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**Report of the Independent Expert on minority issues,*
Gay McDougall**

* The present report is submitted after the deadline to reflect the most recent information.

Summary

The mandate of the Independent Expert on minority issues was established by the Commission on Human Rights in its resolution 2005/79. The Independent Expert is required *inter alia* to promote implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, to identify best practices by States and possibilities for technical cooperation by the Office of the High Commissioner for Human Rights. The Independent Expert submitted her initial report to the Human Rights Council in January 2006, in which she addressed the scope of her mandate, her methods of work, and identified key thematic priorities for the initial period of her mandate: minorities in the context of poverty alleviation and the MDGs; and promoting inclusion and stability.

In the period following submission of her initial annual report the Independent Expert has undertaken two official country missions, to Hungary (25 June-3 July 2006), and to the Federal Democratic Republic of Ethiopia (28 November-12 December 2006), to consult on minority issues and consider national legislation, policy and practice relating to national or ethnic, religious and linguistic minorities.

The Independent Expert has conducted extensive consultations in regard to all elements of her mandate. She has attended expert seminars and conferences, has convened consultations, held bilateral and multilateral discussions, including with Member States of the United Nations, engaged with agencies of the United Nations system and regional intergovernmental organizations, and consulted widely with civil society and directly with minority communities. She has prioritized gender issues related to her mandate and has held dedicated forums for minority women during her country missions. She has conducted focused consultations and research on the key thematic priorities identified in her initial report.

In every region of the world, there are minorities that are the poorest of the poor, often having faced long-standing discrimination, exclusion, denial of their basic rights, and sometimes violence. Minorities face high and disproportionate levels of poverty and the dynamics of that poverty are often more complex in nature for minority groups and defy the rationale of common denominator policies of poverty alleviation. Often minorities are neglected or excluded from efforts to achieve the Millennium Development Goals (MDGs). Recognizing the urgent need to address the situations of minorities more fully in international and national efforts to alleviate poverty and achieve the Goals, the Independent Expert has decided to focus her second annual report on this subject.

Targeted as well as mainstreamed approaches and policies are required to address the particular circumstances of poverty experienced by persons belonging to national or ethnic, religious and linguistic minorities. Governments in designing, planning and implementing poverty alleviation and MDG policies, must give high priority to ensuring that disadvantaged minorities are considered in relation to their unique conditions of exclusion and discrimination, and consequent high levels of extreme and persistent poverty. To assist such efforts, in the contexts of MDG Country Reports and in Poverty Reduction Strategy Papers (PRSPs), Governments are urged to provide detailed consideration of the situations of minority groups and statistical data that helps to reveal the status of minorities in relation to other groups.

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Introduction

1. The Independent Expert is pleased to submit to the Human Rights Council her second annual report, which provides an overview of her activities from January 2006. Since the presentation of her initial report (E/CN.4/2006/74), she has undertaken two official country missions, to Hungary (26 June-3 July 2006), and to the Federal Democratic Republic of Ethiopia (28 November-12 December 2006) (A/HRC/4/9/Add.2-3, respectively). The Independent Expert expresses her thanks to the Governments of Hungary and Ethiopia for their cooperation and assistance extended to her in the preparations and conduct of these visits.
2. In her initial report the Independent Expert identifies key thematic priorities for her work as: minorities in the context of poverty alleviation and the MDGs, and promoting inclusion and stability. Persons belonging to disadvantaged minorities are likely to suffer high and disproportionate levels of poverty in every region. The present report focuses on minorities in the context of poverty alleviation, and the need for programmes and strategies for achieving the MDGs that take into account the situations of minority communities uniquely affected by racism, discrimination, exclusion and often violence. Confronting poverty is a key component in policies for social inclusion and the promotion of stability.
3. The Independent Expert has held numerous consultations with government representatives from every region, regional intergovernmental organizations, civil society and academic and research institutions, international financial institutions including the World Bank, and United Nations agencies. At the regional level, she has consulted with the minority mechanisms of bodies including the Council of Europe, and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE), and will conduct further dialogue with such bodies in early 2007. She has engaged in consultations with the Organization of American States (OAS) and the Inter-American Commission on Human Rights, and held initial dialogue with available senior staff of the African Union during her visit to Ethiopia. She has held initial consultations with representatives of the Organization of the Islamic Conference.
4. In taking forward her stated intention to enhance mainstreaming of minority issues within the work of the United Nations, she has consulted widely with United Nations agencies and bodies, including the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the United Nations Development Programme (UNDP). During the course of her official missions she has also held briefings with country and regional staff of OHCHR, UNDP, the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF, and now seeks to enhance dialogue with such entities of the United Nations system, both in the context of wider inter-agency initiatives and in carrying out her country visits.
5. In her initial report, the Independent Expert stated her desire for close collaboration with United Nations treaty bodies, and particularly the Committee on the Elimination of Racial Discrimination (CERD). In August 2006 she held an official dialogue with CERD, during which she discussed possibilities for collaboration, including in regard to the Committee's early

warning, urgent action and follow up mechanisms, and with a view to enhancing the Committee's capacity to consider minority issues within its work. A second substantive dialogue has been requested by the Committee. The Independent Expert has also requested official dialogues with the Human Rights Committee and the Committee on the Rights of the Child in 2007.

6. The Independent Expert is required to cooperate closely, while avoiding duplication, with regional organizations. As an example of her regional engagement, in its resolution entitled "Combating Racism and All Forms of Discrimination and Intolerance and Consideration of the Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance" (AG/RES.2168 (XXXVI-O/06)), the OAS General Assembly requests the Inter American Commission on Human Rights "to continue intensifying dialogue and cooperation with" the Independent Expert on minority issues, including on the Draft Inter-American Convention against racism. She has also engaged in consultations with OAS member States, and supported by OHCHR, held an international expert consultation in January 2007 aimed at assisting regional and national institutions in regard to standard setting and effective mechanisms to combat discrimination and protect the rights of minorities.

7. Of considerable benefit has been the opportunity for the Independent Expert to meet directly with representatives of minority communities from all regions, notably at the twelfth session of the United Nations Working Group on Minorities, in August 2006. During this session she held a forum for minority representatives to consult directly with her, raise questions, and bring issues to her attention. She has benefited greatly from information provided to her by civil society, academic and research organizations. During official missions to Hungary and Ethiopia, she has equally made it a priority to meet with representatives of minorities in order to solicit their views.

8. The Commission on Human Rights, in its resolution 2005/79, decided to amend the mandate of the Working Group on Minorities so that it may, inter alia, focus its work on "conceptual support of, and dialogue with the independent expert, who shall participate as an observer". The Independent Expert has benefited from formal and informal consultations with the members of the Working Group and its Secretariat, and highlighted her support for a dedicated forum for minority issues. She notes the Working Group's unique functions, including important conceptual development work and the provision of access for minorities themselves to attend sessions and make their voice heard within the United Nations. During the Working Group's twelfth session, the strong potential for constructive collaboration was demonstrated, and the issue of policing, security and criminal justice in multi-ethnic societies was identified amongst areas of future joint initiative.

9. The Independent Expert has devoted close attention to the particular situations faced by women from minority groups. Women and girls from disadvantaged minority groups experience multiple and intersectional forms of discrimination based on both their minority status and their gender. Such multidimensional discrimination may make them particularly vulnerable to violation and denial of their rights in both public and private life, including violence and sexual assault. To mark International Women's Day in March 2006, the Independent Expert issued a statement calling for greater attention to the situation of minority women who face multiple discrimination.

