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

## **Harmful practices and hate crimes targeting persons with albinism**

### **Report of the Independent Expert on the enjoyment of human rights by persons with albinism, Muluka-Anne Miti- Drummond**

#### *Summary*

This is the first report of the Independent Expert on the enjoyment of human rights by persons with albinism, Muluka-Anne Miti-Drummond, who took up her functions on 1 August 2021. The report provides a summary of her activities and a brief overview of some of the priority areas she intends to cover during her tenure. The report also addresses the thematic issue of hate crimes and harmful practices targeting persons with albinism and provides recommendations to address those issues.



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## I. Introduction

1. The present report of the Independent Expert on the enjoyment of human rights by persons with albinism, Muluka-Anne Miti-Drummond, is her first report to the Human Rights Council since she took up her functions on 1 August 2021. The Independent Expert wishes to thank the Human Rights Council for the it has placed in her in undertaking this role. The report is presented pursuant to Council resolution 46/12, by which the Council renewed the mandate of the Independent Expert.
2. The report provides a summary of the activities of the Independent Expert since her appointment and covers the thematic issue of hate crimes and harmful practices targeting persons with albinism. The report also touches on the priority areas that the Independent Expert will focus on throughout her tenure.
3. The Independent Expert extends her sincere appreciation and gratitude to her predecessor, Ikponwosa Ero, for the groundbreaking work she has undertaken to promote the rights of persons with albinism and for the impact and achievements made through the mandate, as documented in her last report to the Human Rights Council.<sup>1</sup>

## II. Activities of the mandate

4. Since 1 August 2021, the Independent Expert has engaged with States and numerous stakeholders, including United Nations entities, regional organizations, civil society organizations (CSOs), academics, medical practitioners and persons with albinism from various regions. Due to the coronavirus disease (COVID-19) pandemic, her engagements were both virtual and in person. A non-exhaustive list of some of the main engagements is provided below.
5. In August and September 2021, the Independent Expert met with representatives of the African Policing Civilian Oversight Forum to discuss the development of guidelines for officials on the trafficking of persons with albinism in Southern Africa. She also spoke at the conference of the regional albinism association and met with members of the task force of the Government of South Africa for the development of a national action plan on albinism. In addition, she held meetings with various stakeholders from Malawi on strengthening actions to tackle the ongoing challenges to persons with albinism in the country, including recent attacks, and met with several CSOs and academic institutions working directly on the issue of albinism in Africa and in Europe.
6. From October to December 2021, the Independent Expert continued to engage with stakeholders, including through a consultation held in South Africa where over 40 persons with albinism held discussions with the Independent Expert on her thematic priorities and on how to effectively engage with her mandate. She also engaged with representatives of the United Nations Educational, Scientific and Cultural Organization concerning the inclusion of albinism issues in the Biennale of Luanda, the “Pan-African Forum for the Culture of Peace”, and met with representatives of the Africa Albinism Alliance and the Global Albinism Alliance on separate occasions.
7. The Independent Expert visited the Democratic Republic of Congo to participate in the Pan-African Albinism Awareness Colloquium, where she met the President, the Minister responsible for persons with disabilities, other high-level representatives of the Government and the United Nations, representatives of CSOs and persons with albinism. The Independent Expert presented the report of the mandate to the seventy-sixth session of the General Assembly on 22 October 2021.
8. The Independent Expert held in-person dialogues with representatives of Member States and CSOs in Geneva in August and November 2021. As a result of travel restrictions imposed due to the COVID-19 pandemic, she was unable to undertake any country visits in 2020 and 2021.

<sup>1</sup> [A/HRC/46/32](#).

### III. Priorities of the mandate

9. The Independent Expert continues to focus on the priority areas identified when the mandate was established.<sup>2</sup> In addition, she will focus on the following thematic issues:

- (a) The impact of climate change and environmental changes on the rights of persons with albinism;
- (b) Elaborating international legal standards and frameworks for the protection of human rights defenders working for the rights of persons with albinism;
- (c) Increasing understanding of the intersectional discrimination and stigmatization experienced by persons with albinism who are on the move;
- (d) Enhancing efforts to carry out research and data collection on the impact of social media and new technologies on the enjoyment of human rights by persons with albinism.

10. The Independent Expert will continue to work on the issue of harmful practices related to accusations of witchcraft and ritual attacks, particularly in the light of the condemnation of such practices by the Human Rights Council in its resolution 47/8.

11. The Independent Expert endeavours to engage with stakeholders in a participatory, consultative and open manner in order to implement the activities of her mandate through cooperation and constructive dialogue. She aims to provide technical assistance, when needed, and to promote best practices while carrying out her work, pursuant to the methods of work normally employed by special procedure mandate holders, including undertaking official country visits, transmitting communications regarding alleged human rights violations, and combatting dangerous myths and misbeliefs surrounding albinism through education and awareness raising.

12. As required by her mandate,<sup>3</sup> the Independent Expert will also pay specific attention to the challenges and needs of women and girls in addressing the multiple, intersecting and aggravated forms of discrimination they face. She values enhancing cooperation at the local, regional and national levels and building bridges among stakeholders in various forums to enhance the multilevel and multisectoral approaches required to address the challenges faced by persons with albinism.

### IV. Harmful practices and hate crimes

13. Albinism is a rare, non-contagious, genetically inherited condition that is characterized by a deficit in the production of melanin and a lack of pigmentation in the skin, hair and/or eyes. Most people with albinism appear pale in relation to their family members and others within their communities. The appearance of persons with albinism makes them hypervisible, particularly in environments where the majority of the population has darker pigmentation, resulting in a stark contrast between the two groups, as is the case in sub-Saharan African countries where attacks on persons with albinism have been reported.

14. Albinism often results in two congenital and permanent health conditions: visual impairment to varying degrees and high vulnerability to skin damage from ultraviolet rays, which increases the susceptibility of persons with albinism to skin cancer. Due to visual impairment, persons with albinism form a constituency of persons with disabilities. In some parts of the world, they suffer from discrimination and attacks stemming from their colouring. Due to the discrimination on the basis of their colour and their visual impairment, persons with albinism are known to experience multiple and intersecting forms of discrimination, the latter referring to a situation where several grounds of discrimination operate and interact with one another in such a way that they are inseparable.<sup>4</sup>

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<sup>2</sup> As set out in the first report on the mandate: [A/HRC/31/63](#).

<sup>3</sup> Human Rights Council resolution 46/12.

<sup>4</sup> [A/72/131](#), para. 8.

## A. Harmful practices

15. Harmful practices are persistent practices and behaviours that are grounded in discrimination on the basis of sex, gender, age and other grounds, as well as multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/psychological harm or suffering.<sup>5</sup> In its resolution 46/12 on the albinism mandate, the Human Rights Council specifically recognized harmful practices related to accusations of witchcraft and ritual attacks as one of the root causes of human rights violations and abuses perpetuated against persons with albinism.

