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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## Minority issues

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on minority issues, Fernand de Vareennes, in accordance with Assembly resolution [74/165](#) and Human Rights Council resolutions [25/5](#) and [43/8](#).

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\* [A/76/150](#).



## **Report of the Special Rapporteur on minority issues, Fernand de Vareennes**

### **Minorities, equal participation, social and economic development and the 2030 Agenda for Sustainable Development**

#### *Summary*

In the present report, the Special Rapporteur on minority issues, Fernand de Vareennes, provides a summary of his activities and highlights the continuing work on the thematic priorities of statelessness, education and minority languages, hate speech targeting minorities on social media and the prevention of violent conflicts through the protection of the human rights of minorities, as well as the strengthening of the protection of the rights of minorities through a regional approach. He also provides a summary of his country visits, communications and other activities.

In the thematic study on minorities, equal participation, social and economic development and the 2030 Agenda for Sustainable Development, the Special Rapporteur outlines the historical positioning of minority issues in relation to the Millennium Development Goals and their place in the 2030 Agenda for Sustainable Development. He highlights how in 2007 the concerns and recommendations expressed by the first Independent Expert on minority issues, Gay McDougall (see [A/HRC/4/9](#)), were taken on board (or not) in the Millennium Development Goals and pays attention to the role of the Sustainable Development Goals in the participation of minorities in social and economic development. He focuses on the continuing disproportionate exclusion of vulnerable minorities, particularly minority women, in national activities for development and underlines the unfortunate growing invocation of development to weaken the participation of minorities and obstruct the implementation of their human rights. Finally, he warns of the danger of the failure of any specific reference to the marginalization of minorities in United Nations efforts around the Sustainable Development Goals.

## I. Introduction

1. The Special Rapporteur on minority issues submits the present report to the General Assembly pursuant to his mandate, as established in Commission on Human Rights resolution 2005/79 and extended most recently by the Human Rights Council in its resolution 43/8.

2. The Special Rapporteur provides a summary of his activities in 2020 and 2021 since his previous report to the General Assembly (A/75/211), then introduces a study on minorities, equal participation, social and economic development and the 2030 Agenda for Sustainable Development. The Special Rapporteur intends to use the present study to consider the need to maintain focus on the human rights dimension of development and how there unfortunately appears to be a misapprehension as to the application of Sustainable Development Goals that at times leads to development being prioritized over human rights, with too often the result that minorities again find themselves “left behind”, disproportionately excluded or disadvantaged despite the objectives sought by the Goals. The Special Rapporteur notes that some States appear to deny or disregard the human rights of minorities, in particular their right to equally and fully participate in economic and social development activities and benefits.

## II. Activities of the Special Rapporteur in 2020 and 2021

3. The Special Rapporteur has engaged in a number of activities, with the aim of conducting thematic studies; conducting country missions; communicating with Governments and other actors on alleged violations of the rights of minorities; promoting good practices; and increasing awareness and understanding on the human rights of persons belonging to minorities, which underpin his mandate. Some of the focus areas addressed and activities carried out are highlighted below.

### A. Activities related to thematic priorities

4. The Special Rapporteur identified four thematic priorities in his first statement to the General Assembly in October 2017. In 2018, he focused on the theme of statelessness, and he continues to raise this issue often in presentations and through his participation in activities around the world, as highlighted in the present report.

5. The Special Rapporteur engaged in further activities for all four thematic priorities: statelessness, education and language of minorities, hate speech and social media, and the prevention of ethnic conflicts through the protection of the rights of minorities. As in the cases of statelessness and hate speech on social media, most contemporary violent conflicts tend to involve minorities (and in many cases indigenous peoples where they constitute at the same time minorities) over long-standing grievances of discrimination, exclusion and other situations of human rights violations.

6. Among these activities are the preparation of a practical guide on the implementation of the rights of minorities in relation to education in and teaching of minority languages, to be completed by the end of 2021. Work has also started on a further guide on the eradication of statelessness of minorities by ensuring non-discrimination in citizenship laws and practices.

## **B. Successful regional approaches and engagement**

7. In his first report to the Human Rights Council in March 2018, the Special Rapporteur identified the necessity of a regional approach to the Forum on Minority Issues, in order to make it more accessible to minorities in different parts of the world and better reflect regional expertise, concerns and contexts.<sup>1</sup> The first steps towards such an approach were undertaken in 2019, with the organization in May 2019 of a European regional forum at the European Parliament in Brussels, an Asia-Pacific regional forum in Bangkok in September 2019 and a regional forum for the Africa and Middle East region in Tunis in October 2019, all on the theme of education, language and the human rights of minorities.

