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

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

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

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

Summary

The present report is submitted pursuant to Human Rights Council resolution 37/14. It contains information on relevant developments of United Nations human rights bodies and mechanisms, and on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the provisions of relevant international human rights treaties. The report covers the period from 1 January to 31 December 2018.



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I. Introduction

1. In its resolution 37/14 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, the Human Rights Council requested the United Nations High Commissioner for Human Rights to present an annual report to the Council. The present report contains information on relevant developments in the work of United Nations human rights bodies and mechanisms, and on the specific strategies adopted and activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR), at its headquarters and in the field, that contribute to the promotion of and respect for the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

II. Activities of the Office of the United Nations High Commissioner for Human Rights and recent developments of human rights bodies and mechanisms

A. Early warning mechanisms and protection of minorities

2. OHCHR continued to assist national authorities and other stakeholders in taking steps to prevent or mitigate violations of the human rights of persons belonging to minorities, including by supporting early warning mechanisms and risk assessments and building rapid response capacities.

3. In January 2018, in his report to the Human Rights Council on progress achieved in promoting reconciliation, accountability and human rights in Sri Lanka, the High Commissioner noted his particular concern regarding numerous incidents of intercommunal violence, attacks and hate speech against minorities during the course of 2017 (A/HRC/37/23, para. 45). That type of violence, in a country that had experienced cycles of extreme violence roughly every 10 years, was deeply troubling, particularly when accompanied by hate speech, misinformation and agitation through social media and political manipulation (*ibid.*, para. 50).

4. In May 2018, the High Commissioner expressed deep alarm at the volatile situation in the Central African Republic, particularly given the worrying incidents of hate speech and incitement to violence on the basis of religion, and the recent killings and attacks in Bangui.¹

5. In July 2018, the High Commissioner reported that the security situation in the Democratic Republic of the Congo continued to deteriorate in several regions across the country, with a dramatic impact on civilians. Inter-ethnic and intercommunal violence had also continued in Ituri Province between members of the Hema and Lendu communities, resulting in deaths, the burning of villages and mass displacement. Recently deployed army troops were also alleged to have committed human rights violations, particularly targeting the Lendu community.²

6. At the end of a three-day day visit to Kyrgyzstan in May 2018, the Assistant Secretary-General for Human Rights stressed that fair and equal treatment of ethnic minorities was a prerequisite for a just society. Human rights violations committed by governments, including discrimination among targeted groups, led to a strong sense of alienation and often violence and terrorism. In his meetings with high-ranking Kyrgyz officials, he had stressed the need to ensure that ethnic minorities were fully represented in the civil service, judiciary and law enforcement at both the local and national levels. He

¹ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23056&LangID=E.

² See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23316&LangID=E.

expressed concern over the continued lack of accountability for the victims of the ethnic violence in southern Kyrgyzstan in June 2010.³

7. In September 2018, the new High Commissioner for Human Rights, in her opening statement at the thirty-ninth session of the Human Rights Council, drew attention to the review of China by the Committee on the Elimination of Racial Discrimination in August 2018, which had brought to light deeply disturbing allegations of the arbitrary detention of large numbers of Uighurs and other Muslim minority communities, in so-called re-education camps across the Xinjiang Uighur Autonomous Region.⁴

8. She also drew attention to the situation in Cameroon, which had worsened in recent months as fighting had intensified in the Anglophone regions between security forces and armed groups, with a large number of civilian victims and over 180,000 people forcibly displaced.⁵

9. The detailed findings of the independent international fact-finding mission on Myanmar (A/HRC/39/CRP.2) were issued in September 2018. The mission determined that many of the human rights violations and serious violations of international humanitarian law in Kachin, Shan and Rakhine States amounted to the gravest crimes under international law. In addition to crimes against humanity and war crimes – reported to have been committed in all three States – the mission found strong evidence indicating that genocide had been committed against the Rohingya in Rakhine State. The mission noted the violent modus operandi of the Myanmar military, known as the Tatmadaw, against its own people and was struck by the similarity of the Tatmadaw operations and conduct across all three States. During its operations, the Tatmadaw systematically targeted civilians, including women and children, committed sexual violence, voiced and promoted exclusionary and discriminatory rhetoric against minorities, and established a climate of impunity for its soldiers. The mission also documented serious human rights violations committed by the Tatmadaw against ethnic Rakhine communities, including forced labour, sexual violence, killings and forced evictions.

10. The mission concluded that the half century of ongoing conflict between the Tatmadaw and the ethnic minorities in Myanmar, involving serious violations of international law, has made it abundantly clear that peace is impossible without a negotiated national political settlement that recognizes the legitimate aspirations of all ethnic minorities in Myanmar. The mission urged the Government of Myanmar to ensure the enjoyment of human rights for all, based on full equality and regardless of citizenship or “national race” status; and to dismantle the systems of oppression and discrimination against ethnic and religious minorities, with an urgent focus on the situation of the Rohingya.

11. During the reporting period, United Nations special procedure mandate holders took early warning measures to address concerns specific to certain countries or situations with respect to minorities. Several mandate holders sent an urgent appeal to Sri Lanka in March 2018, expressing serious concern over the attacks against Muslim minority groups in the Kandy district and the destruction of Muslim-owned properties and Muslim religious sites, as well as the alleged rise of hate speech and incitement to violence against Muslims by Sinhala extremist groups in the country. The mandate holders noted with concern that violent incidents against Muslim minority groups in the Kandy district had occurred on several occasions over recent years, motivated by inflammatory anti-Muslim rhetoric propagated within extremist groups and on social media. The mandate holders welcomed the public statements made by government representatives condemning the attacks, hate speech and incitement to violence, and the Government’s expressed commitment to launch

³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23109&LangID=E.