10. She has held forums for minority women to hear their issues and concerns, and consulted with senior government officials responsible for gender and women's affairs. While visiting Hungary, she held a forum for Roma women to consult with her and interviewed women from Roma communities. During her visit to Ethiopia, she devoted attention to the particular situation of minority women and held consultations with women from groups including the Anuak and Nuer communities in the Gambella region. This attention to women's issues is reflected in her mission reports and specific recommendations.

11. Pursuing her work in the area of poverty alleviation and realization of MDGs for minorities, the Independent Expert has held numerous consultations with development agencies, including UNDP, the World Bank and national and international non-governmental organizations (NGOs). In close cooperation with UNDP, she initiated and co-convened an international consultation "UNDP's Engagement with Minorities in Development Processes" held on 18 and 19 October 2006 in New York, with the aim to strengthen consideration of minority issues in the areas relating to poverty/MDGs, democratic governance and crisis prevention and recovery. A commitment to the development of a UNDP policy/guidance note on minorities was a key outcome.

12. Promoting the rights of minorities, including through policies of equitable development and the rule of law in regard to anti-racism and anti-discrimination, for example, offers a vital means of promoting inclusion, stability, and conflict prevention. The Independent Expert has participated in seminars and forums in the field of social and human development indicators, early warning and conflict prevention, and held consultations with a variety of actors including the Special Adviser to the Secretary-General on the Prevention of Genocide. In November 2006 she was keynote speaker and participant in a high-level seminar "Preventing Ethnic and Religious Conflict" convened by Minority Rights Group International.

13. To assist in gathering information relating to State legislation, policy and practice on minority issues, in March 2006 the Independent Expert sent all Member States of the United Nations a questionnaire, for completion by national authorities. Their responses will greatly assist her in various aspects of her ongoing work. The questionnaire has proven useful including to identify best or successful practices on the part of States. She benefited considerably from the response of the Government of Hungary prior to her official mission, detailing legislation on minority issues and its unique system of minority self-governments.

14. The Independent Expert is required to identify best practices and possibilities for technical cooperation by OHCHR. As a practical measure she has begun focusing on three priority areas of work: policing and maintenance of security in multi-ethnic societies (in collaboration with the Working Group on Minorities); the arbitrary denial or deprivation of citizenship to certain minority groups as a tool to exclude minorities from due benefits or reasonable participation; and equal access to quality education and other education-related issues, including access to education in minority languages.

15. The Independent Expert has sent communications to States regarding specific situations and issues relevant to her mandate that have been brought to her attention. Such communications have been undertaken jointly with other Special Procedures mandate holders, with a view to verifying information, to establishing facts, to seeking additional information, and to raising issues of concern with Governments and establishing constructive dialogue.

I. MINORITIES, POVERTY AND THE MILLENNIUM DEVELOPMENT GOALS: ASSESSING GLOBAL ISSUES

16. On Human Rights Day (10 December 2006) the Independent Expert was among the 37 Special Procedures mandate holders who issued a statement highlighting the urgent need to address the persistent poverty trapping many millions of people globally, as a grave human rights challenge. This statement made clear that “Poverty is part of a vicious cycle of marginalization, social exclusion and discrimination ... often a cause, as well as a result, of a complex system of human rights denials.”

17. In her initial report the Independent Expert states: “Minority groups that face widespread discrimination or exclusion are much more likely than other groups to be impoverished. [...] The poorest communities in almost any region tend to be minority communities that have been targets of long-standing discrimination, violence or exclusion. As such, poverty within minority communities must be viewed as both a cause and a manifestation of the diminished rights, opportunities, and social advancement available to the members of that community as a whole. And efforts to reduce poverty are essential to larger efforts to promote the full range of civil, political, social and economic rights for minority communities.

18. “Poverty in this context involves more than just a lack of income or a daily struggle for basic sustenance. Poor communities are generally less able to participate effectively in political decision-making or to access mechanisms of justice when their rights are violated. They suffer from unequal access to education, health care, employment and land. Without a targeted focus on their needs and rights, they will remain disproportionately impoverished. And without a more coherent effort to reduce poverty through targeted strategies that specifically reach out to minority communities, the international community will fail to achieve, or sustain, the important targets set within the Millennium Development Goals ...” (E/CN.4/2006/74, paras. 64-65).

19. The Independent Expert approaches the issue of poverty using the same four-point framework she has identified for the general protection of minority rights: protecting a minority’s existence, including the physical integrity of persons belonging to minorities; protecting and promoting cultural and social identity; ensuring non-discrimination and equality, including ending structural or systemic discrimination; and ensuring effective participation of minorities in public life, especially in decisions that affect them.

20. The Independent Expert has conducted dedicated research on minorities and poverty-reduction strategies. She has received information from and consulted with a wide variety of expert sources, including States, development agencies, international financial institutions, United Nations agencies, and minorities themselves. She commissioned a survey and review of 50 MDG Country Reports and selected PRSPs, which are contained in addendum 1 to the present report (A/HRC/4/9/Add.1). MDG Country Reports and PRSPs offer a useful starting point for reflecting on cross-regional practice in integrating minorities positively into development processes.

21. The Independent Expert reiterates that in using the term “minorities”, the focus of her work is on distinct groups that have faced long-term discrimination and disadvantage on the basis of identity as national, ethnic, religious or linguistic groups. Under her mandate “minority” status is not defined by numerical factors alone. She acknowledges that distinct groups that are

numerically a minority in society may at the same time have dominance over the economy or other sectors. This thematic report on minorities and MDGs focuses on groups that are disproportionately disadvantaged and otherwise denied the power to protect their rights.

22. There is a genuine risk that the strategies used to achieve MDGs will be less beneficial for minority groups, and might even increase inequalities and further harm some minority communities. Greater effort is needed to ensure that minorities who are poor benefit fairly from the international commitment to reduce poverty and meet MDGs by 2015. This analysis seeks to contribute to this effort by providing an overview of key minority issues and concrete recommendations.

A. The disproportionate poverty of disadvantaged minorities

23. Poverty occurs in all countries, both developing and developed. Minority groups commonly have higher and disproportionate levels of poverty in all regions of the world and this poverty is often structurally and causally distinct, requiring both targeted and mainstreamed policies to overcome it.

24. Poverty-related data disaggregated by ethnicity, religion or language is hard to find. Household surveys on income and human development indicators do not usually gather information necessary to correlate this data to membership in a particular social group as defined by ethnicity, religion or language. This means that statistics on relative incomes and human development of minority groups are not available for many countries or, if available, are not frequently published. However, a sample of available statistics is revealing.

25. In 2002 income figures for Brazil, the proportion of whites living on less than \$1/day is 4.3 per cent; for non-whites (predominately Afro-Brazilians), the figure is 8.3 per cent; at the level of \$2/day the gap persists - 8.6 per cent of whites and 19.4 per cent of non-whites live on this income.¹

26. In Nepal, the lowest consumption levels are among low-caste Dalits with poverty incidence of 46 per cent, Muslims with 41 per cent and hill Janajatis (ethnic indigenous communities) with 45 per cent. Low-caste Dalits, in particular, have a 15 per cent higher incidence of poverty than the average rate.²

¹ Matías Busso, Martín Cicowiez and Leonardo Gasparini, *Ethnicity and the Millennium Development Goals in Latin America and the Caribbean*, Working Paper 27, Centro de Estudios Distributivos, Laborales y Sociales (CEDLAS), Universidad Nacional de La Plata, (Bogota, Colombia: UNDP, 2005): Table 2.4, p. 77.

