study is the first step in a much longer and more sustained overall project for promoting and protecting the rights of religious and ethnic minorities, as well as for broader engagement by OHCHR on freedom of religion or belief.

71. In Viet Nam, OHCHR observed serious restrictions on religious practice by means of legislation, particularly the 2016 Law on Belief and Religion, which among other things imposes burdensome registration requirements for churches and minority religious groups and authorizes surveillance. Police monitoring, harassment, and crackdowns on religious groups operating outside government-controlled institutions, including Christians and Buddhists, have been reported. Unrecognized religious groups also face constant surveillance, harassment and intimidation, and are subjected to forced renunciation of faith, detention, interrogation, torture, and imprisonment.

72. OHCHR continued to follow the situation of the Uighur community and other minorities in the Xinjiang Uighur Autonomous Region, in China, and regularly requested that the Chinese authorities grant it immediate and unfettered access to the region. Throughout 2020, the High Commissioner indicated her concerns about this situation in her statements before the Human Rights Council. Special procedures publicly raised their concern over the situation of the Uighur people in a joint press release issued on 26 June 2020.³⁷ Numerous special procedures documented restrictions of freedom of religion and belief, including destruction of religious sites, and restrictions on freedom of expression, of assembly and of movement in both the Xinjiang Uyghur Autonomous Region and the Tibet Autonomous Region.³⁸

73. Throughout the year, the human rights monitoring mission in Ukraine documented limitations to freedom of religion or belief targeting multiple religious communities in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation.³⁹ The Russian Federation, as the occupying Power, continued to apply anti-extremist laws of the Russian Federation, commonly referred to as the “Yarovaya package”, to the exercise of religious practices.⁴⁰ These provisions limit the manifestation of one’s religion by prescribing sanctions for “missionary activities” and by applying formalistic rules related, among other things, to the use of places of worship and the production of printed and digital content. OHCHR raised awareness of the issue through

³⁶ See www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf.

³⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006&LangID=E.

³⁸ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25374> and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23994>.

³⁹ General Assembly resolution 74/168.

⁴⁰ See www.ohchr.org/en/countries/enacaregion/pages/uareports.aspx.

public reports, and advocated against the overly broad definition of religious proselytism and the prosecution of individuals and religious groups, including some Protestants, Muslims, Messianic Jews and Hare Krishnas, for engaging in “illegal missionary activities”.

74. Several United Nations human rights experts communicated with the Government of Pakistan regarding information received about the country’s recently established National Commission for Minorities, which appears not to meet the standards set out for national human rights institutions in the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).⁴¹ The experts recommended a review of the legal basis of the Commission and encouraged its establishment through legislative or constitutional texts as an independent statutory body; they specified what the composition of the body should be, as well as the broad sphere of its competence across the country. They also recommended undertaking a serious review of the current composition and membership and establishing clear procedures for the selection and appointment of the members, as well as having an official act that specifies the tenure of the Commission. They further called upon the Government to reverse its decision to exclude certain Muslim minorities, in particular the Ahmadis, and other minorities, and encouraged the holding of consultations with all minorities, as well as other civil society actors, to ensure that the needs of minorities who are most often excluded or marginalized are duly taken into account.⁴²

J. Human rights situation of Roma communities

75. On International Roma Day, 8 April, the Special Rapporteur on minority issues urged political action to promote equality and non-discrimination during the COVID-19 crisis. The treatment of Roma, Sinti and Traveller minorities remains a major human rights issue, particularly where their vulnerability is compounded by continued obstacles in accessing public services – such as coronavirus testing, basic health care and sanitation, as well as receiving public health information in their own languages during the pandemic. Of particular concern during 2020 has been the alarming rise of hate speech and scapegoating against the Roma. Right-wing extremist and xenophobic groups have been targeting and blaming Roma and other minorities for spreading the virus, or accusing them of not respecting public authorities’ protection measures.⁴³

76. The OHCHR Regional Office for Europe has engaged in advocacy around the European Union’s Roma strategic framework for equality, inclusion and participation for 2020–2030, by underlining the need to hold States to account for making tangible progress as well as the need to embed the human rights principles of participation, transparency and non-discrimination in the new framework. On 12 October, OHCHR participated in the high-level conference to launch the new framework. OHCHR welcomed the European Union framework and acknowledged that the situation of the Roma could not change without addressing antigypsyism or prejudice among the majority population.