⁴ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23518&LangID=E.

⁵ *Ibid.*

an investigation into the incidents and into the possible failure of the law enforcement authorities to fulfil their duty.⁶

12. In March 2018, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser to the Secretary-General on the Prevention of Genocide reported on their joint study (A/HRC/37/65). They underlined that the effective “upstreaming” of atrocity prevention work would include measures to prevent the entrenchment of various forms of inequality and marginalization. Those measures could include removing discriminatory provisions from existing constitutions and introducing mechanisms of inclusion. Since, in many countries, attacks predominantly targeted minorities, articulating clear and enforceable guarantees for minorities in bills of rights might offer some protection and discourage both attacks on minorities and pre-emptive action by them.

B. Non-discrimination guarantees

13. During the period under review, OHCHR engaged in activities and strategies for the promotion and inclusion of non-discrimination guarantees in normative and policy processes regarding persons belonging to minorities.

14. In July 2018, during a side event at the thirty-eighth session of the Human Rights Council, the High Commissioner stated that the General Assembly’s request that Member States consider drafting a declaration on the promotion and full respect of the human rights of people of African descent was timely and important. The declaration should serve as an incentive for national action, providing concepts and ideas that could form a basis for the adoption of equality laws and policies. The primary beneficiaries of the declaration should be directly engaged in the drafting process, enabling them to express their views to the world community and engage with their governments in a manner that they had not been able to in the past.⁷

15. At the country level during 2018, the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) continued to promote efforts aimed at protecting the rights of ethnic and religious minorities in the country. The new Penal Code of Afghanistan, which entered into force on 14 February 2018, reinforces the country’s compliance with international human rights and criminal justice standards. The Code contains articles on the protection of the rights of ethnic and religious minority groups in relation to equality of persons before the law, incitement to discrimination or factionalism, insult to religion, introduction of sentencing for attacks against followers of religions, and discrimination in the civil service on religious, ethnic or linguistic grounds. In August 2018, the Government of Afghanistan commenced work on the draft anti-discrimination law, which will be reviewed by a legislative reform committee comprised of national and international stakeholders. The Human Rights Unit remains engaged with the Ministry of Justice to provide technical support in integrating international human rights standards into the draft law for the protection of ethnic and religious minorities.

16. The OHCHR Regional Office for Central Asia, in cooperation with the Presidential Office of Tajikistan, organized several meetings of the working group on the development of an anti-discrimination law. Those meetings offered a first opportunity for representatives of the Presidential Office, the Ministry of Justice, the Office of the Ombudsperson, civil society, the Organization for Security and Cooperation in Europe (OSCE) and United Nations agencies to review relevant recommendations from human rights mechanisms and take them into account during the drafting process of the anti-discrimination law. Based on OHCHR advocacy, the Government made a commitment to prepare the draft law in close consultation with civil society organizations. It is expected that during 2019, after further rounds of public discussion, the law will be drafted and submitted to State ministries and agencies for their feedback. During 2018, the Regional Office also supported the

⁶ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23715>.

⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23304&LangID=E.

Government in developing a national action plan for 2018–2020 to implement the recommendations of the Committee on the Elimination of Racial Discrimination (see CERD/C/TJK/CO/9-11). The national action plan, developed through consultations with civil society, establishes the duty of the State to monitor the country situation and to adopt the measures necessary to ensure that ethnic minorities are represented in the civil service and in law enforcement agencies, to provide quality education to representatives of ethnic minorities and to amend existing laws. In addition, provisions concerning the right to equality and the prohibition of discrimination against minorities are included in the draft national human rights strategy that is being prepared with support from the Regional Office. The national strategy will cover issues related to the participation of minorities in the economic, social and cultural life of society, and their right to be educated in both the State and minority languages.

17. The OHCHR Regional Office for Europe supported the goals of the International Decade for People of African Descent by raising awareness about the increase in racial hatred and violence against people of African descent in Europe. It also encouraged European Union institutions to acknowledge people of African descent as victims of racism, racial discrimination, xenophobia and related intolerance, and supported measures to close gaps in European Union anti-discrimination legislation.

18. During the period under review, the OHCHR Regional Office for Central America continued to promote equality and discourage discrimination, as part of its strategy to address the racial profiling of people of African descent. The Regional Office analysed the data-collection and evaluation methods used to identify racial profiling in a number of countries. The findings, methodological issues and lessons learned from other countries and experiences were summarized to contribute to the preliminary analysis of samples of data collection and evaluation methods used in public institutions in Panama. A methodological proposal and a road map for the preparation of a report on racial profiling in the law enforcement agencies in Panama will be developed in 2019 by OHCHR.