8. Although initially planned for four regions (Europe, Asia-Pacific, the Africa and Middle East region and the Americas), the 2020 regional forums on hate speech and incitement to hatred against persons belonging to minorities through social media had to be postponed, with only three eventually held online, because of the coronavirus disease (COVID-19) pandemic. In 2021, four regional forums are to be held on conflict prevention and the human rights of minorities: the Americas and the Africa-Middle East regional forums, held online on 27 and 28 April and on 15 and 16 June, respectively; the Asia-Pacific regional forum, to be held on 7 and 8 September; and the European regional forum, to be held in Vienna on 12 and 13 October.

9. To summarize, the regional approach increasingly engages States as well as regional experts, representatives and participants. The Americas regional forum, hosted by the Government of Mexico in April 2021, had a very significant level of State and civil society participation, with official representatives of 14 States and more than 200 participants overall. For the Africa-Middle East regional forum in June 2021, over 300 participants from more than 28 countries registered to participate, and officials from 13 States also registered.

10. The most recent Africa-Middle East regional forum illustrates some of the innovations and successes in the mandate holder's regional approach. For example, a significant number of high-level State officials took active part, including the Minister of Justice of the Gambia in the capacity of host State, the Special Adviser to the Secretary-General on the Prevention of Genocide, the Assistant Secretary-General of the League of Arab States, the Permanent Observer of the Organization of Islamic Cooperation to the United Nations, the Chairperson and Vice-Chairperson of the African Commission on Human and Peoples' Rights, the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Representative for the Middle East and North Africa and the Director of the Department of Human Rights of the Ministry of Foreign Affairs of Qatar.

11. With the support of minority representatives and especially the former minority fellows, social media flyers promoting the call for participation had been translated into 15 minority/regional languages and shared by the Special Rapporteur and partners on social media. Numerous minority representatives praised such an initiative. According to the feedback received, this initiative was especially important for minorities whose languages are threatened, such as around 100 Assyrians who mobilized around the translation of the poster in their language. Stronger engagement with minority groups during the organizational process of the regional forum led to several publications featuring the call for participation in minority media.

12. Coverage during the regional forum was also significantly higher, with the live stream of the first day of the regional forum being viewed more than 1,000 times. The targeted and focused promotion of the event's hashtags, as well as live-streaming of

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<sup>1</sup> A/HRC/37/66, para. 64.

the event, allowed participants of the regional forum to continue discussions around the event in the social media space, strategize among each other and use their participation in the regional forum as an advocacy tool. One example is the Oromo Legacy Leadership and Advocacy Association, which live-streamed a panel discussion of the regional forum, with the participation of its director, on the Facebook page of the organization. The live stream has been viewed more than 20,000 times. In Nigeria, members of the Igbo community in one locality even set up a venue outdoors where the whole community could watch the live-streaming of the event.

### **C. Country missions**

13. No country missions were undertaken by the Special Rapporteur in the period in 2020 and 2021 covered by the present report because of worldwide travel restrictions linked to the COVID-19 pandemic.

### **D. Forum on Minority Issues**

14. Information on the thirteenth session of the Forum on Minority Issues, held online on 19 and 20 November 2020 on the theme “Hate speech, social media and minorities”, can be found in the annual report of the Special Rapporteur to the Human Rights Council for 2021 (see [A/HRC/46/57](#), paras. 16–19). The Special Rapporteur wishes to highlight the significant levels of interest and participation in 2020, particularly on a regional basis: some 1,000 participants were registered, of whom around 400 were registered for the Forum on Minority Issues and almost 600 for the two regional forums held in April and June 2021. The number of participants at the Forum in Geneva, however, was greatly reduced compared to previous years because of uncertainty over the holding of the Forum in the light of the pandemic and the absence for a significant period of time of an OHCHR consultant to organize the Forum. The fourteenth session of the Forum will focus on the prevention of conflict and the protection of the human rights of minorities and should be held in Geneva in December 2021.

### **E. Communications**

15. In 2020, a total of 78 communications were sent to Governments and other stakeholders. All of them were sent jointly with other special procedures mandate holders, a very significant increase from the previous year. Of those, 16 were urgent appeals, 53 were letters of allegation and 9 were letters commenting on and raising concerns over specific legislation, policies and practices.