16. Reports under this mandate have covered harmful practices against persons with albinism extensively, particularly in the context of violations and abuses related to accusations of witchcraft and ritual attacks, noting that these practices not only adversely impact persons with albinism but also many other victims around the world.

17. The Independent Expert commends the adoption of Human Rights Council resolution 47/8 concerning the elimination of harmful practices related to accusations of witchcraft and ritual attacks. In that resolution, the Council recognized that such practices have resulted in various forms of violence, such as killings, mutilation, burning, coercion in trafficking of persons, torture and other cruel, inhuman or degrading treatment and stigmatization, particularly for persons in vulnerable situations, including women, children, persons with disabilities, older persons and persons with albinism.<sup>6</sup> In resolution 47/8, the Council not only urged States to condemn harmful practices related to accusations of witchcraft and ritual attacks, but also urged them to take all necessary measures to eliminate such practices and ensure accountability and the effective protection of all affected persons, particularly those in vulnerable situations. The Council also requested the United Nations High Commissioner for Human Rights to organize an expert consultation with States and other relevant stakeholders in order to assist with the preparation of a study on the situation of the violations and abuses of human rights rooted in harmful practices related to accusations of witchcraft and ritual attacks, as well as stigmatization, and to report to the Council at its fifty-second session.<sup>7</sup>

## B. Hate crimes

18. While violations and abuses have been categorized under harmful practices against persons with albinism, the Independent Expert also views such cases as hate crimes under the same rubric. The egregiousness of these violations and their ongoing occurrence against this specific group of people with their particular physical characteristics are vital factors in understanding the situation of persons with albinism as targets of hate crimes.

19. The former Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnes Callamard, referred to witchcraft-related violations of the right to life as arbitrary killings that should trigger State responsibility whenever the State has failed to act to prevent killings that were foreseeable and preventable. She recommended that witchcraft-related killings, which also affect persons with albinism, be treated as hate crimes, requiring States to adopt a range of additional legal, investigatory, sentencing and protection measures whenever there were suspicions that a killing could be related to witchcraft.<sup>8</sup>

20. The aggravating factors of such hate crimes included the extreme seriousness of the assault against and harm to the victims, their extreme vulnerability and the motivations of the attackers. In practical terms, this means that the State must do everything in its power to prevent the occurrence of witchcraft-related killings, including by actively countering harmful stereotyping. Ms. Callamard also called for firm legal protection, implementation of

<sup>5</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women (2014) and general comment No. 18 (2014) of Committee on the Rights of the Child, on harmful practices, para. 68.

<sup>6</sup> [Human Rights Council resolution 47/8](#).

<sup>7</sup> *Ibid.*

<sup>8</sup> [A/HRC/37/57/Add.2](#), para. 28.

non-discrimination measures in all State actions and a demonstration of the effectiveness of State policies and practices with regard to the prevention and investigation of witchcraft killings, punishment of the perpetrators and remedies for the victims of their families.<sup>9</sup>

## 1. Defining a hate crime

21. A hate crime is a crime committed with a bias motive. It relates to a situation where a criminal offense has been committed against a person or property, motivated in whole or in part by an offender's bias against a certain actual or perceived characteristic of a victim's identity. In short, hate crimes are offenses recognized to be related to a particular aspect of the victim's identity<sup>10</sup> and comprise two important elements: (a) the commitment of a criminal offense; and (b) a bias motive.

22. Hate speech is often linked to hate crime, yet they are not precisely the same. There is no international legal definition of hate speech but the United Nations Strategy and Plan of Action on Hate Speech<sup>11</sup> notes that it is understood as any kind of communication in speech, writing or behaviour that attacks or uses pejorative or discriminatory language with reference to a person or group on the basis of who they are. In other words, based on their religion, ethnicity, nationality, race, colour, descent gender or other identity factor.<sup>12</sup>

23. The term hate can be misleading in understanding what a hate crime is.<sup>13</sup> Hate in this context does not necessarily refer to rage, anger or general dislike but relates to a bias against people or groups with specific characteristics. Thus, hate crimes are committed because of what the targeted person, people or property represent and a perpetrator may have no feelings at all towards an individual victim.

24. The element of a bias motivation differentiates hate crimes from ordinary crimes. Bias has a broader meaning than hate and a bias motive only requires some form of prejudice as a consequence of a personal characteristic. This means that a perpetrator of a hate crime intentionally chooses a target because of a certain protected characteristic(s) which is a fundamental or core characteristic(s) shared by a group. Protected characteristics can include race, language, religion, ethnicity, nationality, disability or any other similar common factor that is protected by law as a basis for discrimination. As such, common references to hate crimes are often in the context of countering racism, xenophobia, anti-Semitism, intolerance against minorities, persons with disabilities, sexual orientation, gender, religion or belief.

25. There can be variations in legal provisions from country to country as to what kinds of conduct amount to hate crimes but most jurisdictions criminalize the same type of violent acts as hate crimes, which can include (but are not restricted to) physical abuse, harassment, assault, criminal damage, manslaughter or murder.

## 2. Differentiation of hate crimes from ordinary crimes

26. Hate crimes also differ from ordinary crimes not only because of the bias motivation of the offender, but also due to the impact on the victim.<sup>14</sup> The perpetrator selects the victim because of his or her membership in a group. Unlike victims of many other criminal acts, hate crimes are designed to intimidate the victim and the victim's community, based on their personal characteristics. Hate crimes send a message to the victims that they do not belong, that they are being targeted – thus denying them the right to full participation in society. They also send the message to the members of the community sharing the same protected

<sup>9</sup> Ibid.

<sup>10</sup> P. Iganski and A. Sweiry, "Problems related to crime and violence: hate crime", in A. Javier Treviño (ed.), *The Cambridge Handbook of Social Problems*, vol. 2, part. II, available at <https://www.cambridge.org/core/books/abs/cambridge-handbook-of-social-problems/hate-crime/D437DDD3B93A984621328676D322E49A>.

<sup>11</sup> See

<https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>.

<sup>12</sup> Ibid.

<sup>13</sup> See <https://www.justice.gov/hatecrimes/learn-about-hate-crimes>.

<sup>14</sup> Organisation for Security and Co-operation in Europe (OECD), *Hate Crime Laws: A practice Guide*, available at <https://www.osce.org/files/f/documents/3/e/36426.pdf>.

characteristics that they are equally a target and are unwelcome, inter alia, in the school, workplace, neighbourhood, town, city or country concerned. Rejection, ostracism and social exclusion can therefore trigger pain and distress. The greater the rejection, the greater the potential socio-emotional and psychological distress.<sup>15</sup> Hate crimes are thus acts of marginalization.<sup>16</sup> By targeting a person's identity, hate crimes can cause greater harm than ordinary crimes as immediate victims may experience greater psychological injury and increased feelings of vulnerability because they are unable to change the characteristics that made them victims in the first place.