² *Nepal MDGs Progress Report 2005*, (Kathmandu, Nepal: HMG Nepal, National Planning Commission, September 2005): p. 10.

27. In the United Kingdom, a third of British Indians and British African-Caribbeans, half of British Black Africans and two thirds of British Pakistanis and British Bangladeshis are living in poverty. This compares with less than a quarter of the British population overall living in poverty.³

28. In Namibia, the per capita income in a household where the mother tongue is German is 23 times higher than in a household where the main language is San (an indigenous minority group).⁴

29. The poverty gap between ethnic minorities and the Kinh majority in Viet Nam is said to be growing. Ethnic minorities are 14 per cent of the population of Viet Nam but constitute 29 per cent of the poorest.⁵

30. In some member States of the European Union (EU), immigrants and ethnic minorities from non-Western countries (e.g. non-European migrants in Denmark and the Netherlands, Turks in Germany, North Africans in France, Bangladeshis and Pakistanis in the United Kingdom) have labour-market activity rates that are 15 to 40 per cent below that of natives or western migrants. Roma in most EU member States and Travellers in Ireland have particularly low activity rates and are largely excluded from labour market.⁶

31. The 2000 United States of America census reveals that poverty rates for non-whites were on average much higher than for whites. Whereas non-Hispanic whites had the lowest poverty rate at 8.1 per cent, African Americans had average poverty rates of 24.9 per cent, American Indians and Alaska Natives had average rates of 25.7 per cent and Hispanic or Latinos had average poverty rates of 22.6 per cent.⁷

32. The manifestations of poverty are not only income-based. Aggregate human development indicators for minorities are similarly consistently lower than for non-minority groups.

³ Lucinda Platt, *Parallel Lives: Poverty Among Ethnic Minority Groups in Britain*, London: Child Poverty Action Group (CPAG), December 2002.

⁴ *Namibia 2004 Millennium Development Goals*, (Windhoek, Namibia: Office of the President, National Planning Commission, August 2004): p. 5.

⁵ Roger Plant, *Indigenous Peoples/Ethnic Minorities and Poverty Reduction Regional Report*, (Manila, Philippines: Asian Development Bank, 2002): p. 32.

⁶ International Centre for Migration Policy Development, *Migrants, Minorities and Employment: Exclusion, Discrimination and Anti-Discrimination in the 15 Member States of the EU* (European Monitoring Centre on Racism and Xenophobia, October 2003): p. 5.

⁷ Alemayehu Bishaw and John Iceland, *Poverty 1999: Census 2000 Brief* (Washington: U.S. Census Bureau, May 2003): p. 5 and Table 6.

33. For example, in India, the literacy rate of women from scheduled tribes in rural communities was only 16 per cent in 1991 and for scheduled castes the rate was 24 per cent; this is in comparison with a national average for women of 39 per cent.⁸

34. Survey data collected in the 1990s in 11 sub-Saharan African countries showed particularly striking results for Kenya, where the likelihood of mortality for Kikuyu (Kenya's most populous ethnic group) infants was 65 per cent lower than for children of other ethnic groups and 74 per cent lower for children under 5.⁹

35. In the United States, 21 per cent of Hispanic children were not covered by health insurance (public and private) compared with 7 per cent of white non-Hispanic children; 12 per cent of Asian and Pacific Islander children; and 14 per cent of African American children also had no health insurance (figures from 2003).¹⁰

36. In South-East Europe, "three quarters of Roma women do not complete primary education (compared with one in five women from majority communities) and almost a third is illiterate (compared with 1 in 20 women from majority communities)".¹¹

37. Only 13 per cent of children in Africa have access to primary education in their mother tongue compared to 62 per cent of children with this access in East Asia and the Pacific, a region with an even higher diversity of languages than Africa.¹²

38. The figures for minorities are not always worse. In Britain, 75 per cent of British Indians are in full-time education at age 18 compared to 42 per cent of the population as a whole.¹³ In Malaysia, ethnic Chinese constitute 3 per cent of the population but control about 70 per cent of the private economy.¹⁴ The negative trend, however, is clear. Even in cases where minorities may be advantaged in one sphere they may continue to face exclusion in the social or political spheres that may affect their human rights and human development.

⁸ UNDP, *Human Development Report 2000* (New York, NY: UNDP, 2000): p. 110.

⁹ Chronic Poverty Research Centre, *Chronic Poverty Report 2004-05* (Manchester, UK: Chronic Poverty Research Centre, 2005): p. 19.

¹⁰ *Growing up in North America: Child Well-Being in Canada, the United States and Mexico* (Baltimore, MD, USA: Canadian Council on Social Development, Annie E. Casey Foundation in the US, and Red por los derechos de la infancia en México, 2006): pp. 26-27.

¹¹ Andrey Ivanov et al., *At Risk: Roma and the Displaced in Southeast Europe* (Bratislava: UNDP Regional Bureau for Europe and the CIS, 2006): p. 27.

¹² UNDP, *Human Development Report 2004* (New York, NY: UNDP 2004): p. 34, Figure 2.4.

¹³ *Parallel Lives: Poverty Among Ethnic Minority Groups in Britain*, see supra note 3.

¹⁴ Supra note 12, *Human Development Report 2004*, p. 29.

39. Conventional poverty analysis often misses these trends for minorities because the focus is on individual or household levels rather than groups and on material measurements of poverty rather than the social dimensions. While the spatial dimensions of poverty across the urban and rural divide gain attention, the analysis rarely goes deeper to connect spatial and social dimensions and ask “who is poor, where, and why?”. These measurements of vertical inequalities are important but they do not give an adequate picture of the dynamics of poverty across groups.

40. Mainstreaming of collection of data on gender has been important to uncovering the systematic exclusion of women in access to development and political participation, including how this may be different in urban and rural lives. This trend has been responded to through targeted programmes for women, adoption of gender-based analyses, introduction of gender advisors and even an MDG aimed at overcoming gender inequality (Goal 3). The changes in development that have resulted - albeit slowly and inconsistently - demonstrate that looking at development from a “group” perspective can improve outcome possibilities for specific targeted groups.

41. Mainstream development research and policy¹⁵ has to date also given more attention to other categories of excluded groups¹⁶ (e.g., children, older persons, persons with disabilities). Indigenous peoples have also gained attention to their issues in development, as evidenced in part by the fact that several international development agencies have policies on indigenous peoples; dialogues on development between the United Nations agencies and the Permanent Forum on Indigenous Issues have also been helping to establish good practice.

42. Attention to national, ethnic, religious and linguistic minorities is significantly weaker. Poverty research using the horizontal inequality¹⁷ (which examine measurements of political, social, economic and income inequalities along identity lines) and social exclusion perspectives, finds that inequality between ethnic, religious or linguistic social groups is common. The Minorities at Risk Project,¹⁸ which collects various indicators on the political, social and

¹⁵ Laure-Helene Piron and Zaza Curran, *Public Policy Responses to Exclusion: Evidence from Brazil, South Africa and India*, London: Overseas Development Institute, 2005, p. 1.