19. In March 2018, in a statement marking the International Day for the Elimination of Racial Discrimination, a number of United Nations and regional human rights experts urged States, civil society organizations and activists to step up their efforts to stem the alarming rise in racism and xenophobia worldwide. They highlighted that racial, ethnic and religious bigotry was fuelling human rights violations, including extreme violence against minorities and against refugees, migrants, and stateless and internally displaced persons, including people of African descent. They said that urgent global attention must be paid to the structural economic, political and legal conditions that were stoking racism and xenophobia among populations that perceived minorities and non-nationals as threats. Putting an end to the forced displacement and cultural extinction of racial, ethnic, religious and linguistic minorities that resulted from extraction and construction projects driven by both governments and multinational corporations, was just as urgent as addressing the resurgence of neo-Nazism.⁸

20. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, noted in her report (A/HRC/38/52) that the resurgent xenophobic and racist rhetoric and policies rooted in ethno-nationalism not only harmed non-citizens of any given nation, but also made citizens who were members of ethnic, racial or religious minorities vulnerable to discrimination and intolerance.

21. During the reporting period, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of All Forms of Discrimination against Women made recommendations to several States in relation to non-discrimination guarantees to protect minority groups. For example, the Committee on the Elimination of Racial Discrimination addressed the need to take steps to facilitate access by minorities to justice.⁹ It also addressed the discrimination faced by persons of African descent, in particular reports of racist hate crime and hate speech, racist depictions in the media, racial profiling, residential and economic segregation and discrimination in accessing health care,

⁸ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22856&LangID=E.

⁹ See, for example, CERD/C/KGZ/CO/8-10, para. 14.

education and employment.¹⁰ The Committee on the Elimination of All Forms of Discrimination against Women addressed the question of access to justice by minority women, including access to free interpretation services.¹¹

C. Human rights situation of Roma communities

22. OHCHR and human rights mechanisms have followed the situation of Roma communities around the world. This includes monitoring cases of concern through special procedure mechanisms, ensuring that sufficient attention is paid to Roma issues, conducting field missions to countries where Roma communities reside, and issuing press releases and statements where relevant on matters of concern involving Roma communities.

23. In March 2018, the OHCHR Regional Office for Europe conducted a mission to France, with the aim of ensuring that housing policies are designed and implemented in a manner that protects and promotes the human rights of Roma communities. During the mission, the team documented the specific challenges faced by Roma living in informal slums and squats, and the developments made and measures taken by the authorities in the areas of housing, education, employment and health. In June 2018, OHCHR published the report “No one left behind: mission report on the right to housing and related human rights of Roma in France”, which was produced with the assistance of the French National Consultative Commission on Human Rights. The report concluded that the laws and policies related to housing and the human rights of Roma in France had not been implemented in a systematic manner across the French territory, and that greater efforts were needed to ensure that available resources reached those most in need. OHCHR called on France to design and implement its policies in a manner that protected and promoted the human rights of the most excluded, and to ensure that no one was left behind.

24. OHCHR is also supporting efforts to advance the development of truth and reconciliation processes at the national and European levels in order to acknowledge the persecution and exclusion of Roma communities, pursuant to the European Parliament resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the European Union. The Office is collaborating with Soraya Post, a Member of the European Parliament, her office and other relevant stakeholders, to implement the resolution as an important tool in bridging the gap in trust between the Roma community and the majority groups in society.

25. In April 2018, the Special Rapporteur on minority issues issued a statement upon the conclusion of his official visit to Slovenia, highlighting that stronger steps were required to tackle discrimination, prejudice and social exclusion, and therefore the continuing issues affecting the Slovenian Roma community. He recommended that additional specific measures be taken, in consultation with civil society representatives, in the fields of education and social services, including temporary affirmative action programmes in employment.¹²

26. The Special Rapporteur on racism conducted an official visit to the United Kingdom of Great Britain and Northern Ireland in May 2018. She raised strong concerns over the invisibility of Roma, gypsy and traveller communities, which, despite formal recognition and intensive consultation, still did not benefit from an adequate level of national integration and suffered high levels of prejudice from the population at large.¹³

27. Three special procedure mandate holders issued a statement in July 2018, urging Ukraine to take immediate action to stop what amounted to “systematic persecution” of members of the Roma minority, who had been targeted in a series of violent attacks. The mandate holders condemned the acts of intimidation and violence against members of the Roma minority in Ukraine and expressed serious concern at the growing level of hatred and

¹⁰ See, for example, CERD/C/SWE/CO/22-23, para. 22 and CERD/C/SAU/CO/4-9, para. 25.

¹¹ See, for example, CEDAW/C/SUR/CO/4-6, paras. 12–13.

¹² See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22935&LangID=E.

¹³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23074&LangID=E.

racially motivated violence against that community, and in particular against women and children, its most vulnerable members.¹⁴

28. In her annual report (A/HRC/38/52), the Special Rapporteur on racism highlighted that long-standing barriers in access to citizenship and naturalization in various countries had contributed to the deep-rooted forms of discrimination and exclusion faced by Sinti and Roma. Many members of the Roma and Sinti communities were stateless or faced the risk of statelessness due to their lack of access to civil registration and identity documents. Those barriers meant that statelessness was passed on from generation to generation, further perpetuating their exclusion, discrimination and marginalization.

29. The Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child made recommendations to several States in relation to Roma communities, particularly concerning intolerance and prejudice towards vulnerable and minority groups, including Roma, and the prevalence of hate speech and hate crimes against those groups, including on the Internet. The Committees also expressed concern over children in Roma communities. They recommended that States strengthen their efforts to combat intolerance, stereotypes and prejudice, and take measures to improve the reporting, investigation, prosecution and punishment of hate crimes and criminal hate speech.¹⁵ The Committee on the Rights of the Child also recommended that States establish a system to track all cases involving child marriage in Roma communities.¹⁶

D. Minority youth

30. In June 2018, in his report on youth and human rights (A/HRC/39/33), the High Commissioner highlighted that existing participatory decision-making mechanisms should be improved and new ones explored in order to offer the possibility to think beyond traditional voting, and to make better use of information and communications technologies to ensure the equal participation of young people. Those mechanisms should take into account how intersecting forms of discrimination affected the ability of all young people to participate, in particular young people belonging to minority groups.