27. Further impact on the community sharing protected characteristics includes an ongoing fear of future threats and attacks and a sense of insecurity that multiplies in situations where there is a history of crimes being committed against that specific group. Social acceptance of discrimination against a particular group also perpetuates hate crimes, often with impunity for perpetrators. Although hate crimes can be committed against a majority population, it is more often members of the most marginalized communities that are disproportionately the victims of hate crimes. Greater efforts must be made to enforce strong hate crime laws.

## V. Relevant legal standards

### A. International and regional frameworks

28. Hate crimes can be covered under the international human rights framework in the sense they target victims because of a protected characteristic, in violation of the principal of non-discrimination enshrined in international human rights law.

29. Persons with albinism have normative protection in the International Bill of Human Rights, covering all their fundamental human rights, including the rights to life, physical integrity, liberty, security, the highest attainable standard of physical and mental health and an adequate standard of living. Further protection can be found in specific instruments, including the Convention on the Rights of Persons with Disabilities, which specifically prohibits discrimination on the ground of disability,<sup>17</sup> and the International Convention on the Elimination of All Forms of Racial Discrimination, which proscribes "racial discrimination" based on colour.<sup>18</sup> A number of human rights treaties further guarantee the right to equality and non-discrimination, including the International Covenant on Civil and Political Rights.

30. Hate speech may also constitute a form of hate crime in cases when it meets a certain threshold of seven elements, including: severity of hatred; intent of the speaker; content or form of the speech; extent of the speech; likelihood or probability of harm occurring; imminence of the acts called for; and context.<sup>19</sup> This is covered under article 20 of the International Covenant on Civil and Political Rights, which prohibits advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.<sup>20</sup>

31. In the regional frameworks, similar provisions on equality and non-discrimination exist in the African Charter on Human and Peoples' Rights, the American Convention on Human Rights, the European Convention on Human Rights and the European Social Charter. Specific instruments with further protections include the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, the Inter-American

<sup>15</sup> OSCE Office for Democratic Institutions and Human Rights, "Understanding the needs of hate crime victims", available at <https://www.osce.org/files/f/documents/0/5/463011.pdf>.

<sup>16</sup> Ibid.

<sup>17</sup> Article 5 of the Convention on the Rights of Persons with Disabilities.

<sup>18</sup> Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.

<sup>19</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/67/357, para. 45).

<sup>20</sup> Refer also to article 4 of International Convention on the Elimination of All Forms of Racial Discrimination.

Convention against Racism, Racial Discrimination and Related Forms of Intolerance and on various documents adopted by the European Union, the Organisation for Security and Co-operation in Europe and other bodies.<sup>21</sup>

32. At the regional level in Africa, specific good practices in relation to albinism exist within the African Union Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (2018), in which persons with albinism are included as a constituency of persons with disabilities and are therefore protected. The African Union Regional Plan on Albinism in Africa (2017–2021) and the subsequent Plan of Action on Ending Attacks and Discrimination against People with Albinism (2021–2031), which was adopted as a continent-wide policy in 2019, serve as important road maps, providing measures under the pillars of protection, prevention, accountability, equality and non-discrimination, which can be implemented to effectively stem harmful practices and hate crimes.

## B. National frameworks

33. A hallmark of many constitutions is the prohibition of discrimination against a person based on stipulated protected grounds, which are also covered under hate crime legislation. Specific legislation goes further to criminalize discrimination on specific grounds, for example, religion or race.<sup>22</sup> Countries address hate crimes in different ways, some opting for specific legislation.<sup>23</sup> Most laws that were reviewed for the report<sup>24</sup> showed that hate crimes are commonly covered under the criminal code rather than under specific hate crime legislation. An overview of legislation showed that the prohibited grounds upon which an offence is motivated include descent, language, disability, sex, sexual orientation, gender, gender identity, race, colour, language, national or ethnic origin, citizenship, religion, belief, and political or other opinion.

34. While some criminal code provisions refer to hate crime explicitly<sup>25</sup> other provisions refer to an “act of hatred committed against a person due to race, colour, religious, belief, national or ethnicity”;<sup>26</sup> ethnic agitation<sup>27</sup> and “aggravation related to disability or sexual orientation”.<sup>28</sup> Other pieces of legislation refer to incitement to discriminate<sup>29</sup> or to promote discrimination, hate or violence,<sup>30</sup> based on the above-mentioned protected grounds.

<sup>21</sup> See <https://www.equalrightstrust.org/document-types/regional-instruments?page=4>.

<sup>22</sup> United Kingdom of Great Britain and Northern Ireland, Equality Act 2010.

<sup>23</sup> United States of America, 18 U.S. C. § 249 – Hate Crimes Prevention Act.

<sup>24</sup> Laws available in member countries of OSCE: Albania (Criminal Code, 1995), Armenia (Criminal Code, 2003), Austria (Criminal Code, 1974, amended 2020), Azerbaijan (Criminal Code, 2000, sect. XI), Belarus (Criminal Code, 1999, amended 2007), Bosnia and Herzegovina (Criminal Code, 2003, amended 2017), Bulgaria (Criminal Code, 1968, amended 2011), Denmark (Criminal Code, 2008), Finland (Penal Code 39/1889), Germany (Criminal Code, 1998, amended 2015), Italy (Criminal Code, 1993), Iceland (Penal Code, 1940, amended 2015), Kazakhstan (Law of the Republic of Kazakhstan, 23 July 1999), Malta (Criminal Code, 1854, amended 2016), Moldova (Criminal Code, 2002, amended 2009), Mongolia (Criminal Code, 2002), Montenegro (Criminal Code, 2018), Norway (Criminal Code, 1902, amended 2017), Poland (Criminal Code, 1997, amended 2014), Portugal (Criminal Code, 2007), Romania (Criminal Code, 2009, amended 2014), San Marino (Criminal Code, 1974, as of May 2016), Serbia (Criminal Code, amended 2012), Slovakia (Criminal Code 2005, as of 2013 and 2020), Slovenia (Criminal Code, 2008), Spain (Criminal Code, 1995 as of 2015), Sweden (Criminal Code, 1962 amended 2018), Ukraine (Criminal Code, amended 2014), United States (18 U.S. C. § 249 – Hate Crimes Prevention Act), United Kingdom (Criminal Justice Act, 2003, amended 2012), and Uzbekistan (Criminal Code, 1994, amended 2012), available at <https://www.legislationline.org/topics/topic/4>.