¹⁶ Minority Rights Group International, *An examination of approaches by international development agencies to minority issues in development* (E/CN.4/Sub.2/AC.5/2004/WP.5).

¹⁷ Frances Stewart, *Horizontal Inequalities: A Neglected Dimension of Development*. Working Paper 1, Centre for Research on Inequality, Human Security and Ethnicity (CRISE) (Queen Elizabeth House, University of Oxford, 2001).

¹⁸ See <http://www.cidcm.umd.edu/inscr/mar/>.

economic disparities experienced by more than 284 minority groups globally, estimates that some 750 million persons belonging to minority groups face serious economic discrimination and disadvantage and 832 million face political exclusion.¹⁹

43. The Minorities at Risk data set finds a correlation between horizontal inequalities and conflict along ethnic, religious or linguistic identity lines. Such inequalities are a major factor motivating groups or leaders to mobilize for change. The persistence of inequalities and the growth in the inequality gap can be destabilizing factors, in particular where the Government is seen to be failing to address these issues (or causing them). Conflict prevention is one reason why monitoring poverty alleviation among persons belonging to minorities is crucial: if strategies are successful for some groups but not for minorities, inequalities will increase and so too may tension. Inclusive participation strategies for poverty reduction are proven and effective conflict prevention measures.

44. There is a strong economic case for supporting the inclusion of minorities. Minorities with high or average levels of education are often underemployed, limiting their opportunities to contribute to economic and social life of society. Minorities with poor levels of education represent a vastly underutilized human capacity. One study has shown the economic benefits that come from better use of existing skills and capacity of minorities and investment in decreasing skills and capacity gaps (e.g., through improving access to education). It concludes: “The economies of Bolivia, Brazil, Guatemala and Peru would potentially expand at least by 36.7, 12.8, 13.6 and 4.2 per cent respectively, as a result of ending the long-term social exclusion of Afro-descendant and indigenous groups.”²⁰ Another study demonstrates that investing in Roma education in Hungary would bring economic and fiscal benefits of up to 70,000 euros per Roma student.²¹

45. The production capacity of minorities denied equal access to land and credit is also restricted. Addressing the health-care inequalities experienced by minorities can expand the national pool of healthy able workers to keep the economy growing. Where incomes of persons belonging to minorities expand, so does their consumption and thus the national (and international) economy benefits. Ethnic and religious diversity must not be seen as a hindrance to development: the hindrance comes where significant parts of the population lack the opportunity to contribute to development on an equal basis.

46. More research is urgently needed to uncover the extent of inequalities and poverty faced by minority groups and to provide a resource for shaping policies which recognize and respond to these inequalities.

¹⁹ Supra note 12, *Human Development Report 2004*, Feature 2.1 “The Minorities at Risk data set - quantifying cultural exclusion”, p. 32.

²⁰ Jonas Zoninsein, *The Economic Case for Combating Racial and Ethnic Exclusion in Latin American and Caribbean Countries* (Inter-American Development Bank, May 2001): p. 2.

²¹ Roma Education Fund, *Expected Long-Term Budgetary Benefits to Roma Education in Hungary*, Working Paper No. 1, September 2006.

B. The crucial impact of denial of the right to non-discrimination and equal treatment

47. The impact of discrimination on the basis of an individual's ethnic, religious or linguistic identity is usually a potent causal factor in the disproportionate poverty experienced by many minority groups and a key impediment in preventing minorities from benefiting from mainstream poverty reduction and social inclusion strategies.

48. The dynamics of poverty are more complex for minority groups. Racism often defies the rationality of a common denominator development policy, conceived to benefit all. A Roma family in poverty will not find a solution solely in national economic growth, when employers shut the door in Roma faces. They will not find a cure for their poverty in education systems that systematically segregate their children into inferior schools simply because they are Roma. Equally, in times of crisis essential humanitarian assistance and recovery efforts may fail to reach those communities who are most often forgotten or excluded even under normal conditions.

49. Living in remote regions, lower levels of human development, and psychosocial barriers (e.g., language barriers, low self-esteem) also contribute to the "chronic" poverty of many minorities, which is frequently structurally and causally distinct from poverty experienced by other groups. This demands a carefully considered response which takes into account the structures and causes that are unique or prominent in minorities' experiences. A mainstream social inclusion approach, hoping to reach all marginalized groups with the same policies, cannot fully address the rights and needs of minorities.

50. This is not to say that mainstreamed social inclusion approaches are entirely ineffective for marginalized minorities. As the *2005 Chronic Poverty Report* notes, "People trapped in persistent poverty tend to experience multiple capability deprivations, such as poor education, illiteracy, bad health, inadequate nutrition, lack of human rights and civil rights. These constrain opportunities and choices and intergenerational benefits."²² This is equally the case for chronically poor minorities. When examining the "capability deprivations" of minorities, the particularities of their experiences quickly become evident and the need for parallel-targeted policies is conclusive.

51. One compelling factor contributing to the reduction of poverty levels of disadvantaged minorities is equal access to quality education. Minority children commonly lack equal access to quality education because of discrimination or live in regions with poor educational facilities. Lack of access to instruction in their own language also disadvantages them. Because of experiences of discrimination, minorities may not have confidence in the educational system and children may remain in the community rather than gaining formal education. This is particularly the experience of minority girls, where traditional or religious practices of early marriage, gender-specific roles or limited resources for school fees means their access to education is less valued.

²² *Supra* note 9, *Chronic Poverty Report 2004-05*, p. 40.

52. Lower income levels of minorities may be the result of discrimination in access to employment and fewer opportunities for progress to secondary or higher education and attainment of specialized skills. Persons belonging to minorities on average may be paid less and be more likely to lose their employment in periods of economic hardship because of discrimination. Women belonging to minority groups will be disadvantaged further because of the additional impact of gender discrimination in employment, an example of intersectional discrimination against minority women. Lower incomes may also exist because minorities live in areas with fewer economic opportunities.

53. Lower incomes are often related to the lack of assets of persons belonging to minorities. Their land and property are often the first to be appropriated for development or conservation purposes, aided by the weak social, economic and political situation of minority communities to defend their land and property rights. Minorities find themselves displaced to less fertile land or to urban centres, without their consent, without adequate compensation and with little or no consideration of the impact on their livelihoods and cultures. Equitable market access for minorities is also difficult to secure and they may be discriminated against in access to credit and other financial services. The physical infrastructure in their regions may be suffering from underinvestment partly as a result of lack of effective political representation at the national level.

54. Lack of investment in hospitals, housing and municipal services in regions with large minority populations has led to consistently lower levels of life expectancy and adequate living conditions for minorities. For example, the Government of Hungary is concerned that the life expectancy of Roma is over 10 years less than the average. Some States have used policies of forced displacement from remote regions in which minorities live in order to improve access to social services, but the result has typically been decrease, rather than increase, in human development due to radical alteration of traditional lifestyles and livelihoods.

55. Even where discrimination is evident and understood to be a causal factor of chronic poverty, it is important to distinguish between direct and indirect discrimination, the former implying a specific intent to discriminate and the latter an “effect” of discrimination that needs not be intentional per se, but is a negative consequence that replicates itself unless there is an intervention. Discrimination should be considered and analysed as a potential factor in each case where minorities are experiencing inequalities. While direct or indirect discrimination may be a factor, the policy response demands a more nuanced understanding of the development context.