16. With regard to the geographical distribution, 43 of the communications were for the Asia-Pacific region, 16 for Europe and Central Asia, 9 for the Middle East and North Africa, 4 for sub-Saharan Africa and 5 for Latin America and the Caribbean. One communication was sent to a private company.

17. The communications addressed human rights violations, such as persecution of and violence against persons belonging to minorities, as well as minority human rights defenders, arbitrary detention and torture, restrictions and limitations on religious freedoms, excessive use of force by law enforcement, forced evictions, discrimination in the area of education and the impact of development projects and of business activities on the human rights of minorities.<sup>2</sup>

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<sup>2</sup> For details of all communications sent and information received under the mandate, see <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

## **F. Awareness-raising and other activities**

18. The Special Rapporteur considers awareness-raising activities as an essential component of his mandate, particularly in the light of the need to highlight and emphasize the increasing marginalization of minorities around the world, their greater vulnerability during health and other crises, such as the COVID-19 pandemic, the growing targeting of minorities by hate speech on social and other media and in hate crimes around the world, the central role of the human rights of minorities in addressing their exclusion in order to prevent ethnic conflicts, and the lack of visibility of or reference to minority issues in many forums, even within United Nations institutions.<sup>3</sup>

19. One significant recognition he would like to highlight is the honour bestowed upon him by Slovenia. On 28 May 2021, the Special Rapporteur was invited by the Government of Slovenia to be part of the ceremony to mark and celebrate the amendment of the Constitution of Slovenia to officially recognize the Slovene sign language. The invitation was in recognition of the support provided and role he played with others in this regard, which flowed from one of the recommendations he made in his 2018 country mission report to Slovenia, that the Slovene sign language, as a full-fledged minority language, should be recognized officially.

## **G. Follow-up to other thematic priorities**

20. The Special Rapporteur remains deeply concerned about developments related to his mandate's thematic priorities. He continues to receive disturbing reports that the campaign by the Office of the United Nations High Commissioner for Refugees (UNHCR) to eradicate statelessness by 2024, the “#IBelong” campaign, is seriously undermined as procedures are continuing in Assam, India, as well as in other states in the country, which may result in millions being deemed unable to satisfactorily demonstrate they are citizens. This could lead to millions being de facto stateless.

21. Following the Special Rapporteur's thematic priority in 2019 on education, language and the human rights of minorities, he is increasingly being made aware of States that are appearing to discount the rights of linguistic minorities in matters involving language, the central component of their identity, and even increasingly restricting or completely eliminating the use of minority languages in education. The Special Rapporteur is of the view that such developments will need to be addressed in targeted and accessible guidelines, based on good practices in many States, to provide better guidance on how to understand and implement effectively the human rights of persons belonging to minorities in this critical area. These guidelines are to be completed in 2021.

# **III. Study on minorities, equal participation, social and economic development and the 2030 Agenda for Sustainable Development**

## **A. Introduction**

22. In her 2007 report to the Human Rights Council on the Millennium Development Goals, the precursors to the current Sustainable Development Goals, the then Independent Expert on minority issues, Gay McDougall, warned that there

<sup>3</sup> See [www.ohchr.org/Documents/Issues/Minorities/SR/Activities2020-2021.pdf](http://www.ohchr.org/Documents/Issues/Minorities/SR/Activities2020-2021.pdf).

was a genuine risk that the strategies used to achieve the Millennium Development Goals would be less beneficial for minority groups, and might even increase inequalities and further harm some minority communities.<sup>4</sup> To date, the link between inclusion of minorities, protection of minority rights and realization of the Millennium Development Goals has not been widely considered by development actors. This is in contrast with ongoing dialogues on gender and the Millennium Development Goals and the dialogue on the Goals and indigenous peoples undertaken in recent sessions of the Permanent Forum on Indigenous Issues.

23. The warning of the Independent Expert was prescient and went largely unheeded. Her report was focused on poverty and the Millennium Development Goals, and the present study builds on her research, since it concerns the closely-related issues of the participation of minorities in social and economic development. It has become apparent 14 years after her warning that the strategies to achieve the Sustainable Development Goals have not obviously been beneficial to minorities, and especially that the link between inclusion of minorities, protection of minority rights and realization of the Sustainable Development Goals has been even less widely considered by development actors than it was under the Millennium Development Goals.