31. During the reporting period, some initiatives at the country level sought to promote the rights of minority youth. For example, in May 2018, a youth educational club called Synergy, from North Mitrovica, led a plenary activity as part of the project entitled “youth as advocates of human rights and gender equality”, supported by the Human Rights Unit of the United Nations Interim Administration Mission in Kosovo (UNMIK). Over the course of six months, Synergy delivered 20 workshops for approximately 200 high school and university students from non-majority communities, aimed at raising their awareness of the root causes and ramifications of different forms of violence.

32. Also in May 2018, the second session of the Moldovan national youth forum on minorities, organized by the Moldovan youth platform for inter-ethnic solidarity, with the support of OHCHR, took place in Chisinau. It focused on the representation of minorities in the mass media. Around 100 participants gathered for the event, including minority young people from different regions of the country, non-governmental organizations (NGOs), journalists from minority and majority communities, members of the Government and Parliament and representatives of national human rights institutions. Participants made recommendations to the Government, which included support for minority-led media; the translation of websites of government institutions into minority languages; and the effective monitoring and sanctioning of discriminatory and hate speech towards minorities, both online and in the traditional mass media.

¹⁴ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23385&LangID=E.

¹⁵ See, for example, CCPR/C/LTU/CO/4, para. 8, CCPR/C/HUN/CO/6, para. 16 and CERD/C/SWE/CO/22-23, para. 25.

¹⁶ See, for example, CRC/C/MNE/CO/2-3, para. 36.

33. In August 2018, OHCHR participated in the running of the second minority rights summer school, held in Gagauzia, Republic of Moldova, and organized by the Moldovan youth platform for inter-ethnic solidarity and the Ukrainian Romani youth organization. Around 20 minority young people from different ethno-linguistic and religious communities of the Republic of Moldova and Ukraine attended the event. Young people from the majority community and former OHCHR minority fellows from Georgia, the Republic of Moldova and Ukraine also participated in the summer school.

E. Empowerment and participation

34. International minority rights standards emphasize the effective participation of persons belonging to minorities in decisions that affect them, and their full participation in all aspects of public life. In this context, OHCHR engaged in strategies and activities to promote the empowerment and participation of minorities.

35. Established in 2005, the OHCHR Minorities Fellowship Programme is the most comprehensive training and capacity-building programme for minority youth in the United Nations system. Offered in Arabic, English and Russian, the programme aims to provide young people from minority communities with an in-depth knowledge of the United Nations human rights mechanisms and reinforce their advocacy skills to better promote international human rights standards. In 2018, the programme was held from 4 to 30 November with the participation of 40 fellows from 36 countries. While the programme is organized by OHCHR, several other United Nations agencies are also involved, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Institute for Training and Research, the International Labour Organization, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Children's Fund. It is run in close collaboration with Geneva-based civil society and NGO partners, and other international and regional bodies such as the Permanent Delegation of the European Union to the United Nations Office and other international organizations in Geneva, and the Council of Europe.

36. To ensure the complementarity and sustainability of work on minority issues at both the global and country levels, the national and regional components of the fellowship programme were held in the OHCHR office in Tunisia, and in the OHCHR Regional Offices for Europe and for the Middle East and North Africa. In addition, two senior minority fellows joined OHCHR at its headquarters in Geneva and contributed directly to its programmes and activities on minority issues. Such exposure also allowed the fellows to develop an extensive contact network with OHCHR staff in general, and with other United Nations departments or agencies, State representatives and human rights NGOs in Geneva.

37. Throughout 2018, the OHCHR country office in Colombia supported the work of the National Afro-Colombian Peace Council, the National Association for Displaced Afro-Colombians and the National Conference of Afro-Colombian Organizations. The country office provided concrete policy recommendations on collective land rights and reparations for Afro-Colombian peoples to several State institutions. The office also provided continuous technical advisory services to a wide range of ethnic leaders throughout the country.

38. As mentioned above, the Assistant Secretary-General for Human Rights conducted a three-day visit to Kyrgyzstan in May 2018, concluding that fair and equal treatment of ethnic minorities was a prerequisite for a just society. He also stressed the need to ensure that ethnic minorities were fully represented in the civil service, judiciary and law enforcement at both the local and national levels.¹⁷

39. In September 2018, in Herat Province, Afghanistan, UNAMA organized a meeting with civil society representatives to discuss challenges faced by minority groups, with particular regard to their participation in the parliamentary and district council elections that

¹⁷ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23109&LangID=E.

were to take place on 20 October. The participants also raised concerns over whether the transparency of the proportional representation system would meet the expectations of minority groups.

40. During the period under review, with the aim of increasing the participation of ethnic minorities in State structures, the OHCHR Regional Office for Central Asia, in partnership with Osh State University, Kyrgyzstan, developed an internship programme within the national and local civil service for final-year university students and university graduates. Almost 30 participants, including members of ethnic minorities and members of the majority ethnic group, successfully completed their internships in various State agencies.¹⁸ Through the programme, participants with diverse ethnic backgrounds became involved in the daily provision of national and local services, and they were able to acquire first-hand experience and improve their skills to better qualify for positions in those services.