56. Discrimination manifests in both public and private spheres. Employers that offer fewer employment opportunities, or lower wages to minorities, are discriminating against them and increasing their likelihood of poverty. These practices should be addressed through strong anti-discrimination laws and mechanisms that vigorously enforce them. Research suggests that the psychosocial effects of living with discrimination decrease the ability of individuals to improve their situation even with assistance programmes if those are not sufficiently sensitive. Discrimination in education and employment over generations results in families with no formal wage earners and perceptions that there is little benefit from education, or no opportunity to find skilled employment.

57. At every level, discrimination against minorities creates obstacles that make benefiting from poverty reduction strategies difficult. To tackle these obstacles, appropriate targeted mechanisms are needed in both the public and private spheres. Discrimination results in poverty which is often more pervasive, more deeply entrenched, and which is more persistent in comparison to that faced by others. Mainstreamed social inclusion policies alone cannot tackle these issues. Confronting this poverty requires acknowledgement that it is uniquely fuelled by discrimination, and often a deliberate intention to exclude certain groups.

C. Current deficiencies in integrating minorities into poverty reduction strategies

58. The Programme of Action of the World Summit on Social Development (1995) recognized, in its paragraph 19, eight characteristics of poverty that are experienced universally: “lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and malnutrition; ill-health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion. It is also characterized by a lack of participation in decision-making and in civil, social and cultural life.”²³

59. The Millennium Development Goals were set to address the first six points on this list of manifestations of poverty and established ambitious targets to be met by 2015. However, the Goals do not comprehensively address, “social discrimination and exclusion” and “lack of participation in decision-making and in civil, social and cultural life”, which are of particular relevance to marginalized or disadvantaged minority groups and have a direct causal relationship with the other six manifestations of poverty.

60. These issues are noted in the Millennium Declaration itself; in Section V on “Human rights, democracy and good governance”, States make several pledges, including:

- To strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights for all;
- To strengthen the capacity of all our countries to implement the principles and practices of democracy and respect for human rights, including minority rights;
- To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries (emphasis added, see A/RES/55/2).

61. Each of these points is vital for overcoming poverty and underscores the centrality of human rights in achieving this goal. This same idea is embodied in the human rights-based approach to development (HRBA). HRBA offers a useful and effective framework for devising a development policy which has a positive impact on human rights in both the process and the outcome.

²³ *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

62. Minority rights are human rights and consequently form an integral part of HRBA. The fact that minority rights are highlighted in the Millennium Declaration is significant. It is a clear recognition that protection of minority rights is an important foundation for building peaceful, equitable and democratic societies.

63. Respect for minority rights can improve the effectiveness of poverty reduction strategies because the causes of poverty for minorities are often linked to the violation of these rights. Many examples illustrate this. A person belonging to a minority may encounter employers who will not hire people noticeably from minority groups. When applicants complain about this practice, appropriate authorities fail to investigate. Under-resourced schools lack instruction in the mother tongue of minorities, so minority dropout rates are high. The Government offers financial benefits to the poorest, but details are not published in minority languages. When municipal government is deciding where to invest resources, there are no minority representatives and the desperate need for improved services in areas where minorities live is not discussed.

64. These are daily challenges for poor minorities in all countries. Using HRBA can help to identify how these challenges are linked to a range of human rights issues such as discrimination, access to justice and education, freedom to express a cultural identity or participation in decision-making. Through HRBA, overcoming poverty is understood as more than a question of economic growth. Including a minority rights perspective in HRBA gives an even stronger formula for beginning to address the complex factors that cause poverty for minorities globally.

65. Two key aid modalities shape international development cooperation today - the targets contained in the universally agreed MDGs and the nationally owned PRSPs. The two modalities are understood to be intertwined: PRSPs are the vehicle for achieving MDGs which provide concrete targets for PRSPs. They are particularly useful vehicles that should be used to improve the lives of minorities and ensure their inclusion in poverty alleviation policies.

66. All countries have committed to working towards achievement of MDGs by 2015. Both donor countries and countries receiving development assistance produce periodic reports on the steps they are taking to reach MDGs. A total of 143 States have submitted one or more MDG Country Reports.²⁴ Some 52 countries have produced PRSPs (or Interim PRSPs) and donors seek to assist such countries with the realization of the policies set forth in the PRSP.

67. MDG Country Reports and PRSPs are intended to be summary documents of a much more complex set of actions and policies. They nevertheless serve as useful proxies to identify the priorities and processes of a given State in its efforts to eradicate poverty and promote human development. A review of MDG Country Reports and PRSPs can give insight into the kinds of issues and interventions that governments have identified as important for their national policy on human development. This in turn can help reveal whether problems faced by particular groups or regions are being overcome through specially-considered programmes on the ground.

²⁴ As of 1 November 2006.

68. The findings of a survey commissioned by the Independent Expert (see A/HRC/4/Add.1), demonstrate that only a handful of countries currently devote particular attention to minorities in their MDG reports. Even in those reports where minorities are mentioned, there is a lack of discussion on how and, crucially, why minorities are experiencing disproportionately high levels of poverty and other serious inequalities. While some countries disaggregate needs by region, few include any disaggregated data by ethnicity. Women belonging to minority groups remain particularly invisible in discussion of most of the MDGs. It is positive that several countries discuss the situation of indigenous peoples; however it is evident that those same countries fail to note that other minority groups within the State face similar or higher levels of exclusion and poverty. While resources and capacity are vital factors, the starting point for improving the impact of poverty reduction on minorities is strong political will.

69. Devising effective poverty reduction strategies requires understanding of the extent and dynamics of poverty in a given context. Monitoring progress also requires some data that forms the baseline from which to assess who is benefiting from poverty reduction and who is not. Monitoring data enables strategies to be changed where they are having a weak or negative impact. Virtually every country collects some kind of census data that can be used in this regard. There is no universal standardized system of data collection since governments will have differing priorities and differing capacities for gathering data. Over time, pressure to publish data disaggregated by sex has had a positive effect, with the result that the Human Development Index now includes some tables disaggregated by sex.

70. A recent project under the auspices of the Statistics Division of the United Nations on ethnocultural data revealed a serious gap in disaggregation of data by ethnicity or religion. In roughly 37 per cent of cases, censuses collected no ethnocultural data. Among 138 national census questionnaires surveyed, only 87 countries or 63 per cent employed some form of ethnic census classification. North America, South America, and Oceania demonstrated the greatest propensity to include ethnicity on their censuses. While Asia's tendency to enumerate by ethnicity was close to the sample average, both Europe and Africa were much less likely to do so (only 44 per cent of censuses in each region collected ethnocultural data).²⁵

71. The reasons for the absence of data are varied. Governments may have concerns about data protection and privacy of citizens. Asking people to identify their ethnicity, mother tongue or religion may be socially sensitive, particularly where these identities have been used in the past to target individuals or groups for violence or exclusion. In other cases, the capacity to gather accurate data in a highly ethnically or religiously diverse country may be weak or not a budgetary priority. Even when data is collected it may not be published.