<sup>25</sup> Bosnia and Herzegovina, Bulgaria, Moldova and Poland.

<sup>26</sup> Albania, Austria, Azerbaijan, Belarus, Greece, Montenegro, Norway, Poland, Slovenia, Sweden, Ukraine and Uzbekistan.

<sup>27</sup> Finland.

<sup>28</sup> United Kingdom, Criminal Justice Act (2003).

<sup>29</sup> Romania.

<sup>30</sup> Portugal and Spain.



Incitement to hatred or enmity and humiliation of human dignity,<sup>31</sup> with the use of violence or threat to violence<sup>32</sup> were also stipulated along with incitement of national, racial, social or religious hatred or enmity and intolerance.<sup>33</sup> Some laws also refer to the crime of genocide as offences against a protected group.<sup>34</sup>

35. Of particular interest is the reference in some laws to the motives and aims of an offender as an element of the crime, thus assessing whether these are considered to be of a racist or xenophobic nature and whether they show contempt for human dignity,<sup>35</sup> linking this to the bias motivation element inherent in hate crimes. Another law refers to an offence being committed by the offender who demonstrated hostility, aversion or contempt towards the victims due to the victims' membership or presumed membership in a group.<sup>36</sup> Hate motivation was also mentioned in one criminal code<sup>37</sup> while others mention threats, private violence and harassment, intentional severe bodily damage, murder<sup>38</sup> and crimes against property and public safety<sup>39</sup> based on protected grounds.

### C. Rationale for specific hate crime laws

36. While States can still address hate crimes through existing criminal laws, attention has been given to the need to specifically legislate hate crimes. Having special legislation for hate crimes is more likely to ensure that such crimes are addressed effectively by condemning the bias motive and giving greater visibility to prohibited acts. It also helps to provide data on the magnitude of the problem in a particular jurisdiction, distinguishing it from other crimes. Some of the challenges in dealing with hate as an ordinary crime are revealed when allegations of bias motives are not properly investigated, when the testimonies of victims are not given serious consideration or when weak sentences are given to offenders. These deficiencies are often evident when dealing with crimes committed against persons with albinism, as shown in the extremely low number of cases that are prosecuted and the apparent impunity of perpetrators in many countries where killings and ritual attacks take place. Moreover, such shortcomings can lead to disillusionment among members of groups who are specifically targeted. Hate crime laws serve to punish not only the offence committed by perpetrators, but also the element of bias motivation that is present, which can be an aggravating factor that can lead to tougher penalties. This sends out a message on the severity of the hate crime involved.

37. Hate crimes against persons with albinism need to be highlighted in order to emphasize the gravity of these abuses and thus incentivize prompt and urgent action to end the threats they pose to the existence of this group of people. A better understanding of the violations against persons with albinism as hate crimes and harmful practices may compel stakeholders to accord the necessary attention, resources, cooperation and political will to effectively counter their occurrences.

### D. Crimes against persons with albinism based on colour

38. The various abuses and violations suffered by persons with albinism have been consistently documented in reports of the mandate on the enjoyment of human rights by persons with albinism.<sup>40</sup> In a preliminary survey on the root causes of attacks and discrimination against persons with albinism, it was found that profound ignorance and

<sup>31</sup> Russian Federation.

<sup>32</sup> Italy and Romania.

<sup>33</sup> San Marino and Slovakia.

<sup>34</sup> Belarus and San Marino.

<sup>35</sup> Germany.

<sup>36</sup> Malta and Slovakia.

<sup>37</sup> Mongolia.

<sup>38</sup> Moldova.

<sup>39</sup> Malta.

<sup>40</sup> See <https://www.ohchr.org/EN/Issues/Albinism/Pages/Reports.aspx>.

misconceptions about the condition of albinism in various cultures<sup>41</sup> has led to dangerous myths that perpetuate human rights violations against this group of people.

39. As a result, persons with albinism suffer harm ranging from discrimination, stigmatization, disinheritance and banishment from the family and community, to extreme violence, including beatings, burnings, sexual abuse, cutting of body parts and amputation of limbs, grave desecrations, torture, killings and exploitation in the form of human trafficking. In the most brutal cases, persons with albinism are mutilated, trafficked and killed.

40. In the light of the discussions around hate crimes and the need to address them effectively through proper legislation, the Independent Expert stresses that many of the violations and abuses committed against persons with albinism fit squarely under a bias motivation based on their colouring. The premediated way in which persons with albinism are targeted, lured and attacked based on misbeliefs and dangerous myths about their condition fall within the parameters of a hate crime. The fact that they are considered by many attackers as supernatural beings, as non-human or as ghosts satisfies the element that there is prejudice towards this group based on their particular appearance or colouring. It is not necessarily required that hate be proven, but it is significant to show that persons with albinism are targeted by perpetrators primarily due to their colouring, which is a protected characteristic in many jurisdictions.

41. While questions may be raised as to whether racial discrimination applies to persons with albinism, given that the element of colouring is not necessarily identical to race, the Committee on the Elimination of Racial Discrimination has recognized that persons with albinism who are discriminated against on the basis of their colour, albeit often being of the same race, descent, national and ethnic origin as those who persecute them, experience a manifestation of racial discrimination.<sup>42</sup> Hence, while a person with albinism and a perpetrator may both belong to the same race, the violations committed against the former are instigated on the basis of his or her colouring, hence manifesting a form of racial discrimination.

42. Although persons with albinism are a minority group, given their population worldwide, the former Special Rapporteur on minority issues, Rita Izsák,<sup>43</sup> noted that while they do not fall under the internationally accepted definition of minorities, the stigma, life-long exclusion and general discrimination they face is a similar experience to those faced by vulnerable racial minorities because of their skin colour.

43. This depicts the unique situation of persons with albinism as victims of crimes perpetuated on the basis of colouring that is independent of race. As a prominent activist with albinism from Africa<sup>44</sup> once said of the intersecting discrimination faced by persons with albinism, the uniqueness of the experiences of persons with albinism is known as “in-betweenness”. This is to depict the ongoing struggle of persons with albinism to identify within particular groups that they can lay legitimate claims to. In-betweenness depicts a sense of limbo experienced by persons with albinism in that they feel that they are white but not white enough, black but not black enough, disabled but not disabled enough. The struggle with in-betweenness means that the fight for inclusion by persons with albinism is often overlooked and that they can be overlooked as victims of some of the most egregious human rights violations, including hate crimes. Having established that they are victims of both discrimination and harmful practices based on colour and disability, persons with albinism are thus within a particular social group, which is targeted due to protected characteristics and therefore can be covered under hate crimes legislation.

<sup>41</sup> See [A/71/255](#).

<sup>42</sup> [CRC/C/ZAF/CO/2](#) and [CERD/C/ZAF/CO/4-8](#).