41. The Special Rapporteur on the right to education, in her report on governance and the right to education (A/HRC/38/32), underlined that participation should not be based on majority rule. Decentralization could ensure that education was more equitable, inclusive and responsive to local learner needs by empowering local communities, particularly minorities, to adjust the delivery of education to meet local demands.

42. In order to effectively promote and protect the participation of minority groups, the Committee on the Elimination of Racial Discrimination recommended taking measures to ensure and promote occupational mobility for marginalized groups, including through hiring incentives, vocational training and community-based awareness-raising and empowerment programmes.¹⁹ In other cases, the Committee recommended ensuring the effective participation of all ethnic groups and relevant civil society organizations, particularly those working on the elimination of racial discrimination in the design, implementation and evaluation of State policies.²⁰

43. In October 2018, the OHCHR Regional Office for Central Asia launched a comprehensive strategic litigation programme on non-discrimination for lawyers and human rights defenders in Kyrgyzstan. The aim of the programme is to enable lawyers and human rights defenders to conduct litigation professionally and competently in strategically important cases related to ethnic minorities. The year-long programme has provided training to 50 lawyers and human rights defenders on the principles and theory of strategic litigation and on how international and national law can be used to engender social change in the country. The training programme is part of the Judicial and Social Equality Programme of the Regional Office for Central Asia.

44. In the same vein, in October 2018, the OHCHR Regional Office for Central Asia delivered the first of five segments of a comprehensive training programme for civil society organizations, national human rights institutions and members of the national preventive mechanism on non-discrimination, including on the rights of ethnic minorities. Through the programme, already 90 participants have been able to discuss concepts related to human rights, international human rights law and international mechanisms for the protection of human rights, with a specific focus on diversity management.

F. Religious minorities

45. OHCHR has been relying on the United Nations network on racial discrimination and protection of minorities, and the framework contained in the Beirut Declaration on Faith for Rights, for training and advocacy purposes with different stakeholders, including religious minorities, members of civil society and United Nations human rights mechanisms. The Beirut Declaration and its 18 commitments on “Faith for Rights” notably include the pledge to stand up for the rights of all persons belonging to minorities and to

¹⁸ For example, the State tax service, the Prosecutor’s Office, mayors’ offices and police stations.

¹⁹ See, for example, CERD/C/NPL/CO/17-23, para. 31.

²⁰ See, for example, CERD/C/KGZ/CO/8-10, para. 20.

defend their freedom of religion or belief, as well as their right to participate equally and effectively in cultural, religious, social, economic and public life, as recognized by international human rights law and as a minimum standard of solidarity among all believers.²¹

46. In the same context, OHCHR organized the first regional workshop in Tunis in May 2018, focusing on the role of young people of different faiths in the promotion of human rights in the Middle East and North Africa. Several ongoing initiatives were presented through interactive panel discussions, including initiatives on promoting minority rights through advocacy with United Nations human rights mechanisms and on youth entrepreneurship to prevent violent extremism.

47. In November 2018, OHCHR organized a conference in Morocco, with the participation of young people from the Middle East and North Africa and international experts, including the Special Rapporteur on minority issues. The conference focused on engaging members of civil society, in particular young people, to share their experience of promoting the rights of minorities, combating incitement to hatred and identifying future steps to protect religious minorities. It also aimed to encourage young people to engage in promoting respect and understanding, combating incitement to hatred and promoting the rights of religious minorities.

48. The UNAMA Human Rights Unit continued to document attacks targeting the minority Shia population in Afghanistan, and continued to advocate for the better protection of this religious minority group. In its special report covering the period 1 January to 30 September 2018,²² UNAMA noted that anti-government elements continued to direct attacks against the Shia Muslim population, most of whom were ethnic Hazara.²³ During the reporting period, other religious minorities, such as Hindus and Sikhs, also suffered from violence, causing members of those two religious minorities to fear for their safety.

49. In July 2018, the Human Rights Unit of the United Nations Mission for Justice Support in Haiti (MINUJUSTH), together with the Haitian national council of voodoo, launched a three-month project focused on the evaluation of and awareness-raising on discrimination against those who practise voodoo. The first phase of the project aims to identify the types of acts of violence and discrimination perpetrated against those who practise voodoo, and to encourage victims to file judicial complaints. The second phase will consist of public awareness campaigns to promote religious freedom and religious tolerance.

50. A number of United Nations human rights mechanisms raised issues related to religious minorities during the reporting period. In its resolution 37/9 on freedom of religion or belief, the Human Rights Council expressed concern at continuing acts of intolerance and violence based on religion or belief against individuals, including persons belonging to religious communities and religious minorities around the world.

51. In her annual report to the Human Rights Council (A/HRC/38/52), the Special Rapporteur on racism drew attention to how, in many parts of the world, individuals or groups were discriminated against because they were “Muslim-looking”, irrespective of whether those individuals or groups even held Islamic religious beliefs. While religion was not mentioned as a ground for prohibited racial discrimination in the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination had found that article 1 might apply to cases involving religious discrimination where the targeted individual or individuals belonged to identifiable ethnic minority groups.

²¹ See www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx.

²² UNAMA, “Special report: increasing harm to Afghan civilians from the deliberate and indiscriminate use of improvised explosive devices” (Kabul, Afghanistan, 2018).

