UNITED NATIONS NETWORK
ON RACIAL
DISCRIMINATION
AND PROTECTION
OF MINORITIES

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UN Network on Racial Discrimination and Protection of Minorities

Inputs into Secretary General's Call to Action Follow-Up

Agenda for Protection

1. *Introduction*

The current document sets out reasons for directly and openly providing for measures to tackle racial discrimination and to strengthen the protection of minorities in the Agenda for Protection architecture provided pursuant to the Secretary General's Call to Action on Human Rights.

2. *Background*

In recent decades, the UN has faced repeated scenarios in its field engagement in which its response to serious human rights violations and abuses has been deemed wanting.[1] Without exception, these have involved matters directly related to racial discrimination and the protection of minorities.

The COVID-19 pandemic has further had a devastating impact on the situation of vulnerable groups, including in particular on minorities. The recently-convened high level Frontier Dialogue on Addressing Structural Racial and Ethnicity-Based Discrimination, served to underline that where data disaggregated is available rates of COVID-19 morbidity and mortality are significantly higher among ethnic groups experiencing discrimination due to the fact that disease distribution is patterned by structures of disadvantage, marginalization, exclusion and discrimination. The data shows higher infection rates and deaths among specific minorities. For example, in the United States, the disparate effect of the virus on African-Americans is at least in part a function of various manifestations of systemic racism, as well as including their disproportionate role as frontline essential workers, in conjunction with their long-standing health and social inequalities, including less access to health insurance, poor health service coverage in certain geographical areas, and unconscious bias among health providers.[2] Refugees and other displaced people also belong to the most

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[1] See ST(02)/R425/Sri Lanka and https://news.un.org/en/story/2019/06/1040681
[2] ILO, Committee of Experts on the Application of Conventions and Recommendations, 2021 General Survey (Addendum) on Employment and Decent Work in a Changing Landscape, para. 226.

marginalized and vulnerable members of society. They are particularly at risk during this coronavirus disease outbreak because they often have limited access to water, sanitation and health facilities.[3]

Beyond health outcomes, the disproportionate impact of COVID-19 on populations experiencing racial and ethnicity-based discrimination and intersecting forms of social exclusion is seen in terms of food insecurity, housing insecurity, income and job loss, heightened exposure to environmental threat, and an increased risk of loss of education for children and youth. Hate speech in the COVID-19 context has specifically targeted ethnic and religious minorities, notably in social media as well as in statements by political and religious leaders.[4] Under the umbrella of the UN Sustainable Development Goals (SDG) Task Team on Human Rights, Leave No One Behind (LNOB) and the Normative Agenda, UNESCO and WHO-led a consultative process for the production of a report on "Addressing structural racial and ethnicity-based discrimination: Key action areas for COVID-19 recovery plans – Report by the UNSDG". This report will be presented to the UNSDG, for potential dissemination in the public domain and dissemination to all UNCTs at the end of May 2021.

The pandemic has exacerbated the plight of minorities among other vulnerable and marginalised groups and has led to an increase in inequality that needs to be properly addressed by policy-makers. Addressing the underlying inequalities to which vulnerable and marginalised groups are exposed serves not only to tackle the impact of the current pandemic, but also to prevent future crises by increasing resilience and social cohesion.

3. ***Reasons for Dedicating Specific Attention to Racial Discrimination and Protection of Minorities in the Agenda for Protection Architecture (i.e. reasons for dedicated attention going beyond mobilizing UNCTs generally as concerns human rights work)***

(1) Racial Discrimination and Human Rights Abuse of Minorities as a Potential Source of International and Non-International Armed Conflicts

All forms of discrimination are banned unequivocally under international human rights law. States have positive obligations to advance all forms of equality and to end and redress all forms of discrimination, and all organs of society have responsibilities in this regard. That said, there are certain aspects of the problem of racial discrimination that have led to recognition of its particularly destructive force and effects on societies, individuals and communities. Indeed, racial and related discrimination is recognized as having the potential to trigger, exacerbate, prolong or intensify both civil or other forms of internal conflict, as well

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[3] Over 80 per cent of the world's refugees and nearly all the world's internally displaced people are hosted in low- and middle-income countries. They frequently face specific challenges and vulnerabilities that must be taken into consideration in COVID-19 readiness and response operations. Keeping the most vulnerable safe means keeping everyone safe.

[4] https://www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf#page=41

as conflict between states.[5] It is for these reasons among others that the ban on racial discrimination is generally recognized as a peremptory norm of international law.[6]

Racial discrimination and related intolerance force many people to flee their homes each year while undermining the protection afforded to refugees, asylum-seekers, internally displaced persons and returnees. Discrimination based on ethnicity, race, religion or language can also lead to statelessness, including mass statelessness.