72. Data is important for effective poverty reduction and it is therefore surprising that, within aid modalities on poverty, the collection of ethnocultural disaggregated data is not uniformly supported. UNDP has noted that "showing and analysing data on specific ethnic groups may be

²⁵ *Ethnicity: A Review of Data Collection and Dissemination* (Social and Housing Statistics Section, Demographic and Social Statistics Branch, United Nations Statistics Division, August 2003): p. 4.

a sensitive issue". However in 2005 UNDP published the *MDG Monitoring and Reporting: A Review of Good Practices*, wherein it recommends that, "wherever possible, disaggregated data should be used to highlight disparities across gender, ethnicity, geographical location, age or other dimensions of inequality".²⁶

73. The EU Race Directive, designed to address direct and indirect discrimination on the basis of racial or ethnic origin, indicates that discrimination may be monitored using statistical evidence (para. 15). However, many EU studies on social exclusion and poverty have not generally disaggregated data by ethnicity. EUROSTAT, the body that aids States with data collection, does not advocate strongly for ethnic data in its Income and Living Conditions Survey, which is the main source for social exclusion data and provides the basis for policy design.²⁷

D. Promising practices in development policies

74. There are some good policy practices in evidence, although much remains to be done if minorities are to see significant poverty alleviation by 2015. The process is as important as the outcome. Where minorities are not consulted on poverty reduction strategies that will affect them, the outcome of well-intentioned programmes may be a null change or even a decline in human development. Minorities have a right to participate in decision-making that will affect them and respecting this right is paramount for development interventions.

75. There is no one-size fits all for successful poverty reduction, including for minorities. Nevertheless, it is useful to share experiences across countries with a view to stimulating successful practice, beginning with a focus on data collection. The Independent Expert welcomes additional information from States on their experiences and examples of successful practice in minority sensitive poverty reduction strategies.

76. The Permanent Forum on Indigenous Issues has taken important steps to engage intergovernmental and non-governmental organizations and Governments in dialogue on improving data collection on indigenous peoples' issues. This work has been undertaken in the context of strategies to achieve the MDGs for indigenous peoples, a major focus of recent sessions. The United Nations system, through the Inter-Agency Support Group on Indigenous Issues, has undertaken a review of existing indicators that may directly or indirectly concern or relate to indigenous peoples. Workshops were organized to feed into this process.²⁸

²⁶ *MDG Monitoring and Reporting: A Review of Good Practices* (UNDP Bureau for Development Policy, Poverty Reduction Group, August 2005): p. 18.

²⁷ Kathryn Ramsay, *Disaggregated Data Collection: A Precondition for Effective Protection of Minority Rights in South East Europe* (London: Minority Rights Group International, 2006): p. 6.

²⁸ See www.un.org/esa/socdev/unpfii/news/news_workshop_doc.htm.

77. Indicators must be relevant to the communities surveyed and the collection of data should be undertaken with direct involvement of minorities. UNDP Regional Bureau for Europe and the Commonwealth of Independent States is training Roma to act as survey managers to gather information to be used in poverty reduction strategies. This may make some community members more comfortable in sharing their concerns and self-identifying as minorities.

78. Collection of disaggregated data has long been established in the Compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.2). The treaty bodies request information about the “main ethnic and demographic characteristics of the country and its population” along with information on religion and mother tongue languages (*ibid.*, para. 1). More specifically, the Committee on the Elimination of Racial Discrimination stresses the importance of ethnic data in monitoring progress on eliminating discrimination in its own reporting guidelines.

79. An important initiative under the auspices of OHCHR has been summarized in the report of the High Commissioner containing a draft basic document on the development of a racial equality index. The Index would provide a country-specific view of inequalities along key human development indicators based on ethnicity, information that is currently absent from, for example, UNDP annual Human Development Report and Human Development Index (see E/CN.4/2006/14).²⁹

80. The Inter-American Development Bank (IDB) is helping to raise the profile of the need for more ethnocultural data. The Bank’s project for monitoring the equity and social indicators for MDGs - Eqxis - includes information on the situation of indigenous peoples and Afro-descendants.³⁰ The data collected reveals wide gaps in available data for many countries. To fill this gap the Bank is funding national statistics strengthening programmes, for example, in Nicaragua. This effort has emerged from regional level dialogues on how to improve data collection on ethnicity. The last round of censuses in the region demonstrated increases in the collection of ethnocultural data.

81. In Europe, where exclusion of immigrants is a major problem, a European Inclusion Index has been developed to measure EU policy in five key areas relevant to Third Country Nationals: labour market inclusion, long-term residence, family reunion, nationality and anti-discrimination. In 2005 the findings showed that the then 15-EU member States had practices that were, on average, “less than favourable” to immigrant inclusion across all five areas. The second edition will be published in 2007 including all 27 EU member States plus Canada, Switzerland and Norway. Future editions will also be able to track countries’ progress over time.³¹

²⁹ The experts agreed that a global ranked index like the human development index would not be feasible.

³⁰ See <http://www.iadb.org/xindicators/>.

³¹ Laura Citron, “How to measure integration: the European Inclusion Index”, in *Equal Voices*, Issue 19, (Oct. 2006): pp. 11-16.

82. Policy and programme options for addressing poverty among minorities can be broadly categorized either as targeted policies, tailored to the specific needs of minorities as the principal direct beneficiaries, or “mainstreamed” policies (especially for social inclusion) that do not differentiate between the particular needs of varied groups of beneficiaries in a common denominator approach. Governments and international development actors often favour mainstreamed social inclusion policies since these are understood to benefit a wider constituency. Moreover, where disaggregated data along ethnic lines is absent, it may be considered difficult to justify targeting specific groups for poverty reduction programmes. Resentment from other (poor) groups may further isolate those intended to benefit.

83. While mainstreamed social inclusion policies may help minorities to some degree because they are disproportionately among the poor, the generalized approach to poverty reduction can fail to address the particular structures and causes of the poverty experienced by minority groups. For example, adopting a mainstream social inclusion strategy to raise the minimum wage may benefit minorities who are more likely to be employed at this wage in addition to helping all people living on minimum wage; however, such a policy will not tackle the fact that minorities are disproportionately among those earning the minimum wage. The inequality gap may remain and in some circumstances, it may increase.

84. Tackling that inequality will require adopting and enforcing strong anti-discrimination labour laws, strengthening social support mechanisms or considering how to improve the average educational attainment of minorities. Affirmative action policies including quotas or reservations in education and in employment may be considered as temporary measures to address long-term inequalities and lack of access.

85. The decision on whether to use targeted or mainstreamed social inclusion policies requires consultations with minorities. The establishment of advisory committees or similar consultative bodies with representatives of minorities is a vital tool in devising successful poverty reduction strategies. The establishment of consultative mechanisms from below has been a priority for many minority groups. Through grass-roots mobilization, minorities can form coalitions to advocate at a national level on poverty reduction issues.

86. In Honduras such a mechanism was established in 2003 as part of the *Programa de Apoyo a los Pueblos Indígenas y Negros de Honduras*. Under the auspices of the central Government it includes representatives of the 10 federations of Afro-descendants and indigenous peoples. The programme will initially focus on small infrastructure projects identified locally by Afro-descendants and indigenous peoples. Other components will focus on: strengthening the regulatory framework for the protection of the rights of these communities; sensitization of Afro-descendant and indigenous representatives and government staff to each other’s perspectives on development; and devising evaluation and monitoring tools. It is hoped that the cooperation can be replicated and enlarged.