<sup>43</sup> “Persons with albinism must not be treated as ‘ghosts’, United Nations experts stress”, available at <https://news.un.org/en/story/2013/05/438822-persons-albinism-must-not-be-treated-ghosts-un-experts-stress>.

<sup>44</sup> Isaac Mwaura, Senator for Persons with Disabilities, Senate of Kenya.

## E. Pejorative names and profiling in popular media

44. While colour is the primary basis of discrimination against persons with albinism, their stigmatization is amplified by the undignified and pejorative names by which they are known in various countries, particularly in the African region. In some countries, popular and common names for persons with albinism mean a curse or a monkey.<sup>45</sup> Other names include dry pigeon peas, ghost, chicken, strange being, fake white man, goat or devil in person.<sup>46</sup> Social acceptance of these names further compounds the stigma, discrimination and abuse suffered by people with albinism.

45. The misrepresentations of persons with albinism in the media and in films, where they are portrayed as supernatural beings, rogues and villains, also feed into the stigma and discrimination they experience on a daily basis, making them prey to dangerous superstitions and myths. In the context of the COVID-19 pandemic, persons with albinism were being blamed for the spread of the virus in Africa due to their “whiteness”.<sup>47</sup> An objective, ethical and informative media is essential to countering such ignorance and myths. There is also a critical need for a positive narrative for persons with albinism to reflect their gifts, talents and contributions to society to counter their negative profiling.

46. Pejorative terms and the negative profiling of persons with albinism can fuel myths, stereotypes and discriminatory attitudes towards them. In extreme cases, this can even lead to hate speech or hate crimes against persons with albinism. Where such hate speech meets the threshold of incitement to violence, hostility or discrimination, States must ensure that it is prohibited by law, in line with international human rights standards. In this regard, the objective should be to address hate speech without limiting or prohibiting freedom of speech, as protected under article 19 of the Universal Declaration on Human Rights and in various international and legal frameworks.<sup>48</sup>

47. The United Nations Strategy and Plan on Hate Speech<sup>49</sup> provides guidelines on monitoring and addressing hate speech without undermining the right to freedom of opinion and expression, while placing the responsibility on not only Governments but on society as a whole.<sup>50</sup> This requires a great deal of data collection and research into the root causes, drivers and conditions conducive to hate speech. The Independent Expert also recommends further research and data collection into the root causes of harmful practices and hate crimes against persons with albinism, which can include hate speech.

## VI. Strategies to end hate crimes and harmful practices

48. Without detracting from the fact that all States around the world should ensure appropriate measures in relation to hate crimes against persons with albinism, the present section focuses on the Africa region, where attacks and killings of persons with albinism based on their colour are ongoing.

49. Since 2006, over 800 attacks have been recorded in 28 countries, mainly in Africa.<sup>51</sup> The latest attacks and attempted abductions reported to the Independent Expert occurred in the weeks after her appointment. The ongoing attacks prompted a round-table discussion, held on 31 May 2021, under the theme “Ending hate crimes and harmful practices targeting persons with albinism”. The objective of the meeting was to address the reasons why attacks

<sup>45</sup> See report of the Independent Expert on her visit to South Africa (A/HRC/43/42/Add.1, para. 43).

<sup>46</sup> Under The Same Sun, “Names used for PWA”, available at <https://underthesamesun.com/sites/default/files/Names%20used%20for%20PWA.pdf>.

<sup>47</sup> See <https://www.businessinsider.com/coronavirus-africans-with-albinism-are-blamed-because-of-whiteness-2020-6?r=US&IR=T>.

<sup>48</sup> International Covenant on Civil and Political Rights, article 19, and International Convention on the Elimination of All Forms of Racial Discrimination, article 5.

<sup>49</sup> See <https://www.un.org/en/genocideprevention/hate-speech-strategy.shtml>.

<sup>50</sup> Ibid.

<sup>51</sup> A/HRC/46/32, para. 6.

continued despite the efforts to date to stem these violations and to discuss lessons learned and good practices that could help move efforts forward in this regard.

50. The round table brought together participants from three countries, Malawi, Mozambique and Zambia, as these were the countries where attacks were recently reported. This did not, by any means, infer that attacks were not happening elsewhere or in other countries of the region. Participants included representatives from the three Governments, the United Nations, the African Union, the national human rights institutions, CSOs and persons with albinism. The consultation was held virtually due to the COVID-19 pandemic.

51. While the strategies discussed focused mainly on the experiences of these three countries, they are nonetheless significant in informing initiatives to address harmful practices related to accusations of witchcraft and ritual attacks and hate crimes against persons with albinism wherever they exist. Notwithstanding the efforts that have been made to date, challenges remain, including the continuing prevalent belief in dangerous myths and superstitions about persons with albinism, as well as the lack of resources, the need for better cooperation among stakeholders and the empowerment and capacity-building of CSOs. The following issues were highlighted in the discussions held at the round table.

### **A. National action plans**

52. National action plans remain one of the most important policy tools to address harmful practices and hate crimes against persons with albinism. Both Malawi (2018–2022) and Mozambique (2015) have national action plans, with the latter country in discussion about revising its current plan to ensure continuity. Other countries, such as the Democratic Republic of Congo, South Africa and Uganda are also developing national action plans. Plans, which focus, *inter alia*, on enhancing the inclusion and participation of persons with albinism in different aspects of society and depend greatly on a multisectoral and interdisciplinary approach in order to succeed, provide a framework for governments and stakeholders to identify priority areas that require resources and support.

53. Discussions mainly focused on the importance of funding national action plans appropriately and ensuring that they are monitored consistently for timely and proper implementation and of taking stock of the positive impact of the plans on constituents and of where gaps may exist. A recommendation was made that such plans should be aligned with international human rights standards and, *inter alia*, with the Sustainable Development Goals and the African Union Plan of Action on Ending Attacks and Discrimination against People with Albinism (2021–2031). As discrimination and ritual attacks continue, plans can also be focused on measures addressing root causes and changing mindsets and belief systems through education and awareness campaigns. Natural disasters, the COVID-19 pandemic and other events had had an adverse impact on the implementation of national action plans, which had delayed various efforts. The pandemic has also amplified existing problems with inclusion and inequalities affecting persons with albinism.

### **B. Budgetary and financial support for the rights of persons with albinism**

54. National action plans cannot succeed without sufficient financial support through budgetary allocations. Independent research<sup>52</sup> on budgeting to address the situation of persons with albinism in Ghana, Kenya, Malawi, Nigeria and Togo carried out before the COVID-19 pandemic showed that such allocations are an essential consideration in strategies to end hate crimes and harmful practices targeting persons with albinism. Without such budget allocations, key measures cannot be properly implemented whether in relation to policing, legal aid or to the investigation of masterminds behind attacks on persons with albinism.