(2) Sustainable Economies and Societies: The Need for Systematic Measures to Overcome Minority Exclusion

There is an increasing body of knowledge documenting that the exclusion of minorities carries high economic costs and poses a threat to development. As noted by the World Bank:

> Left unaddressed, the exclusion of disadvantaged groups can be costly. At the individual level, the most commonly measured impacts include the loss of wages, lifetime earnings, poor education, and employment outcomes. Racism and discrimination also have physical and mental health costs. At the national level, the economic cost of social exclusion can be captured by foregone gross domestic product (GDP) and human capital wealth. Exclusion, or the perception of exclusion, may cause certain groups to opt out of markets, services, and spaces, with costs to both individuals and the economy.[7]

In the opposite case, the inclusion of minorities can be a driver of development and can significantly advance SDG implementation. This is broadly true in the case of social inclusion policies, and has also been specifically documented in the case of minorities in particular scenarios.[8]

(3) The Problem of Denial

In recent decades, efforts in practice to address racial discrimination and to strengthen minority rights have increasingly been thwarted by a problem particular to this form of discrimination: denial. While in the first half of the 20th century, the exclusion of minorities and other groups affected by racial discrimination was done more-or-less openly, today there

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[5] The Preamble of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) affirms that "discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State, as well as that "the existence of racial barriers is repugnant to the ideals of any human society". The Durban Declaration and Programme of Action, adopted at the close of the 2001 World Conference Against Racism, similarly acknowledges that "racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights and deny the self-evident truth that all human beings are born free and equal in dignity and rights, are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts, and the consequent forced displacement of populations" as well as that "that racism, racial discrimination, xenophobia and related intolerance constitute a negation of the purposes and principles of the Charter of the United Nations".

[6] See Fourth report on peremptory norms of general international law (jus cogens) by Dire Tladi, Special Rapporteur, A/CN.4/727, 31 January 2019.

[7] https://www.worldbank.org/en/topic/social-inclusion

[8] See for example Kertesi Gábor and Kézdi, Gábor, "Expected long-term budgetary benefits to Roma education in Hungary", Institute of Economics, Hungarian Academy of Sciences, June 2006.

are few if any governments in the world which pursue policies celebratory of the exclusion and discrimination of such groups. In the most common scenario, Governments deny that racial discrimination exists. This is the case in even scenarios of flagrant systematic abuse. In many contexts, Governments blame marginalized groups for their own exclusion. This problem extends to the most granular level, in which even in glaring cases of discrimination, parties deny the discrimination or provide elaborate justifications for obvious unequal treatment.

(4) The Problem of "Political Sensitivity" and Avoidance

The problem of denial of racial discrimination is closely linked with – although distinct from – the affiliate problem of regarding matters related to minority protection and addressing racial discrimination as "politically sensitive".

While the UN system has had little difficulty in openly confronting some human rights issues such as the death penalty, it has tended to defer to Government and other local preferences in avoiding open discussion of minority exclusion or other elements of racial discrimination. As a result, left unaddressed, the denial of racial discrimination is in many scenarios magnified at the level of UN programming.

These combined forces and dynamics have significantly hampered possibilities to address in a proactive and engaged manner these types of exclusion, often leading to ingrained, inflamed and exacerbated problems.

(5) Legacies of Systemic Neglect of Minority Rights and Racial Discrimination by the UN system

In practice, the absence of an effective response is also the legacy of decades of avoidance on the part of the UN. While agencies exist dedicated to women's rights, children's rights and to ensure effective refugee protection, the UN has not provided an exclusive mandate to any entity with a viable field presence to examine and act on matters related to racial discrimination and the protection of minorities. While a number of entities include racial discrimination and minority protection implicitly or explicitly in their mandates, the absence of a specifically dedicated agency or entity to these large areas is a noteworthy lacuna. The legacy of ad hoc and diffuse approaches is manifest in the weak – and in many places entirely missing – approach by UNCTs and UN Humanitarian Teams to problems of racial discrimination and the protection of minorities.

(6) Impact: UN Programming in the Field

The existence of the UN Network on Racial Discrimination and Protection of Minorities bears witness to the fact that this issue cuts across entities and concerns the entire UN system. However, as a result of the elements noted above, a scan of UN programming worldwide reveals consistent exclusion of marginalized groups, in particular minorities, to matters related to racial discrimination, or indeed to any category subject to denial or ranked under the general opprobrium of being "politically sensitive". A recent paper by the UNSDG Task Team on Leave No One Behind (LNOB) and Human Rights analysing 109 UN Socio-Economic Response Plans (SERPs) at country- or field level concluded that "while 93% of SERPs emphasize the importance of focusing on 'at-risk groups' experiencing marginalization and/or discrimination, the analyses in many SERPs are often incomplete. In 43% of SERPs, the