87. In Kenya pastoralist representatives came together to input into drafting Kenya’s PRSP. The Pastoralist Thematic Group (PTG) emerged out of a traditional gathering, the *shirka*, where poverty and the PRSP were discussed. PTG gained some attention to their issues and engaged government officials in dialogue about their concerns for the PRSP. While the final PRSP does not adequately reflect their concerns, PTG is a viable structure for continued advocacy. UNDP has established the United Nations Indigenous Peoples Advisory Committee of Kenya as an

important focal point for indigenous minorities to liaise with UNDP and other United Nations agencies on priority issues. The municipal government has an equal responsibility to ensure minorities are engaged in decision-making.

88. In Aarhus, Denmark, 9.4 per cent of the population are minorities originally from non-EU countries. In 2005 Aarhus City Council adopted principles for a new integration policy and will be conducting a series of consultations in 2006 and 2007 with ethnic minority representatives (plus the existing “Integration Council”) to devise better systems for minorities to access local services. In 2000, the Council adopted a 10-year employment strategy for refugees and migrants that have worked with local businesses to bring employment levels of refugees and migrants to that equal to other groups.³²

89. National strategies for Roma have figured prominently in Central and Eastern Europe, in particular under the auspices of the Decade of Roma Inclusion, in which nine participating States are Bulgaria, Croatia, Czech Republic, Hungary, The former Yugoslav Republic of Macedonia, Montenegro, Romania, Serbia and Slovakia.³³ States pledge to achieve stated goals for the improvement of the socio-economic status of Roma by 2015 (coinciding with MDGs). Roma representatives have inputted into the process from the early stages and have been involved in the international Steering Committee of the Decade and preparation of country action plans. The capacity of Roma and Governments to make this Decade a success needs to be greatly strengthened.

90. In Brazil, a National Affirmative Action Programme to implement the Durban Declaration and Programme of Action was adopted in 2002, resulting in development specific programmes to address inequalities experienced by Afro-descendants and indigenous peoples. A Special Secretariat for the Promotion of Racial Equality (SEPPIR) was created in 2003 to advise on implementation of the national strategy. The proposed legislation on a Statute on Racial Equality (PL 6264/2005) provides for affirmative action in the form of quotas for Afro-Brazilians and indigenous people in higher education and public service. Under the Statute, 20 per cent of the spaces in public and private universities would be reserved for Afro-Brazilians. One study reports that educational inequalities can explain the 48 per cent wage gap and some 26 per cent of income inequalities.³⁴

91. Where they exist, national strategies for improving the human development of persons belonging to minorities will often combine mainstreamed and targeted programmes. It is important that majority communities feel they too can benefit from these processes. Transparency about policy is key and disaggregated data helps to mandate targeted policies. Engaging majority communities alongside minority communities in community-level

³² Anne Marie Larsen, “Integration at local level - the example of Aarhus/Denmark”, in *Equal Voices*, Issue 19, (October 2006): pp. 24-28.

³³ See www.romadecade.com.

³⁴ Barrios et al., cited in supra note 15, *Public Policy Responses to Exclusion: Evidence from Brazil, South Africa and India*, p. 10.

development initiatives can also be extremely valuable. Evaluation of development programmes in Romania found that by addressing Roma and non-Roma living in close proximity, project interventions could create stronger community cohesion.³⁵

92. In Nepal, UNDP community development projects have earmarked a proportion of project resources for excluded groups. In the Decentralized Finance and Development Program, a minimum of 30 per cent of project funds are to be used to benefit women and Dalits. Direct support to minorities themselves can also be effective. The European Commission devised a major budget line to support civil society activities for minorities. The European Democracy and Human Rights Initiative set as one of its four funding priorities for 2002-2004 "Combating racism and xenophobia and discrimination against minorities and indigenous peoples". In 2002, some 21,000,000 euros were allocated to 32 projects under this funding line, mainly for activities in developing countries or countries in transition.

93. An appropriate legal and regulatory framework is vital for supporting poverty reduction strategies. Access to justice for persons belonging to minorities will often be weaker at all stages of the legal process, from support from police to investigate crimes against their businesses, to strong anti-discrimination legislation to safeguard labour rights. Constitutional provisions that recognize diversity and equality of all citizens are a good foundation. Detailed legal frameworks for non-discrimination should be accompanied by legal and regulatory mechanisms to enforce the legislation, including labour tribunals, ombudspersons and equal opportunities policies.

94. Under the Racial Equality Directive and the Employment Equality Directive, EU member States have to strengthen their national non-discrimination laws. In the United Kingdom, the Employment Equality (Religion or Belief) Regulations 2003 make it unlawful to discriminate on grounds of religion or belief in employment and vocational training. They prohibit direct discrimination, indirect discrimination, victimization and harassment. Equally, newly acceded EU States are required to adopt new legislation, such as Hungary's comprehensive Act No. CXXV on Equal Treatment and the Promotion of Equal Opportunities.

E. The work of the United Nations and other institutions in the area of minorities, poverty alleviation and Millennium Development Goals

95. Governments bear the primary responsibility to ensure that minorities can overcome poverty, however, the United Nations and international development agencies can be important partners. The response of agencies to the recommendations of representatives of indigenous peoples has been positive, in the form of adoption of special policies and targeted programming and projects. However similar efforts for other ethnic, religious or linguistic minority groups have been much less pronounced.

96. While many international development agencies have dedicated policies or programmes for indigenous peoples, no agency has a corresponding programme for other

³⁵ UNDP Romania, *Evaluation of Programmes Targeting Roma Communities in Romania*, (Cluj-Napoca, Romania: UNDP Romania, 2006).

minorities. The UNDP, EU, Danish International Development Agency (DANIDA), International Fund for Agricultural Development (IFAD), Norwegian Agency for International Development (NORAD), Netherlands Ministry of Foreign Affairs, Swiss Agency for Development and Cooperation (SDC), World Bank, Asian Development Bank and IDB have all taken specific steps - typically the articulation of policy statements or guidelines, or targeted cooperation projects - on indigenous peoples.³⁶ Indigenous peoples can use these as a basis both to engage in dialogue with these agencies and to hold them accountable to established standards or objectives. Minorities are sometimes mentioned in lists of “vulnerable groups”, but rarely are the circumstances of their vulnerability analysed or responded to with separate measures.

97. UNDP is one agency taking the lead on working with minorities. In 2006 UNDP has collaborated closely with the Independent Expert regarding its future work on minority issues and the elaboration of a policy note/guidance note on minorities. This would complement the existing UNDP Policy of Engagement with Indigenous Peoples adopted in 2001. A budget line for work on minority issues has been included in the new Global Human Rights Strengthening Programme of UNDP, which calls for collaboration with the Independent Expert.

98. The IDB adopted an Action Plan for Combating Social Exclusion Due to Race or Ethnic Background in May 2001, with the long-term goal to integrate fully and consider race and ethnicity in IDB operations, programming and policies. The next phase seeks to build its institutional framework to address social exclusion and will focus on building the capacity and role of country offices through training, hiring practices, outreach, and project development. The IDB is reaching out to other agencies, through the Inter-Agency Consultation of Race and Poverty in Latin America and the Caribbean³⁷ and has convened workshops on issues including how to create economic development opportunities for Afro-descendants.

