

Leave No One Behind

**Racial Discrimination and the Protection of Minorities in the
COVID-19 Crisis**

**Statement by the United Nations Network on Racial Discrimination and the
Protection of Minorities**

Top-Line Messages

We need everyone to stand up against discrimination! Racism and discrimination against racial, ethnic and religious minorities are increasingly widespread during the COVID-19 crisis. Now is not the time for division, but to reach out and include those left behind. **#FightRacism #StandUp4HumanRights #AllInThisTogether #Faith4Rights**

People from minority groups are dying from COVID-19 in disproportionate numbers. Governments urgently need to reach these people, and include them in their response plans. Their basic human rights must be ensured including food, shelter, medicine and water **#LeaveNoOneBehind #StandUp4HumanRights**

Languages save lives! We urge governments to make sure that **#COVID19** information, guidance and care is available in minority languages, including sign languages, and is age-, disability- and gender-appropriate.

Emergency measures should not be used by law enforcement officials to ethnically profile or to discriminate against minorities through arrest or detention or other measures!

Statement

UN Secretary General António Guterres has recently urged that all actors including the UN system redouble efforts to address violence, discrimination and exclusion of people including minorities, indigenous peoples, migrants, refugees, gay, lesbian, bisexual, transgender and intersex (LGBTI) people, people with disabilities and others.¹

The COVID-19 pandemic has created a heightened risk of discrimination and exclusion of marginalized individuals, groups and communities. At the same time, it has also brought about opportunities to demonstrate commitment to human rights, to strengthen the inclusion of those potentially left behind, and to demonstrate solidarity.

¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25603&LangID=E>

The UN Network on Racial Discrimination and the Protection of Minorities offers this statement, with a view to supporting proactive measures to ensure that responses to the pandemic positively address, in culturally appropriate manners, all potentially affected groups, including those most threatened by exclusion, stigma, discrimination, hostility or other negative treatment.

Combatting Racial Discrimination and Other Forms of Anti-Minority Discrimination, Violence and Hate Speech

Various reports indicate instances of violence, discrimination, arbitrary denial of services, heightened exclusion or other forms of disparate negative impact in the COVID-19 crisis against minorities including Roma, people of African Descent, people of Asian descent, refugees, asylum seekers, migrants and stateless persons, internally displaced persons and religious minorities, as well as other persons and groups exposed to stigma and/or discrimination such as LGBTI people, indigenous peoples, as well as based on caste.² There has also been a proliferation of conspiracy theories and hate- or bias-based discourse in connection with COVID-19, including with Anti-Semitic, Anti-Muslim, Anti-Roma (based on Anti-Gypsyism), or other racist, xenophobic or sectarian subtexts.³

Narratives stressing geography rather than medical terminology to refer to COVID-19 are stigmatizing, and encourage racist or xenophobic attitudes, including against persons and groups who are forcibly displaced and stateless who may be at greater risk during the pandemic. Such attitudes exacerbate fear and worsen the situations of various minority groups, people of African descent, people of Asian descent, or people considered foreigners -- persons already facing threats of discrimination or exclusion based on racism, xenophobia or related forms of intolerance.

Early in the pandemic, UN High Commissioners Michelle Bachelet and Filippo Grandi warned that “when fear and uncertainty kick in, scapegoats are never far away. We have already seen anger and hostility directed at some people of East Asian origin.” Further groups in a vulnerable situation are minorities, the marginalized or anyone labelled “foreigner”.⁴ The UN Special

² United Nations Special Procedures mandates’ holders have also called attention to the need for targeted protection measures for other groups potentially affected by discrimination, including “People with disabilities, older persons, ... people affected by extreme poverty and living in overcrowded settings, people who live in residential institutions, people in detention, homeless people, migrants and refugees, people who use drugs, ... and gender diverse persons – these and other groups need to receive support from governments.” (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25746&LangID=E>)