²³ Between 1 January and 30 September 2018, there were 705 civilian casualties, 211 deaths and 494 injuries caused by suicide and non-suicide attacks using improvised explosive devices. With the exception of one suicide attack, they were all claimed by Islamic State in Iraq and the Levant-Khorasan Province.

52. The Special Rapporteur on freedom of religion or belief, in his interim report to the General Assembly (A/73/362), explained that violence in the name of religion or belief predominantly targeted persons belonging to religious or belief minorities, including converts, humanists, atheists and agnostics who suffered from a climate of intimidation, repression or violence, globally. In recent years, a number of joint communications had been issued to States by the special procedure mandate holders, together with the Special Rapporteur on freedom of religion, concerning direct discriminatory practices and heavy-handed State restrictions imposed on persons belonging to religious or belief minorities who were alleged to be threats to the public order.

53. Several human rights treaty bodies addressed the situation of religious minorities. For example, the Committee on the Elimination of Racial Discrimination recommended taking all measures necessary to ensure the rights of ethno-religious minorities, including their right to freedom of thought, conscience and religion, without any discrimination.²⁴

G. 2030 Agenda for Sustainable Development: leaving no one behind

54. The 2030 Agenda for Sustainable Development and its overall focus on reducing inequalities and leaving no one behind is of particular relevance to minorities. In its resolution 37/14 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, the Human Rights Council welcomed the adoption of the 2030 Agenda for Sustainable Development, recalling that the Sustainable Development Goals and targets seek to realize the human rights of all.

55. During the reporting period, OHCHR produced an updated guidance note on a human rights-based approach to data,²⁵ which includes specific recommendations to apply the “do no harm” principle in data-collection activities, while ensuring the participation of groups at risk of being left behind, including national, ethnic, religious and linguistic minorities.

56. OHCHR continues to support country-led efforts to identify groups at risk of being left behind, including national, ethnic, religious and linguistic minorities, as a preliminary step to ensuring their meaningful participation in the implementation and measurement of the 2030 Agenda. In March 2018, OHCHR conducted capacity-building activities with United Nations, State and civil society stakeholders in Uganda on human rights indicators and approaches to data in the Sustainable Development Goals. Part of the training focused on identifying an illustrative list of groups at risk of being left behind in the country.

H. Minorities and migration

57. During the period under review, migrants who are members of minority groups have faced violence and multiple forms of intersectoral discrimination.

58. In June 2018, a group of United Nations special procedure mandate holders issued a public statement on the situation of migrants in the United States of America and the Executive Order signed by the President on 20 June 2018. The vast majority of those migrants were indigenous peoples or persons belonging to ethnic or racial groups categorized as non-white in the United States. Therefore, the devastating effect of the Executive Order had been largely reserved for children and families of indigenous peoples and other non-white migrants.²⁶

59. The Special Rapporteur on racism conducted an official visit to the United Kingdom in May 2018 and raised serious concerns over its immigration policy. She also pointed to concerns over widespread discrimination faced by ethnic minorities and over the criminalization of young people belonging to ethnic minorities, especially young black

²⁴ See, for example, CERD/C/SAU/CO/4-9, para. 24.

²⁵ OHCHR, “A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development” (2018).

²⁶ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23245&LangID=E.

men. She cautioned that the country's immigration policy was deeply connected to racial inequality. She was deeply concerned about the policy in the anti-terrorism "Prevent" Programme, which mandated civil servants, social workers, caregivers, educators and others to make life-altering judgments on the basis of vague criteria, in a climate in which entire religious, racial and ethnic groups were presumed to be enemies.²⁷

60. The Special Rapporteur on racism, in her annual report to the Human Rights Council (A/HRC/38/52), underlined that the relationship between racial and religious discrimination was complex. For example, religious minorities might also be racially or ethnically distinct in ways that made them vulnerable to racial discrimination that was formally achieved through religious preferences. Racist and xenophobic speech and violence against racial and other minorities, and against refugees and migrants in particular, had escalated in the wake of the decision by the United Kingdom to leave the European Union, or "Brexit", and in national elections in Europe, North America and Australia.

61. At the regional level, the OHCHR Regional Office for Asia and the Pacific continued to advocate for the rights of migrants detained in Australian offshore processing centres in Manus, Papua New Guinea, and Nauru. Some migrants belonging to minority groups, such as the Hazara or Rohingya, are not recognized as citizens in their own country and face a high threat of violence if they are deported.

62. The MINUJUSTH Human Rights Unit continued to monitor the impact of policies and laws adopted by several States hosting Haitian migrants, which have resulted and are likely to continue resulting in significant numbers of deportations and spontaneous returns to Haiti. These States include the Dominican Republic,²⁸ the Bahamas and the United States. Deportations and spontaneous returns of Haitians have increased since the adoption of those policies and laws. For example, ongoing tensions between the Dominican population and Haitian migrants have prompted many Haitians to flee their host country out of fear of violence. In August 2018, the National Regularization Plan for Foreigners, adopted in November 2013 by the Government of the Dominican Republic, was terminated after two extensions. Thousands of Haitians residing in the Dominican Republic are now awaiting the outcome of their applications to regularize their situation.