55. The primary responsibility for resourcing national action plans still lies with governments, which can be challenging. It is important, however, to consider seeking financial support from development partners, particularly where governments are already

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<sup>52</sup> Independent researcher, Polly Meeks.

strapped for resources. There is need for more research into alternative sources of financial support or aid for national action plans while also utilizing existing initiatives that benefit persons with albinism. For example, women with albinism can also engage with and exchange their experiences through funded initiatives on gender-based violence. Engagement is also possible through the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, and national plans, through which persons with albinism are given priority and provided with support. The inclusion of national action plans in the strategic plans of international and regional organizations such as the United Nations and other intergovernmental entities can help to shed light on areas where resources are needed.

### **C. Stronger legal framework and prosecution of crimes against persons with albinism**

56. While national action plans are recommended as effective policy tools, good laws and strong prosecutorial processes are also critical in bringing perpetrators of harmful practices and hate crimes to justice. There are significant challenges in ensuring that justice is served, including long delays in prosecuting cases of crimes against persons with albinism in the majority of countries where attacks occur. National action plans help to focus measures on strengthening the criminal justice system. In some countries, including Zambia, memorandums of understanding have been signed between the police and albinism organizations to facilitate better cooperation in investigations and in bringing perpetrators to justice.

57. Legislation prohibiting discrimination against persons with albinism is also vital, and, where possible, the issue of albinism should be explicitly mentioned as protected grounds against discrimination and in reference to hate crimes and hate speech laws as has been done in South Africa in the bill on preventing and combating hate crimes that is currently before Parliament. Certain countries have enacted disability laws that also include persons with albinism<sup>53</sup> while others have proposed such laws.<sup>54</sup> However, strong legislation is also important to cover multiple aspects of harmful practices and hate crimes, including trafficking of body parts and the border movements of perpetrators between jurisdictions. The regulation of traditional healers is noted as an important measure in weeding out rogue individuals involved in criminal acts from those who are legitimate practitioners.

58. Stiffer penalties have been also proposed for harmful practices and hate crimes as well as the fast-tracking of cases related to persons with albinism: both measures will help send out a strong message against impunity.

59. Very few cases have thus far been successfully prosecuted in the countries concerned. It is critical that persons with albinism are assured access to justice, as this is also a factor in the lack of successful investigations and prosecutions.

60. Other issues include cases of police brutality against suspects charged with the killing of persons with albinism and, in some situations, the death of the accused in custody, factors which can stymie investigation processes. Furthermore, witness protection measures are not always guaranteed and need to be addressed. These factors are important not only for prosecutorial purposes, they can also assist in identifying the masterminds and intermediaries behind ritual attacks, who, in the majority of cases, if not all, remain unknown.

### **D. Enhanced coordination of stakeholders**

61. It is imperative to ensure that measures to protect the human rights of persons with albinism are successfully implemented and sustained and that there is strong coordination among all stakeholders. At present, there are limitations in the work of various stakeholders that need to be addressed. For instance, CSOs and persons with albinism themselves need additional skills and resources, whether in fulfilling their role in monitoring and reporting

<sup>53</sup> Zambia, Disability Act 2012; and Uganda, Disability Act 2020.

<sup>54</sup> Nigeria, available at <https://www.ohchr.org/Documents/Issues/Albinism/A-75-170-Addendum.pdf>.

cases or in their capacity to effectively participate in consultations and decisions (especially at policy level) that affect their daily lives.

62. Partnerships with different actors in the community, from the relevant ministries and government personnel, to teachers, medical practitioners, traditional healers, faith communities and traditional chiefs and leaders, as well as CSOs and persons with albinism, can yield the greatest impact through effective collaboration. A multisectoral approach should be at the core of initiatives against harmful practices and hate crimes. In addition, there is an ongoing need for national and regional conversations on issues affecting persons with albinism, from the moment they are born, when medical and health professionals are crucial contact points, throughout their educational journey as learners, during which they require reasonable accommodation, and into the workforce where the same support is needed. Strong leadership and robust coordination efforts are also critical in ensuring momentum on albinism issues. These efforts must not be ad hoc but should be sustainable to ensure long-term benefits for constituents.

63. Positive initiatives undertaken through coordination among stakeholders include: a capacity-building exercise for traditional leaders, media personnel and non-governmental organizations; a round table on the situation of people with albinism in the context of COVID-19; and materials, developed with government support, for the dissemination of new scientific information on albinism to the public. In addition, an interministerial coordination forum also brought together States, intergovernmental partners such as the United Nations, development partners, donors and CSOs comprising persons with albinism. Such capacity-building exercises are essential in countering discrimination and stigmatization against persons with albinism, which contribute to hate crimes and to the acceptance of such crimes.

64. Attacks and violence against persons with albinism during election periods remains an issue of concern requiring continued cooperation. This requires urgent action from a myriad of actors, including the police, civil society and United Nations. In Malawi, the United Nations supported an initiative to bring together political parties to pledge to zero violence against persons with albinism during the elections in 2020. The situation improved, to some extent, but the media and the United Nations reported attacks in 2021, indicating that harmful practices and hate crimes continue and that the situation of vulnerability, marginalization and risk for persons with albinism remains.

65. Strong coordination efforts can also help fulfil State obligations to report to human rights mechanisms, including the Human Rights Committee, the universal periodic review process and regional bodies, as well as the African Union, the African Commission on Human and Peoples' Rights and the Pan-African Parliament. States in other parts of the world should also be required to report on measures adopted to tackle attitudinal barriers, bullying and stigmatization against persons with albinism, which can often manifest as hate speech or in extreme cases hate crimes.

## **E. Empowerment and capacity-building for persons with albinism**

66. Empowering persons with albinism assists in building their capacity to engage effectively in the decisions and processes that affect their daily lives. A common challenge involves the weak structures and capacity of CSOs working on issues of albinism, which often have limited financial and human resources with which to effectively carry out their functions.

67. Suggestions have been made to promote the involvement of persons with albinism not only in technical training programmes and capacity-building exercises but also in empowerment programmes in order to strengthen their skills in advocating for their own needs and to ensure their inclusion in decisions affecting their lives. Such measures would also help to engage persons with albinism in consultations about their security as well as their rights to life, adequate health, education, employment and productive livelihood. It is also crucial to increase the capacity of relevant organizations in the areas of fundraising and how to engage with donors in order to ensure adequate resources for the delivery of services.

68. The presence of persons with albinism in high-level positions, whether in national governments, the private sector or in regional and international organizations is a great source of empowerment and a method to tackle negative stereotypes: both Malawi and South Africa have persons with albinism serving as Commissioners in their respective Human Rights Commissions. Such a role can have positive effect on the attention given to cases involving crimes against persons with albinism, including the speed with which such cases are addressed. More recently, a person with albinism has been elected as a Member of Parliament in Malawi.<sup>55</sup> Moreover, the presence of positive role models can be found in other areas of society, not only in public life.