³ Including *inter alia*: Right-wing groups have blamed Roma and other minorities for spreading the COVID virus or accusing them of not respecting public authorities’ protection measures (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25782&LangID=E>). There are widespread reports of Asians being physically attacked; of hate speech blaming minorities including Roma, Hispanics and others for the spread of the virus; and of politicians calling for migrants to be denied access to medical services (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25757&LangID=E>). The UN Special Rapporteur on freedom of religion or belief has noted that conspiracy theories proliferate to the effect that Jews or Israel are responsible for developing and spreading COVID-19 virus to reduce the non-Jewish population and to control the world (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25800&LangID=E>). He also warned against religious hatred and intolerance, noting that minorities have faced verbal abuse, death threats, physical attacks and experienced discrimination accessing public services, including denial of vital health services (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25814&LangID=E>). Civil society reports discrimination against African migrants in China (<https://www.nchrd.org/2020/04/china-must-end-discrimination-against-hubei-residents-and-african-migrants-in-the-context-of-containing-pandemic/>).

⁴ <https://www.unhcr.org/news/latest/2020/3/5e69eea54/coronavirus-outbreak-test-systems-values-humanity.html>

Rapporteur on racism flagged that COVID-19-related expressions of racism and xenophobia online have included harassment, hate speech, proliferation of discriminatory stereotypes, and conspiracy theories.⁵ The UN Special Rapporteur on Minority Issues has highlighted minority-specific concerns in this regard.⁶ The UN Working Group of experts on people of African descent (WGPAD) stated that racial equity and equality must guide state action in COVID-19 response.⁷ The WGPAD reminded that structural racial discrimination may further exacerbate inequality in access to health care and treatment leading to racial disparities in health outcomes and increased mortality and morbidity for people of African descent.⁸

Political, civic and religious leaders have a crucial role to play in speaking out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech.⁹ Their actions or inactions can have lasting impacts on overall efforts at ensuring that the pandemic does not deepen inequalities and discrimination.¹⁰

Emergency Measures

Many governments have declared states-of-emergency or introduced similar regimes with respect to the COVID-19 crisis. Emergency powers should be used within the parameters provided by international human rights law. Such powers should be time-bound and only exercised on a temporary basis with the aim to restore a state of normalcy as soon as possible. Emergency measures and their implementation undertaken in response to the COVID-19 outbreak must not involve direct or indirect discrimination on the ground of race, colour, sex, gender identity, sexual orientation, gender expression, language, religion, political or other opinion, national or social origin, property, birth or other status.

The UN Human Rights Committee has also recently reminded that States may not “tolerate, even in situations of emergency, the advocacy of national, racial or religious hatred that would constitute incitement to discrimination, hostility or violence, and they must take steps to ensure that public discourse in connection with the COVID-19 pandemic does not constitute advocacy and incitement against specific marginalized or vulnerable groups, including minorities and foreign nationals”.¹¹

In a statement issued on 16 March 2020, a group of UN experts stated, *inter alia*: “emergency declarations based on the COVID-19 outbreak should not be used as a basis to target particular groups, minorities, or individuals. It should not function as a cover for repressive action under the guise of protecting health nor should it be used to silence the work of human rights defenders. Restrictions taken to respond to the virus must be motivated by legitimate public health goals and should not be used simply to quash dissent.” The UN experts urged that emergency measures adopted should not “become hardwired into legal and political systems, restrictions should be narrowly tailored and should be the least intrusive means to protect public health.”¹²

⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25739&LangID=E>

⁶ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25757&LangID=E>

⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25776&LangID=E>

⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25768&LangID=E>

⁹ <https://www.ohchr.org/en/issues/freedomofopinion/articles19-20/pages/index.aspx>

¹⁰ See the COVID-19 related peer-to-peer exercises and case to debate in the #Faith4Rights toolkit, available at <https://www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf>.

¹¹ Human Rights Committee, “Statement on derogations from the Covenant in connection with the COVID-19 pandemic”, 24 April 2020.

¹² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E>

Leave No One Behind: Targeted Measures, Including to Address Loss of Livelihood

We are currently challenged to deliver on the transformative promise of the 2030 Agenda. As data on the impact of the pandemic becomes increasingly available, it is evident that negative effects are seen disproportionately in minority communities, in some cases dramatically so.¹³ Minority communities may face disparate impact in the sudden loss of livelihood seen as a result of lockdown or large-scale quarantine. In some cases, loss of work has additionally meant loss of health insurance. Minority groups with disproportionate rates of institutionalization or over-representation in criminal justice now face increased risk as a result of close confinement. COVID-19-related death rates among certain minority communities are already alarmingly high.