I. Minorities and statelessness

63. A number of United Nations human rights mechanisms and various field presences raised issues related to stateless minorities. Statelessness is a human rights issue disproportionately affecting minorities around the world. According to a UNHCR report on statelessness, more than 75 per cent of the world's known stateless persons were members of minority groups as at 2017.²⁹

64. In his report to the Human Rights Council (A/HRC/37/66), the Special Rapporteur on minority issues noted that statelessness would be a thematic priority for his mandate. In his 2018 report to the General Assembly (A/73/205), which was dedicated to the issue, he highlighted that stateless minorities were often doubly vulnerable. The discriminatory denial or removal of citizenship could have long-lasting and extreme consequences for their enjoyment of other rights or their access to various services. In addition, women belonging to minorities might be further discriminated against in relation to the acquisition, change or retention of nationality and the conferral of nationality on their children.

65. The Special Rapporteur on minority issues dedicated the eleventh session of the Forum on Minority Issues,³⁰ held in November 2018, to the topic of statelessness, a minority issue. During the two-day meeting, participants aimed to identify the main challenges faced by persons belonging to minorities in the context of statelessness and to promote dialogue and cooperation in order to identify effective solutions.

²⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23074&LangID=E.

²⁸ As at 2013, the Dominican Republic was hosting approximately 458,000 Haitians.

²⁹ UNHCR, "This is our home": stateless minorities and their search for citizenship" (2017).

³⁰ Pursuant to Human Rights Council resolutions 6/15 and 19/23.

66. The Special Rapporteur on racism, in her annual report to the Human Rights Council (A/HRC/38/52), underlined that statelessness was often the result of long-standing discrimination against, among others, racial and ethnic minorities, and religious groups. It was often the foreseeable product of discriminatory laws, policies and practices that aimed to exclude or have the effect of excluding people who were considered as foreign, often based on their race, colour, descent, ethnicity, national origin or religion.

67. During the reporting period, OHCHR developed several initiatives on stateless minorities. The OHCHR country office in Cambodia had continued to monitor the challenges faced by certain vulnerable Vietnamese communities, both in the past and present, in relation to their legal status. These challenges result in ineffective citizenship or statelessness and affect their enjoyment of human rights, particularly their enjoyment of economic, political and social rights, such as their participation in daily life and access to State services, including birth registration, public education and health. Vietnamese communities are the largest minority group living in Cambodia and they have been subjected to discrimination, violence and displacement. Many are in a situation of ineffective citizenship or statelessness. In this context, the Government has developed a naturalization process that, if duly implemented, will allow Vietnamese communities living in Cambodia the right to seek naturalization for the first time.

J. Linguistic rights

68. A number of United Nations human rights mechanisms and OHCHR field presences raised issues regarding linguistic minorities.

69. During the update on the human rights situation in Ukraine at the thirty-seventh session of the Human Rights Council, the United Nations Deputy High Commissioner for Human Rights reminded the Council that the International Court of Justice had requested that the Russian Federation ensure the availability of education in the Ukrainian language in the Autonomous Republic of Crimea – a critical measure taken following the sharp decrease in the number of children receiving teaching in Ukrainian. She said it was encouraging that three months earlier, the Ministry of Education of Crimea had outlined a new road map on the choice of language in education, which aimed to increase students' access to education in their mother tongue.³¹

70. In May 2018, OHCHR delivered a training workshop in the Republic of Moldova for Russian-speaking minority journalists on the Framework Convention for the Protection of National Minorities. The workshop was attended by 15 journalists, some of whom had disabilities, from different regions, including from rural areas.

71. In May 2018, UNMIK and the United Nations Kosovo team organized the United Nations Kosovo Trust-Building Forum, with the participation of the European Union, the European Union Rule of Law Mission in Kosovo and the OSCE Mission in Kosovo. The 120 participants, more than half of whom were women, represented a broad cross section of society in Kosovo,³² including leaders from municipal administrations, civil society, academia, women's and youth organizations and the Ministry of Communities and Returns of Kosovo. The participants identified avenues to build greater trust between communities in Kosovo, and established a platform for future action in fields such as good governance, access to justice, interreligious trust-building, economic empowerment, the environment and education. Cross-cutting issues included, among others, youth and linguistic rights.

72. The Special Rapporteur in the field of cultural rights, upon conclusion of her mission to Serbia and Kosovo (A/HRC/37/55/Add.1), recommended that Serbia increase access to bilingual education, in consultation with the minorities concerned, in order to enable minority children to participate in wider society while still fully enjoying their linguistic rights.

³¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22869&LangID=E.

³² All references to Kosovo in the present document should be understood to be in the context of United Nations Security Council resolution 1244 (1999).

73. In a public statement upon conclusion of his official visit to Botswana in August 2018, the Special Rapporteur on minority issues pointed out that minorities living in remote areas faced significant difficulties in accessing education. He recommended that the Government of Botswana review policies that prevented the teaching of minority languages and teaching in minority languages in both public and private schools.³³

74. Several human rights treaty bodies addressed the situation faced by linguistic minority groups. For example, the Committee on the Elimination of Racial Discrimination recommended that States include national languages in their education systems for children who wished to be taught in those languages, and ensure that the use of a particular language did not lead to the exclusion of the group concerned.³⁴

K. Human rights defenders

75. As custodian agency for indicator 16.10.1 of the Sustainable Development Goals, OHCHR provided, for the first time, global data on the killing of human rights defenders in the report of the Secretary-General of the United Nations on progress towards the Sustainable Development Goals (E/2018/64). The report showed that at least one human rights defender had been killed every day since 2015. Among the victims were minority rights advocates.