69. Perceptions of persons with albinism need to change, in particular when they are portrayed as powerless and without a voice; such images can be overcome through positive narratives, including in the media and films. While persons with albinism are victims of harmful practices and hate crimes, they are also voices of change in their societies, as advocates and leaders. Persons with albinism can also be effective advocates at the regional level and within rights movements, including the disability movement, and as human rights defenders. There is also a need for the voices of persons with albinism to be heard at regional and national forums, as shown in past presentations made by CSOs and persons with albinism at meetings of the African Union and the United Nations, as well as with the Independent Expert.

70. There is a need to strengthen the voices of people with albinism, the rights holders themselves, in order to keep the momentum going for the albinism movement and to hold governments, including officials at the district level, accountable. Reaching communities with albinism in rural areas, far from capital cities, is crucial as this is where they are most vulnerable to harm and attacks. In sum, there is a need to continue advocating, reinforcing laws and policies that are in place for better protection, although these are not sufficient in themselves. There is an overwhelming need for strong political will to tackle the root causes of hate crimes and hate speech, and in particular to promote awareness raising and education about the condition of albinism.

## VII. Regional initiatives

### A. African Union

71. The African Union has addressed the challenges faced by persons with albinism as an imperative in its work throughout the continent. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, adopted in 2018, is the legal framework of the African Union for the formulation of disability laws and policies by its member States. The African Union Regional Plan on Albinism in Africa (2017–2021) and the subsequent African Union Plan of Action to End Attacks and Other Human Rights Violations Targeting Persons with Albinism (2021–2031) created a much needed policy for the region. The implementation of these policies remains a necessary priority. The round table in May 2021 provided an opportunity for stakeholders to push for the implementation of the Plan of Action (2021–2031). The Protocol on the Rights of Persons with Disabilities in Africa, which has nine signatories and one ratification, also needs further advocacy to increase the number of signatories and ratifications. The Protocol, which makes direct reference to persons with albinism, is an important tool for their protection against targeted harmful practices and hate crimes. The inclusion of the situation of persons with albinism at the various regional forums or forums initiated by the regional bodies would be another way to raise awareness on this issue. The guidelines on ending harmful practices related to manifestations of certain beliefs in witchcraft at the Pan-African Parliament is also an important tool to stem human rights violations and abuses; it is hoped that the guidelines will soon be adopted.

<sup>55</sup> See <https://www.theguardian.com/global-development/2021/nov/09/overstone-kondowe-election-malawian-mp-albinism>.

72. The appointment of a special envoy on albinism would greatly assist in the implementation of the African Union Plan of Action (2021–2031), while established alliances and civil society groups and the Africa Albinism Network also continue to play an important role in mobilizing stakeholders to facilitate and promote its implementation, as well as the implementation of national action plans of countries in the region.

## **B. Southern African Development Community**

73. In August 21, Malawi assumed the Chairmanship of the Southern African Development Community (SADC), replacing Mozambique in that position. In that role, both Malawi and Mozambique have been or are in a position to make strides on albinism issues and to engage bilaterally and with prominent leaders on the issue as a priority. Within SADC, the State assuming the leadership can also benefit from support from partners working on albinism issues, including United Nations entities and CSOs. This also presents an opportunity to intensify regional and subregional interventions within SADC to address issues such as the trafficking of body parts of persons with albinism and cross-border movements of perpetrators, which present major challenges for the police in their respective jurisdictions. Coordination on cross-border issues can improve prosecutorial coordination by ensuring engagement between judicial and police personnel, including INTERPOL, to strengthen investigations and harmonize procedures, while also addressing legislation gaps where they may exist.

74. Greater engagement within the member countries of SADC, requiring concerted efforts and cooperation, can assist in influencing Governments, officials and institutions to address the situation of persons with albinism. Strengthening the engagement of civil society, persons with albinism and national human rights institutions in the substantive work of SADC Summits can also promote the identification of sustainable solutions to harmful practices and hate crimes involving ritual attacks.

75. Malawi, as the new Chair of SADC, is in a position to steer heads of States towards actions that are more decisive and to ensure the promotion of regional plans to tackle harmful practices related to accusations of witchcraft and ritual attacks, and, in particular, to make sure that the African Union Plan of Action (2021–2031) receives the support it needs, the resources it requires and the cooperation of all relevant stakeholders, including persons with albinism.

## **C. European Union**

76. In 2008, the Council of the European Union adopted a strong common response to racist and xenophobic hate speech and hate crime through its Framework Decision 2008/913 on combating certain forms and expressions of racism and xenophobia by means of criminal law.<sup>56</sup> The Framework Decision aims to ensure that serious manifestations of racism and xenophobia are punishable by effective, proportionate and dissuasive criminal sanctions across the member States of the European Union. It requires member States to criminalize hate speech, that is, the public incitement to violence or hatred, on grounds of race, colour, religion, descent or national or ethnic origin.<sup>57</sup> It also requires member States to ensure, for offences other than hate speech, that such racist and xenophobic motivation be considered as an aggravating circumstance or, alternatively, that such motivation be taken into account in the determination of the penalties.<sup>58</sup>

77. In 2020, the President of the European Commission announced a proposal to extend the list of crimes within the European Union to all forms of hate crime and hate speech whether because of race, religion, gender or sexuality.<sup>59</sup> Combating hate speech and hate

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<sup>56</sup> Official Journal of the European Union, Council Framework Decision 2008/913/JHA, L 328/55, 28 November 2008, p. 55–58.

<sup>57</sup> Article 1 of the Framework Decision.

<sup>58</sup> See [https://ec.europa.eu/info/sites/default/files/1\\_1\\_178542\\_comm\\_eu\\_crimes\\_en.pdf](https://ec.europa.eu/info/sites/default/files/1_1_178542_comm_eu_crimes_en.pdf).

<sup>59</sup> Ibid.



crime was cited as part of the Commission's action to promote its core values and to ensure that the Charter of Fundamental Rights of the European Union is upheld. As such, all forms and manifestations of hatred and intolerance are incompatible with the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are enshrined in article 2 of the Treaty on European Union, while any form of discrimination on the basis of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation are prohibited under article 19 of the Treaty on the Functioning of the European Union.<sup>60</sup>

#### D. Organization of American States

78. The American Convention on Human Rights provides, in article 13, a guarantee of the right to seek, receive impart information and ideas of all kinds through any medium and protects against censorship and indirect restrictions. This freedom of expression is not absolute, however, as hate speech is deemed to be outside the protections provided under paragraph 5 of article 13 of the Convention.<sup>61</sup> In the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, States Parties, alarmed by the surge in hate crimes motivated by race, colour, lineage and national or ethnic origin, prohibited discrimination on the basis of those grounds.