99. Among bilateral development agencies, SDC supported a three-year backstopping mandate with Minority Rights Group International to build the capacity of staff and support the organization as a whole to include minorities in development cooperation more effectively. Several training workshops on various aspects of working with minorities were held and country-specific policy support offered.

100. Private sector businesses must contribute fully to confronting poverty and enabling minorities to access employment. Where businesses make a serious commitment to equal opportunities policies, the diversity and strength of their workforce will grow and the benefits to communities are significant. Governments should be proactive in extending non-discrimination legislation and affirmative action policies to the private sector and robustly enforcing such policies. Multinational corporations should act in conformity with international human rights law and demonstrate leadership in regions in which they work.

³⁶ For further details see Minority Rights Group International, *An Examination of Approaches by International Development Agencies to Minority Issues in Development*, (E/CN.4/Sub.2/AC.5/2004/WP.5).

³⁷ This group included the Inter-American Dialogue, the World Bank, PAHO, OAS/Inter-American Human Rights Commission, UNDP, the Ford Foundation, among others.

II. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

101. In all countries, developed and developing, the high levels and disproportionate poverty of persons belonging to minorities requires dedicated attention and concerted action. The initial step for States in designing development policies must be to assess their obligations under human rights treaties and customary law. Within the wider framework of a human rights-based approach to development, the rights to non-discrimination, to participation in decision-making and to protection of cultural identity are crucial to addressing the inequality and exclusion faced by many minorities.

102. The Millennium Declaration establishes an overarching commitment in Goal 8 to “develop a global partnership for development”. Developed countries and the international community have a shared responsibility to address more fully the structural issues facing developing countries in eradicating poverty in general and specifically disproportionate poverty among minorities.³⁸

103. The situation of minority women demands particular attention. The intersection of discrimination on the basis of gender and minority identity should be considered systematically in the reform of policies aimed at poverty elimination. It is well accepted that women from marginalized populations are the overwhelming number of those living in poverty worldwide.

B. Recommendations

104. **The Independent Expert recommends that States:**

(a) Gather data on key economic and social indicators concerning the human development of persons belonging to minorities, including through censuses or sampling surveys, to establish sufficient baseline data to design appropriate policy responses. The data, disaggregated by different specific ethnic, religious and linguistic group and also by gender, should be made public.

(b) Establish mechanisms for meaningful dialogue with representatives of minority communities about development policies, particularly at the local government level. At the national level, the creation of statutory bodies composed of representatives of minority communities mandated to review and monitor government policy as it may affect minorities has proved useful.

³⁸ Philip Alston, “Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen Through the Lens of the Millennium Development Goals”, *Human Rights Quarterly*, 27.3 (2005) pp. 775-777.

(c) **Strengthen the legal and regulatory framework for addressing direct and indirect discrimination in both public and private spheres. Effective non-discrimination laws in key sectors such as employment and education can reduce obstacles that minorities face in overcoming poverty. Remedies and recourse procedures in discrimination cases should be readily accessible to minorities with penalties that are substantial and vigorously enforced.**

(d) **Adopt targeted and aggressive affirmative action policies for addressing the social exclusion of minorities, including a specific social and economic development plan for all marginalized groups. Affirmative action programmes should include the private sector as well as the public sector.**

(e) **Establish monitoring and evaluation mechanisms that can effectively measure the results of poverty reduction strategies that target minorities.**

(f) **Ensure that the MDG Country Reports and PRSPs, systematically reflect the situation of minorities, and that all review procedures monitor the impact of policies on minorities. Data disaggregated by social group and gender should be included in all PRSPs and MDG Country Reports.**

105. **Long-term success in poverty reduction for minorities requires an investment in tackling the root causes. In particular, States should consider measures in the following key areas:**

(a) **Education: Measures should include; addressing situations that result in segregation of minority children into different classrooms or facilities on the basis of their identity; increased access to education in mother-tongue languages; consideration of targeted financial assistance, or reserved places in secondary and higher education; curriculum development to reflect human rights education, minority cultures, and contributions of minorities to wider society.**

(b) **Employment: Measures to promote minority access to employment should include targeted skills training, investment in regions where minorities live, robust enforcement of anti-discrimination laws with respect to hiring, promotion and retention of minorities in the labour sector, penalties for violations of such laws that are sufficiently harsh to be a deterrent, targeted credit schemes and other support for small businesses. Affirmative action measures in public and private sector employment should be implemented to address long-term discrimination and exclusion of minorities.**

(c) **Land and property rights: Governments should adopt and enforce laws that safeguard the equal rights of minorities to land and property. Land laws should recognize a variety of forms of ownership, both individual and collective. Minorities should be enabled to register legal title to their land. Legal remedy and/or compensation should be made available to those previously displaced from their homes or traditional lands. The rights of women belonging to minority groups to own and inherit land must be equal to that of men.**

(d) Participation in decision-making: minorities have a right to participate effectively in decision-making on local or national issues and development plans that affect them or the regions in which they live. Support for participation, such as through reserved seats in governance or dedicated consultative institutions, should be prioritized.

106. **The Independent Expert recommends that International development agencies:**

(a) Adopt policy guidelines on minority issues which specifically address the particular issues faced by persons belonging to a broader array of minority populations in addition to Indigenous peoples.

(b) Build institutional capacity and knowledge on the situation of minorities, particularly in respect to poverty and other human development indicators. This may include training for staff on the human rights of minorities and applying human rights-based approaches to development.

(c) Undertake dialogues with minorities on development priorities, including through the establishment of minority advisory groups. Regional dialogues on minority issues may also be facilitated by international development agencies.

(d) Collect disaggregated data on the impact on minorities of policies, programmes and projects and support national statistics offices to build their capacity to collect and disseminate such data.

(e) Monitor budgetary support to ensure that resource allocations are appropriately targeting minorities or the regions in which they live and raise such approaches as matters of priority in consultations with government decision-makers.

(f) Support States in the preparation of MDG Country Reports, PRSPs and all review procedures associated with these modalities to ensure that the impact of policies on minorities is appropriately covered.

(g) Commission further research on the impact of development and poverty reduction strategies on minorities and ensure that country strategy papers for development cooperation reflect the situation of minorities and are published in minority languages.

(h) Establish budget lines to support work on minority issues in development. This may include funding to minority groups within civil society, investment in key sectors, or investment in regions where the poorest minorities live.

107. **The United Nations, regional and national human rights institutions are recommended to:**

(a) Provide necessary technical support on the drafting, implementation and enforcement of laws on non-discrimination and on laws and standards to protect the rights of minorities including the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities.

(b) Integrate consideration of minority rights into research, dialogue and training on the human rights-based approach to development.

(c) Ensure that efforts to establish human rights-based indicators of human development include the elaboration of indicators with relevance to minorities.

108. The 2003 Guidance Note on Country Reporting on the MDGs of the United Nations Development Group should be revised to clearly reflect a requirement for the collection and inclusion of disaggregated data by race, ethnicity and religion, and guidelines in this regard.

109. The Independent Expert's mandate requires her to identify best practices. She strongly encourages States and international development actors to share with her further information on positive practices undertaken to develop strong policies and technical cooperation initiatives on poverty reduction in communities of historically marginalized minority populations.
