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ISSUES

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Opening comments

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Mr Chair, Mr Vice-President of the Human Rights Council, High Commissioner for Human Rights, Distinguished Delegates, Ladies and Gentlemen,

It is my great pleasure to welcome you all to this 9th session of the Forum on Minority Issues. This time is indeed a special occasion, given that this is the last time I am guiding the Forum in my official capacity, as my term as mandate holder will come to an end next year.

During the next two days, we will focus our attention to the human rights of persons belonging to national or ethnic, religious and linguistic minorities where they find themselves in situations of humanitarian crises, such as conflict or disasters brought about by natural or man-made hazards. I decided to address my thematic report to the General Assembly this year to this important topic and to have the Forum elaborating on it further in light of my observations, during the course of my mandate, that minorities can be disproportionately affected during a crisis or in the aftermath, owing to their minority status.

The current global humanitarian context is alarming. Ongoing and protracted conflicts are leading to massive displacement crises: there are unprecedented numbers of refugees and internally displaced persons, and inter-ethnic and interracial tensions and conflicts are erupting in nearly every region of the world. These conflicts are often rooted in power struggles, identity politics, competition for resources, rising income disparities and socioeconomic inequalities, and increasing polarization of societies, making minorities particularly vulnerable; indeed, many of the persons who flee their countries for fear of persecution are members of minority groups targeted precisely because of their minority identity. Furthermore, with the impact of climate change, disasters are becoming all too frequent and widespread, further affecting minorities who often may reside in remote and marginal areas that are more susceptible to disasters, or have fewer resources to evacuate easily.

Overall trends do indicate a correlation between the impact of crises and minority status. In Iraq, Yazidis, Christians and other religious and ethnic minorities have been targeted by the Islamic State precisely on the basis of their identity. During my latest visit to Sri Lanka, I carefully listened to the testimonies of many Muslims who suffered of massive displacement during the conflict between the Sinhala and Tamil populations because of their distinct religious identity. In the late 1990s, during the armed conflict in Kosovo, Roma families have been placed in camps with lead and other forms of toxic contamination of the surrounding areas, which led to death and serious health consequences of the Roma IDPs. The opinion of the Human Rights Advisory Panel of the UN Interim Administration Mission in Kosovo still awaits implementation to hold the Mission accountable for leaving Roma families exposed to lead poisoning. In 2014, I called on the Government of Nigeria and the international community for a swift and stronger response to the plight of some 3.3 million people displaced in the country due to violence since 2010, many of whom are persons belonging to ethnic and religious minorities. An analysis of emergency responses to natural disasters in South Asia demonstrated that Dalits have suffered from discrimination throughout all the phases of disaster response, from rescue to rehabilitation. Hurricane Katrina in 2005, which wreaked havoc across the United States Gulf Coast, and which led to one of the greatest episodes of internal displacement in United States history with over a million people forced from their homes and communities, had a

clear racial dimension to the detriment of the African American population. Members of the Muhamasheen minority in Yemen have often been displaced into open spaces or the edges of towns, making their access to resources, such as shelter, water or medical emergency assistance, even more difficult. And this list could be continued.

Unfortunately, the lack of readily accurate disaggregated data hinders much needed analysis. There are a number of reasons for this. First of all, there is a likely reluctance of minorities displaced or affected by crises to identify themselves as such for fear of further discrimination or violence. Furthermore, States may be unwilling to collect such data, since they may not recognize the affected minority group members as citizens, or their minority status, or do not want to draw attention to specific difficulties faced by members of their societies. Humanitarian agencies tend to disaggregate data mainly by sex and age, and rarely address other categories including minority status or special needs. Therefore, I reiterate the crucial importance of the collection of data disaggregated by ethnicity, religion and language to adequately map affected groups in humanitarian crises and natural disasters and that data collection programmes should allow for diverse forms of self-identification and comply with international standards regarding the right to privacy.