77. The human rights monitoring mission in Ukraine continued to follow cases of attacks against Roma communities and informal settlements in Ukraine. Several court cases on the inaction of State authorities are in progress, but individual perpetrators have still not been brought to account and investigations routinely overlook the racial bias or hatred in these attacks. OHCHR continued addressing discrimination and hate speech, as well as incidents of harassment and intimidation, against Roma, including through cooperation with law enforcement bodies and the international community. Additionally, OHCHR monitored the impact of COVID-19 on the human rights of Roma people in Ukraine, and conducted 30 remote interviews with representatives of NGOs and human rights defenders that were focused on Roma issues, covering 15 regions across the country. In May, OHCHR issued a briefing note on the impact of COVID-19 on Roma in Ukraine, which identified key human

⁴¹ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25453>.

⁴² Ibid.

⁴³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25782&LangID=E.

rights concerns and provided recommendations to address these concerns and mitigate risks related to the pandemic.⁴⁴

78. OHCHR issued a report on the human rights situation of Roma in Belarus, which included recommendations on intersectional forms of discrimination affecting Roma women and girls, on Roma children and their access to education and on access to employment and professional training for members of Roma communities. The report, shared with the Ministry of Foreign Affairs of Belarus in 2020, may form the basis for further cooperation and OHCHR activities in this area.

79. In September, OHCHR took part in the online Roma national congress in Argentina entitled “Education and equality for Roma”, in which OHCHR focused on the challenges in obtaining disaggregated data and the essential requirements for an effective strategy on education.

K. Rights of linguistic minorities

80. In the Republic of Moldova, in the context of COVID-19, the essential information materials developed with the support of the United Nations on the prevention of COVID-19 were translated into Ukrainian, Russian, Bulgarian and Romani and distributed. OHCHR also translated all of its nine guidance notes on various human rights issues and COVID-19 into Russian and disseminated them widely to civil society actors and activists, including in the Transnistria region.

81. In Ukraine, the 2019 “Law on ensuring the functioning of Ukrainian as the State language”⁴⁵ mandated the submission to Parliament by January 2020 of a draft law on the realization of the rights of indigenous peoples and national minorities of Ukraine. Following the passing of the deadline and in the absence of action,⁴⁶ OHCHR continuously advocated with authorities for the elaboration of the law, urging that this be done in consultation with representatives of national minorities and indigenous peoples. On 8 July, following a meeting organized by the parliamentary committee on human rights with State authorities and representatives of minorities, Parliament established a working group tasked with elaborating the law.

82. OHCHR produced briefing materials and conducted four webinars on COVID-19 and human rights in Myanmar to assist civil society in assessing the human rights aspects of the authorities’ response to the pandemic. Three of the webinars were for ethnic minority participants, including representatives from Kachin, Mon, Karen, Karenni, Rakhine, Chin and Ta’ang communities. Moreover, OHCHR continued to work with civil society organizations to strengthen their capacities in human rights monitoring, reporting and documentation, by organizing an in-person training session in March and two online sessions in August.

83. The OHCHR office in Tunisia facilitated the participation of several civil society organizations working on minority rights in two consultations organized with the national mechanism for reporting and follow-up on human rights, in preparation for the periodic report of Tunisia submitted under the Convention on the Elimination of All Forms of Discrimination against Women.

84. Several United Nations human rights experts issued a public statement calling for Pakistan to end the enforced disappearance of Idris Khattak, a human rights defender working on minority issues.⁴⁷

⁴⁴ See www.un.org.ua/images/documents/4932/BN_C19_Roma_ENG.pdf.

⁴⁵ The law provides a general framework for the use of the State language, although it does not regulate the use of minority languages in Ukraine.

⁴⁶ A number of provisions, which, in the absence of special legislation safeguarding the rights of linguistic minorities, could jeopardize their rights, have already taken effect. This relates, in particular, to provisions on the use of language by public authorities and in advertising, and in the educational sphere.

⁴⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26207&LangID=E.

85. United Nations human rights experts were also alarmed by the grave risk of infection with COVID-19 faced by imprisoned human rights defenders in Egypt, highlighting the situation of Ramy Kamel, a defender of the Coptic Christian minority.⁴⁸ In addition, several communications were issued by the Special Rapporteur on minority issues, jointly with other mandate holders, for the protection of human rights defenders working on minority issues.

III. United Nations network on racial discrimination and protection of minorities

86. The work of the United Nations system to contribute to the full realization of the rights and principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, of 1992, is facilitated by the United Nations network on racial discrimination and protection of minorities, coordinated by OHCHR.