79. Article 1, paragraph 4, of the Inter-American Convention states that “racism consists of any theory, doctrine, ideology or sets of ideas that assert a causal link between phenotypic or genotypic characteristics of individuals or groups and their intellectual, cultural, and personality traits including the false concept of racial superiority,”<sup>62</sup> which should “receive the condemnation of the States Parties”. In article 4, the duties of the State include, inter alia, “[C]onducting research or applying findings of research into the human genome, particularly in the fields of biology, genetics, and medicine, aimed at human selection or cloning that prevails over respect for human rights, fundamental freedoms, and human dignity, generating any form of discrimination based on genetic characteristics”.<sup>63</sup> Similar provisions are found in the Inter-American Convention Against All Forms of Discrimination and Intolerance.<sup>64</sup>

80. The Inter-American Convention Against All Forms of Discrimination and Intolerance also acknowledged a surge in hate crimes and “that certain persons and groups experience multiple or extreme forms of discrimination and intolerance, driven by a combination of factors such as gender; age; sexual orientation; language; religion; political or other opinion; social origin; economic status; migrant, refugee or displaced status; birth, stigmatized infectious-contagious condition; genetic trait; disability; debilitating psychological distress; or other social condition; as well as others recognized in international instruments”. These grounds, particularly discrimination on the basis of genetic trait and disability, can be deemed to include the albinism condition.

### VIII. Conclusions and recommendations

81. **The Independent Expert commends the recent adoption by the Human Rights Council of resolution 47/8 on harmful practices related to accusations of witchcraft and ritual attacks, in which the Council acknowledges persons with albinism among those who are vulnerable to being targets of such abuses, which are often committed by perpetrators with impunity. She acknowledges that hate crimes can also be included under harmful practices against persons with albinism, covering violations such as killings, mutilation, burning, coercion in trafficking of persons, torture and other cruel,**

<sup>60</sup> Ibid.

<sup>61</sup> American Convention on Human Rights, article 13, para. 5: “Any propaganda for war and any advocacy of national, racial or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, colour, religion, language, or national origin shall be considered offenses punishable by law.

<sup>62</sup> See [https://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_a-68\\_racism.asp](https://www.oas.org/en/sla/dil/inter_american_treaties_a-68_racism.asp).

<sup>63</sup> Ibid.

<sup>64</sup> See [https://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_A-69\\_discrimination\\_intolerance.asp](https://www.oas.org/en/sla/dil/inter_american_treaties_A-69_discrimination_intolerance.asp).

inhuman or degrading treatment and stigmatization, particularly for persons in vulnerable situations.

82. Tackling harmful practices and hate crimes against persons with albinism requires concerted efforts and a multisectoral approach at the international, regional and national levels. While there have been positive efforts to date in this regard, much more work remains to be done. Recognizing the violations and abuses that persons with albinism experience as hate crimes rather than as ordinary crimes will highlight the egregiousness of their experiences and compel efforts to address them accordingly.

83. The Independent Expert calls on Member States, particularly where harmful practices and hate crimes against persons with albinism are committed to carry out the following recommendations in regular and meaningful consultation with persons with albinism or their representatives:

#### Hate crimes

(a) Research and collect data regarding hate crimes against persons with albinism to aid policy formulation and evaluation, including disaggregated data regarding types of abuses and attacks, perpetrators and profiles of victims;

(b) Develop national action plans that include relevant measures and appropriate budgeting for preventing and countering harmful practices and hate crimes against persons with albinism;

(c) Ensure that national action plans align with international human rights standards, as well as, inter alia, the Sustainable Development Goals and, within the African Union, its Plan of Action to End Attacks and Other Human Rights Violations Targeting Persons with Albinism (2021–2031);

(d) Criminalize attacks against persons with albinism as hate crimes, with appropriate sanctions, including referencing albinism as a protected characteristic against discrimination;

(e) Conduct social dialogue and engagement to counter hate crimes with stakeholders, including the media, in order to proactively promote the voices of persons with albinism who are systematically targeted by hate speech and hate crime;

(f) Conduct awareness raising and education on harmful practices and hate crimes against persons with albinism, including on root causes;

(g) Establish appropriate monitoring bodies and complaint mechanisms, including national human rights institutions, to investigate reports of hate crimes against persons with albinism;

(h) Break down barriers to access to justice, including through increasing victim and witness support to persons with albinism who are victims of hate crimes;

#### Hate speech

(i) Combat hate speech against persons with albinism through collaboration with multiple stakeholders, including CSOs, faith-based organizations and the media;

(j) Combat negative stereotyping and representations of persons with albinism through specific measures and by integrating their situation into broader efforts to combat gender stereotypes, including by engaging women more deeply in the process;

(k) Serious and extreme instances of incitement to hatred against persons with albinism that meet the threshold of severity, intent, content, extent, likelihood or probability of harm occurring, imminence and context should be prohibited as criminal offences;

(l) When the hate is expressed by politicians and public authorities, additional sanctions should be imposed, as recognized in article 4 (c) of the of International Convention on the Elimination of All Forms of Racial Discrimination:

such sanctions could include those of a disciplinary nature, such as removal from office, in addition to effective remedies for victims;

(m) For other types of hate speech that do not meet the threshold of advocacy of national, racial or religious hatred constituting incitement to discrimination, hostility or violence, including speech that raises concerns in terms of civility and tolerance, States should adopt civil laws, with the application of diverse procedural and substantive remedies, such as restoring reputation, preventing recurrence and providing financial compensation.

84. The Independent Expert calls for the following actions at the regional level:

#### **African Union and Pan-African Parliament**

(a) Implement the African Union Plan of Action to End Attacks and Other Human Rights Violations Targeting Persons with Albinism (2021–2031) at the national level;

(b) Adopt and implement the guidelines for parliamentarians on accusations of witchcraft and ritual attacks: eliminating harmful practices and other human rights violations once they have been adopted by the Pan-African Parliament;

#### **Southern African Development Community**

(c) Strengthen relationships between stakeholders, States, national human rights institutions, CSOs, persons with albinism and others in order to tackle hate crimes and harmful practices related to accusations of witchcraft and ritual attacks, particularly within countries where known attacks and ritual killings have been reported;

(d) Identify sustainable solutions through situational analyses of persons with albinism in order to better understand the various enabling factors in attacks on them and in transborder crimes, including trafficking;

(e) Strengthen cross-border collaboration through, inter alia, enhancing prosecutorial investigations and arrests in order to harmonize approaches and effectively bring perpetrators to justice.