In a statement issued on 6 April 2020, the UN Committee on Economic, Social and Cultural Rights (CESCR Committee) called on States to “protect and mitigate the impact of the pandemic on vulnerable groups such as older persons, persons with disabilities, refugees, and conflict-affected populations, as well as communities and groups subject to structural discrimination and disadvantage.” The CESCR Committee urged *inter alia* that such measures include, amongst others, the provision of water, soap and sanitizer to communities who lack such access; targeted programmes to protect the jobs, wages and benefits of all of workers, including of undocumented migrant workers; imposing a moratorium on evictions or mortgage bond foreclosures against people’s homes during the pandemic; providing social relief and income-support programmes to ensure food and income security to all those in need; taking specially tailored measures to protect the health and livelihoods of vulnerable minority groups such as the Roma, as well as of indigenous peoples; and ensuring affordable and equitable access to internet services by all for educational purposes. In COVID-19 and post-crisis response, States should ensure equal access to health care to those without health insurance, identification papers or social security, or neglected by humanitarian response networks.

Acknowledging the experiences of women and girls when they intersect with race, disability, age, displacement status, ethnicity, location, sexual orientation, gender identity and gender expression, religion or belief, marital status and other characteristics and factors is critical for appreciating the forms of discrimination or exclusion they may face during the COVID-19 crisis and its aftermath. Each of one of these characteristics or experiences can make a woman or a girl vulnerable to discrimination or other forms of abuse. Moreover, when any two or more

¹³ For example, data from the UK-based Intensive Care National Audit and Research Centre (ICNARC) suggests that 34% of critically ill coronavirus patients are from black or minority ethnic backgrounds (<https://news.sky.com/story/coronavirus-review-to-be-launched-into-why-ethnic-minorities-worst-hit-by-covid-19-11974116> and <https://www.icnarc.org/Our-Audit/Audits/Cmp/Reports>). Equal Rights Trust reports that heightened prevalence of COVID-19 in minority communities is the result of heightened exposure. See also <https://www.bbc.com/news/uk-52255863>. In the United States, Latinos and African Americans are reportedly disproportionately impacted by COVID-19 (https://www.theguardian.com/us-news/2020/apr/18/the-virus-doesnt-discriminate-but-governments-do-latinos-disproportionately-hit-by-coronavirus?CMP=Share_AndroidApp_Gmail and <https://www.washingtonpost.com/nation/2020/04/07/coronavirus-is-infecting-killing-black-americans-an-alarmingly-high-rate-post-analysis-shows/?arc404=true>). The European Union and the Council of Europe have called attention to negative impacts on Roma Europe-wide (https://eeas.europa.eu/headquarters/headquarters-homepage/77233/international-roma-day-future-challenges-and-persisting-problems-time-covid-19_en). Nevertheless, the European Union may reportedly delay human and minority rights initiatives due to COVID-19 (https://www.euractiv.com/section/eu-priorities-2020/news/eu-to-delay-human-and-minority-rights-initiatives-due-to-covid-19/?fbclid=IwAR0TbpTccZRRoQkKHieO9Z2_HXnQnvsRTyoKByveSm-pAA-xujTEXJxIcPA).

of these intersect, they can lead to severe forms of exclusion, impacting on families across several generations.¹⁴

Measures to respond to COVID-19 must ensure that minorities, including people of African descent, refugees, asylum-seekers, migrants, internally displaced persons or stateless persons, as well as other groups similarly exposed to discrimination, stigma or exclusion, are not exposed to intersectional or multiples forms of discrimination. Forcibly displaced persons or stateless persons may experience compounded effects of discrimination as a result of perceptions related to COVID-19, sex, sexual orientation or gender identity, age, disability, racial or ethnic origin, social origin, religion or belief, language or other status.