76. In May 2018, the OHCHR Regional Office for Central Asia organized a regional human rights defenders security platform meeting, gathering nearly 100 human rights defenders from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, in cooperation with the Kazakh NGO Kadyr-Kassiyet (“Dignity”) and with support from international and human rights organizations. Together with the Assistant Secretary-General, human rights defenders and security experts, the participants discussed key issues faced by human rights defenders in Central Asia, including threats faced by organizations working with minority groups such as ethnic minorities.

77. At the country level, Afro-Colombian organizations supported the preparations for the universal periodic review of Colombia held in May 2018, during which they highlighted the critical security situation of human rights defenders. They reported that between the signing of the peace agreement in November 2016 and May 2018, approximately 282 human rights defenders had been killed. Antioquia, Cauca, Choco, Nariño, Putamayo and Valle del Cauca were among the departments worst affected by that kind of violence and, coincidentally, among the departments with the highest percentage of ethnic communities.

78. During 2018, the Committee on the Elimination of Racial Discrimination expressed concern over the increasing number of incidents of harassment faced by civil society organizations, human rights defenders and journalists, including those monitoring and reporting on the situation of ethnic minorities, rendering the environment within which they operated hostile.³⁵

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

79. During the reporting period, as coordinator of the network, OHCHR published a guidance tool on descent-based discrimination.³⁶ In April 2018, it organized, in collaboration with the International Movement against All Forms of Discrimination and Racism, a subregional consultation in Japan on strengthening strategies to combat caste-based and analogous forms of discrimination. The guidance tool, which had been translated into Japanese, served as a guide on how best to tackle exclusion based on ancestry. A

³³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23471&LangID=E.

³⁴ See, for example, CERD/C/MRT/CO/8-14, para. 18.

³⁵ See, for example, CERD/C/KGZ/CO/8-10.

³⁶ OHCHR, “Guidance tool on descent-based discrimination: key challenges and strategic approaches to combat caste-based and analogous forms of discrimination” (2017).

member of the Committee on the Elimination of Discrimination participated in the consultation, which involved 42 participants predominantly from the Buraku community in Japan and also from Bangladesh, India, Nepal and Sri Lanka. Participants shared good practices regarding the measures taken to eradicate discrimination against Dalit communities, and highlighted the need to continue those practices. The consultation was followed by a symposium in Tokyo attended by approximately 130 participants, including around 10 members of the parliament, and representatives of the private business sector and civil society.

IV. Conclusions

80. During 2018, persons belonging to minorities continued to face numerous and recurrent significant human rights challenges in many parts of the world. Those challenges included incitement to violence, sexual violence and attacks on the basis of ethnicity and religion. In addition, hate speech and incitement to ethnic or religious hatred, including among refugee and migrant populations, were among the challenges faced by minorities. Roma communities continued to be subjected to violence, systematic persecution, discrimination, prejudice, social exclusion and hate speech. Incidents of discrimination in access to education, housing and employment, and a lack of effective participation in public life were also reported. The Human Rights Council and other United Nations human rights mechanisms continued to address emerging and ongoing situations of oppression of and discrimination against ethnic and religious minorities. They called upon States to effectively and promptly investigate any crimes against Roma individuals and communities, including by investigating any alleged discriminatory motive behind the attacks.

81. In this context, OHCHR continued to monitor the adoption and the impact of policies that had resulted in widespread discrimination against and exclusion of minorities. The Office also engaged in activities and strategies for the promotion and inclusion of non-discrimination guarantees in order to fully implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Those measures included supporting policy and legislative processes concerning persons belonging to minorities through the development of anti-discrimination policies and laws, awareness-raising activities and data collection analysis on racial profiling. OHCHR continued to support the efforts to advance truth and reconciliation processes at the national and European levels in order to acknowledge the persecution and exclusion of Roma communities, pursuant to the European Parliament resolution of 25 October 2017.

82. OHCHR adopted a range of country, regional and global strategies to support dialogue and activities with a wide range of stakeholders, with a view to combating hate speech, promoting respect for religious diversity and dialogue, reflecting on the importance of investing in minority youth, collecting disaggregated data on minorities and encouraging their participation in decision-making processes.

83. Respect for religious diversity and dialogue, and for the participation of minorities in various spheres of life, is essential for the development of a truly inclusive society. OHCHR used the United Nations network on racial discrimination and protection of minorities, and the framework in the Beirut Declaration on Faith for Rights, for training and advocacy purposes with religious minorities, members of civil society and United Nations human rights mechanisms.

84. Promoting minority rights requires the empowerment of minority youth and minority youth leaders, enabling them to better claim their rights and therefore fostering a more peaceful and stable society. In this regard, OHCHR continued to support minority youth through the OHCHR Minority Fellowship Programme (available to 40 participants in Arabic, English and Russian), with a view to investing in their important role as active members of society and of minority communities in certain regions. There is a need to create more space for minority rights advocacy

within civil society, and to make sure that efforts made by human rights defenders to promote minority rights are supported, both nationally and internationally.

85. Recognizing that the 2030 Agenda for Sustainable Development puts the principles of equality and non-discrimination at its centre, OHCHR supported the implementation of the Sustainable Development Goals and their associated targets relevant to minorities. It is essential to collect disaggregated data to be able to make a comprehensive assessment of the extent and range of the challenges faced by minorities, and yet, worldwide, data collection remains largely insufficient.