There are specific challenges facing minorities affected by humanitarian crises, including the situation of particularly vulnerable groups, such as minority women and girls, which I will briefly introduce here in four points:

1. Threats to existence: Minorities affected by crises and disasters may be specifically targeted and may be at particular risk with regard to their physical safety and security both during crises and in their aftermath, including violence and xenophobic attacks against them. In some cases, the physical integrity of minorities can even be a key aspect of the conflict and amounting to mass atrocity crimes. They may also experience particular restrictions on their freedom of movement during conflict and humanitarian crises, as well as intimidation, discrimination or even violence against them when trying to flee.
2. Particular challenges in accessing basic services: Due to discrimination and marginalization, minorities who are affected by crises and disasters often lack proper access to water and sanitation, adequate food, and other services. This may be compounded by a lack of adequate documentation, which may impede access to humanitarian assistance including a range of public services during crises such as health care, education, housing and employment programs, as well as social integration.
3. Housing, land and property rights: Often clearly linked to the question of documentation, minorities may not have official papers to prove their land rights. Moreover, land often has a special meaning for minority communities, as some groups have a particular attachment to their land or as their whole culture may rely on land.
4. Return and the search for durable solutions: Return always needs to be voluntary, and carried out in safety and dignity in participation and consultation with the affected communities who are often minorities. Where deportations take place without consent, minorities may face numerous obstacles to their basic human rights. In some cases, the loss of the temporary protection status in host countries and the forced repatriation to their countries of origin, coupled with the lack of adequate policies for the integration of returnees, have resulted in minority communities being forced to a circle of continuous migration. Minorities may face particular obstacles, if they fled owing to violence perpetrated against them because of their minority status and the root conditions of that

violence have not been resolved. They may be reluctant or unable to return home where they have become even more marginalized because the conflict or disaster has for instance changed the demographics of an area. Local integration and settlement in new communities can be particularly challenging for minorities who are IDPs and refugees, as they need to adapt to new environments, with no support networks, and may be victims of discrimination with host communities.

It is not only in conflict situations when minorities are at heightened risk to be caught up in humanitarian crises. I observed that minority communities may also be more vulnerable to disasters, brought about by natural or man-made hazards, as they may be both inadequately prepared for such emergencies, and disproportionately affected by them. Studies reveal that minority communities are less likely to be equal beneficiaries of adequate humanitarian aid and/or rehabilitation when or after disasters strike. There are long lasting consequences for failing to properly integrate principles of non-discrimination and the protection of minorities into disaster response planning. If minorities perceive themselves to have received lesser treatment during such disasters, this may fuel not only distrust in authorities but could actively contribute to deepening tensions between minorities and other communities or the State.

This Forum will not only consider all these complex challenges and discriminatory patterns against minority groups but will also formulate important recommendations on how to build resilient and prepared minority communities able to actively respond when crises strike; and if and when a crisis occurs, to provide timely, appropriate assistance that is relevant to minority communities' specific needs. The draft recommendations highlight the primary responsibility of the State while also addressing National Human Rights Institutions, UN entities, international and locally based humanitarian and development actors, regional organisations, NGOs, minority groups and other non-state actors. The recommendations take a chronological approach, traversing the three stages of humanitarian crises: prevention and timely action before the crisis occurs, the immediate and ongoing response to and management of the crisis, and the post-crisis recovery.

As you will see, the draft recommendations address a wide range of crisis situations, some of which will affect the broader population and not only minorities. I believe that a human rights-based approach to the delivery of humanitarian aid should apply to all people affected by a crisis; however, the particular aim of these recommendations is to ensure that minorities are not further marginalised or discriminated against before, during or after a conflict, disaster, pandemic or other humanitarian crisis. I would like to stress that all measures taken should, to the fullest extent possible, be developed, designed, implemented, monitored and evaluated in consultation with, and with the effective participation of, minorities. Measures implementing the recommendations should also have a gender-sensitive approach, as minority women and girls are often particularly negatively impacted by disasters and conflicts, and may be exposed to multiple and intersecting forms of discrimination.

This Forum constitutes a unique opportunity to hear all your voices. Therefore, I would like to invite all participants to actively contribute to the discussions and to the elaboration of the final recommendations, which will be presented to the Human Rights Council next March.

I once again thank you, welcome you all and wish all of us a fruitful and enriching session over the coming two days.