Accurate Information in Languages Understandable to All

The UN Special Rapporteur on Minority Issues has expressed concerns about the absence of information about the pandemic in minority languages, including sign languages: “Millions of individuals, particularly minorities and indigenous peoples, may not have access to what are arguably the most important public health messages in generations ... The world’s most vulnerable are often the last in line for support. The international community and States must therefore work closely together to inform, help and protect them. That includes communicating with them in their own languages where possible to effectively transmit vital public health information and care”.¹⁵

Minority Rights Defenders

The COVID-19 pandemic has seen proactive and engaged responses by human rights defenders – including human rights defenders from minority communities --, civil society organisations and independent media acting to ensure a human rights-based response to the pandemic. Their work has been crucial for a broad range of public goods, including front-line response, as well as strengthening the availability of accurate information about minority-specific and racial discrimination impacts. They have also been crucial for countering outbreaks of anti-minority, racist or other incitement to hatred, discrimination or violence arising in the pandemic.

Positive Obligations to Combat Discrimination and to Strengthen Respect for Human Rights, Fundamental Freedoms and Human Diversity

The UN Network on Racial Discrimination and Protection of Minorities urges that all efforts be rigorously undertaken to ensure that all aspects of international law requirements to combat discrimination, and to ensure human rights and equal dignity for all people are upheld. Possible mitigation measures include:

- Applying in all circumstances the principle of equality and non-discrimination and taking into account intersectional dimensions of disparities, racism, xenophobia and related intolerance with regard to all measures adopted in response to COVID-19, including by taking measures to mitigate the disproportionate impact of the pandemic and of the measures taken in response to it on communities and groups subject to structural discrimination and disadvantage;
- Using language supported by public health officials when referring to COVID-19;

¹⁴ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25809&LangID=E> and https://www.ohchr.org/Documents/Issues/Women/COVID-19_and_Womens_Human_Rights.pdf.

¹⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25757&LangID=E>

- Disseminating accurate, gender, disability and age accessible information regarding COVID-19, including in relevant minority languages and via media accessible to minorities, indigenous peoples, refugees, asylum seekers, stateless persons, internally displaced persons, persons with disabilities and others threatened with exclusion;
- Undertaking equality impact assessments, to generate reliable data on how the pandemic is affecting particular groups. Collecting and publishing data on testing, cases and deaths related to COVID-19 disaggregated by sex, age, racial or ethnic origin, migration status and disability, in compliance with the human rights based approach to data collection;
- Monitoring incidents of racist, xenophobic, homophobic, bi-phobic, transphobic or other bias-based violence, crime, discrimination and hate speech; referring cases to relevant authorities for investigation;
- Making available accessible and transparent justice mechanisms and legal and social assistance to victims of discrimination, incitement to hatred, discrimination or violence, or other harms;
- Supporting civil society and independent media *inter alia* to monitor developments in minority communities as well as among other particular groups, including treatment by public officials and others involved in humanitarian or security response;
- Addressing hate speech through education and engagement with religious leaders, faith actors and other relevant civic leaders,¹⁶ including by implementing Human Rights Council Resolution 16/18,¹⁷ UN Strategy and Plan of Action on Hate Speech,¹⁸ Rabat Plan of Action,¹⁹ #Faith4Rights toolkit,²⁰ Fez Plan of Action²¹ and UNESCO's programme to prevent violent extremism through education;²²
- Ensuring that human rights defenders – including minority rights defenders -- enjoy all of the rights and protections envisioned in the 1998 United Nations General Assembly Declaration on Human Rights Defenders.²³

Above all, crises such as COVID-19 create opportunities to heighten solidarity and inclusion. International human rights law places positive obligations and duties on States and other actors to to eliminate all forms of discrimination, and to ensure the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity. Crises such as COVID-19 create opportunities to strengthen the inclusion of those potentially left behind, as well as to heighten social

¹⁶ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25814&LangID=E>

¹⁷ https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18_en.pdf

¹⁸ https://www.un.org/en/genocideprevention/documents/advising-and-mobilizing/Action_plan_on_hate_speech_EN.pdf

¹⁹ <https://www.ohchr.org/EN/Issues/FreedomOpinion/Articles19-20/Pages/Index.aspx>

²⁰ <https://www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf>

²¹ https://www.un.org/en/genocideprevention/documents/publications-and-resources/Plan_of_Action_Religious-rev5.pdf

²² <https://en.unesco.org/preventingviolentextremismthrougheducation>

²³ <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

solidarity. Provided adequate support, communities respond vibrantly and positively to this crisis. We urge human rights-based action on these obligations and opportunities, public messages of solidarity and inclusion, and support for community-based solidarity programmes.



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

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