analyses do not translate into UN targeted interventions across the five pillars. SERPs' analyses are often either focused solely on groups the UNCT had already been working with before the pandemic (thus leaving out important groups affected by the pandemic that needed to be addressed, like older persons or persons deprived of their liberty), or relying on pre-existing vulnerabilities (not on evidence of how the pandemic has exacerbated discrimination and inequalities). Further efforts should be made by UNCTs to systematically use disaggregated data", including based on race, ethnicity, gender, age, etc., to identify groups who face racial discrimination and its intersecting forms, and "to go beyond simply perceiving 'women and children' as a common risk group."[9] A related analysis undertaken by DESA of 45 SERPs in countries with the largest indigenous populations indicates that only 11 SERPs include analytical contents and interventions on and for indigenous people.[10] If anything, explicit targeting will be significantly lower for minority groups worldwide: a scan of 12 UN Cooperation Frameworks from the Europe/Central Asia region revealed only three with any programming goals targeting minorities.

4. *Practicalities*

The UN Network on Racial Discrimination and Protection of Minorities recommends that the matters below be acted upon explicitly in the design and outcome of the architecture for protection adopted pursuant to the Secretary General's Call to Action on Human Rights.

(1) Explicit but not Exclusive Approaches

United Nations approaches to programming in the case of minorities increasingly focuss on the standard of explicit but not exclusive targeting as best practice.[11] Such approaches provide for focusing on minorities as a target group but not to the exclusion of other people who share similar socio-economic circumstances. This approach does not separate minority-focused interventions from mainstream policy initiatives. In addition, where relevant, consideration is given to the likely impact of mainstream policies and decisions on the social inclusion of minorities. The architecture of the Agenda for Protection following up the Secretary General's Call for Action on Human Rights should follow the approach of providing for explicit but not exclusive attention to racial discrimination and the protections of minorities.

(2) Resident Coordinators and Humanitarian Coordinators

Empirical indications consistently point to the key role of the Resident Coordinator (RC) or Humanitarian Coordinator (HC) in providing leadership to advance on most-difficult issues in the field. The architecture of the Agenda for Protection following up the Secretary General's

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[9] UNSDG Task Team on Leave No One Behind (LNOB) and Human Rights, "Human Rights Review of UNCT COVID-19 Socio-Economic Response Plans", 5 October 2020.

[10] Ibid.

[11] See for example WHO, "Toolkit on social participation: Methods and techniques for ensuring the social participation of Roma populations and other social groups in the design, implementation, monitoring and evaluation of policies and programmes to improve their health", 2016; OHCHR, "Lessons Learned: Views in the Context of Mid-Term Review of Implementation of the EU Framework for National Roma Integration Strategies 2012 2020", October 2017; Ivanov, Andrey, "Making Inclusion Truly Inclusive", UNDP, 2012.

Call for Action on Human Rights should continue to advance the accountability of the RCs and HCs in addressing racial discrimination and protection of minorities issues.

(3) Transparency

In reflecting on the current Regional Monthly Review (RMR) architecture for assessing the political, human rights and development situation -- the current arrangements in this area -- which involve some but not all UN agencies, and which make limited or no provision for communication with the public, has meant that the UN's primary architecture for addressing risk has remained relatively unknown. There is skepticism, even among actors directly involved that the RMR processes are effective. Lack of transparency appears to be at least partially driven by the logic of "political sensitivity" noted above. Heightening the transparency of risk response processes would appear to be a key component of measures to strengthen the system.

5. *Conclusions*

Despite repeated "never again" moments involving failures by the United Nations in severe human rights crises directly involving the systemic abuse of minorities or other inflamed racial discrimination matters, in 2021, the UN still as a matter of practice systemically avoids addressing racial discrimination and protection of minorities, particularly in its field operations where it matters most. Because this avoidance is the result of long-term dynamics in the development of the United Nations and its work modalities, this avoidance can only be overcome through dedicated attention from the centre, enhanced collaboration and partnership.

The architecture of the Agenda for Protection following up the Secretary General's Call for Action on Human Rights is the opportunity to embed this attention from the centre, potentially in advance of other measures to strengthen the UN's work in these areas. Indeed, as a cross-entity issue requiring collaboration across the UN system, addressing racial discrimination and strengthening the protection of minorities should be an explicit and core element for follow-up to the Secretary General's Call to Action, in particular – although not exclusively – as concerns the Agenda for Protection.

Finally, while the year 2020 has seen an extensive outpouring of commitments to challenge the twin scourges of racism and racial discrimination, it is not yet clear that our systems have drawn the explicit link to people: the victims of patterns and practices of racial discrimination are overwhelmingly minorities. Our system owes minorities explicit, dedicated attention.

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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.