87. In 2020, the network pursued its efforts to boost dialogue and cooperation among the relevant United Nations departments, agencies, funds and programmes. The network convened throughout 2020 in a context of increasing urgency, given the heightened attention to racial discrimination and protection of minorities as a result of global developments. Manifest inequalities arising in the COVID-19 response significantly exacerbated minority exclusion or led to outbreaks of racism, xenophobia or other forms of scapegoating in a number of contexts. The occurrence of police violence against minorities also prompted global debate on systemic patterns of racial discrimination and structural violence by law enforcement agents against people of African descent and other minorities.

88. The network issued a statement entitled “Leave no one behind: racial discrimination and the protection of minorities in the COVID-19 crisis”. It provides, inter alia, a summary of guidance on aspects of COVID-19 response to secure minority inclusion, and to work towards a greater promotion of diversity during the pandemic. In particular, the statement promotes equality impact assessments as a tool for the proper design and implementation of policies to respond to the pandemic.⁴⁹

89. Also during 2020, the network produced a checklist and guidance for use by United Nations country teams in the design and implementation of COVID-19 response plans, as well as in country-level programming. The checklist and guidance are designed to assist those who are involved in developing United Nations programming to identify relevant minority groups for inclusion and participation, as well as to share normative and practical information for such processes.⁵⁰

IV. Conclusions

90. **The COVID-19 pandemic has had a broad a range of disproportionate and adverse impacts upon minorities. Official disaggregated data, in countries where it is available, shows that members of minorities are both more likely to die of COVID-19 and are hit the hardest by its socioeconomic consequences, revealing substantial structural inequalities in societies.**

91. **To better understand the impact of COVID-19 on minorities, it is essential to gather research and publish data disaggregated by sex, age, racial or ethnic origin and other status, including on testing, cases and deaths related to COVID-19, while protecting privacy and confidentiality.**

92. **In 2020, OHCHR observed incidents of intolerance, racism, police brutality and religious hatred directed at members of ethnic and religious minorities. On multiple occasions, the High Commissioner has expressed her concern about the increase in acts**

⁴⁸ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26182&LangID=E.

⁴⁹ See www.ohchr.org/Documents/Issues/Minorities/UN_Network_Racial_Discrimination_Minorities_COVID.pdf.

⁵⁰ See www.ohchr.org/EN/Issues/Minorities/Pages/UNNetworkRacialDiscriminationProtectionMinorities.aspx.

of incitement to hatred of minority communities, with minorities sometimes being cast as scapegoats for the spread of the COVID-19 virus.

93. In response to widespread reports of violence, discrimination, arbitrary denial of public services, heightened exclusion and other negative impacts of the COVID-19 crisis on minorities, OHCHR has called upon States to formulate COVID-19 responses that have human rights at their centre. The range of groups most negatively affected is broad, and includes Roma, people of African descent, people of Asian descent, religious minorities, minorities among refugees, asylum seekers, migrants and stateless persons, and internally displaced persons.

94. A number of United Nations human rights mechanisms have issued timely and specific recommendations to States, which also have great relevance for the work of other stakeholders, on a human rights-based response to the COVID-19 pandemic, including on the rights of minorities.

95. In this challenging global environment, OHCHR has continued to extend support to States, authorities and other relevant actors to ensure that their efforts to build back better are at the same time contributing to the full implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and of their obligations related to minority rights. Such support has included issuing guidance material on COVID-19 and minorities.

96. OHCHR helped to raise greater awareness and secure United Nations system-wide support for the rights of minorities, both through its normative and its operational work. This has included supporting the United Nations network on racial discrimination and protection of minorities. OHCHR also supported various United Nations country teams in their work of assisting States to integrate minority rights at all levels, including in laws and policies.

97. United Nations international human rights mechanisms have called upon States to place the protection of minorities high on their agenda during this pandemic and to strengthen the mechanisms for dialogue to ensure the effective participation of minorities in decisions that affect them. Promotion of diversity, dialogue, and meaningful inclusion and participation of minorities, are enshrined in article 4 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and article 25 of the International Covenant on Civil and Political Rights and are essential to safeguard and promote development, peace and security.

98. OHCHR also continued to support minority participation, including through its redesigned Minority Fellowship Programme, by placing 15 fellows in OHCHR field presences with a view to ensuring a critical role for them as active members of society.