24. In the present study, the Special Rapporteur outlines the historical positioning of minority issues in relation to the Millennium Development Goals and their place in the 2030 Agenda for Sustainable Development. He highlights how in 2007 the concerns and recommendations expressed by the first Independent Expert on minority issues, Gay McDougall (see [A/HRC/4/9](#)), were taken on board (or not) in the Millennium Development Goals and pays attention to the role of the Sustainable Development Goals in the participation of minorities in social and economic development. He focuses on the continuing disproportionate exclusion of vulnerable minorities, in particular minority women, from national activities for development, underlines the unfortunate growing invocation of development to weaken the participation of minorities and obstruct the implementation of their human rights and warns of the danger of the failure of any specific reference to the marginalization of minorities in United Nations efforts around the Goals.

25. The Special Rapporteur is grateful for all the submissions by States, civil society organizations and other groups and individuals.<sup>5</sup>

## **B. Historical background**

### **1. From the Millennium Development Goals to the Sustainable Development Goals and minorities**

26. The 2030 Agenda for Sustainable Development<sup>6</sup> was adopted by world leaders in September 2015 at a United Nations summit. The new Agenda was adopted as the era of the Millennium Development Goals, which started in 2000, came to an end. In the 2030 Agenda, countries were called upon to begin efforts to achieve 17 Sustainable Development Goals and 169 targets to wipe out poverty, fight inequality and tackle climate change over the next 15 years. “The 17 Sustainable Development Goals are our shared vision of humanity and a social contract between the world’s leaders and the people”, said the former Secretary-General, Ban Ki-moon.<sup>7</sup>

<sup>4</sup> [A/HRC/4/9](#), para. 22.

<sup>5</sup> The sample questionnaire and the list of public contributions to the thematic study is available at [www.ohchr.org/Documents/Issues/Minorities/SR/Sample\\_questionnaire\\_list\\_of\\_contributors.pdf](http://www.ohchr.org/Documents/Issues/Minorities/SR/Sample_questionnaire_list_of_contributors.pdf).

<sup>6</sup> General Assembly resolution 70/1.

<sup>7</sup> See [www.un.org/sustainabledevelopment/blog/2015/12/sustainable-development-goals-kick-off-with-start-of-new-year/](http://www.un.org/sustainabledevelopment/blog/2015/12/sustainable-development-goals-kick-off-with-start-of-new-year/).

27. As the Sustainable Development Goals were inspired by the Millennium Development Goals, it is important to look into the 2007 report by the first Independent Expert on minority issues, where she observed that minorities were often neglected or excluded from efforts to achieve the Millennium Development Goals. She recommended that the Millennium Development Goals country reports systematically reflect the situation of minorities and that data disaggregated by social group and gender should be included in all poverty reduction strategy papers and Millennium Development Goals country reports.<sup>8</sup> She also recommended that the 2003 guidance note on country reporting on the Millennium Development Goals of the United Nations Development Group be revised to clearly reflect a requirement for the collection and inclusion of disaggregated data by race, ethnicity and religion, and guidelines in that regard.<sup>9</sup> The guidance note was thereafter revised in 2009 and acknowledged that “different dimensions of inequality could be highlighted, such as regional, ethnic, socioeconomic groups and gender disparities”.<sup>10</sup> It suggested to use data disaggregated by ethnic groups.<sup>11</sup> However, the revised version did not include the recommendations of the Independent Expert, no reference was made to minorities and the collection of disaggregated data by race, ethnicity and religion was eventually dropped despite her plea.

28. In the *Millennium Development Goals Report 2015*,<sup>12</sup> the Department of Economic and Social Affairs of the Secretariat reflected on the lessons learned from achieving the Millennium Development Goals and acknowledged the need to include minorities in the emerging post-2015 development agenda. It highlighted, among other things, that “the unfinished work on education must rank high on the post-2015 development agenda” by tailoring interventions to the needs of children belonging to minorities.<sup>13</sup> It suggested that better data were needed for the post-2015 development agenda and should be disaggregated by key dimensions beyond the basics of age and sex, including ethnicity.<sup>14</sup> It acknowledged that targeted efforts would be needed when implementing the post-2015 development agenda so as to reach the most vulnerable people, including those disadvantaged because of their ethnicity.<sup>15</sup> It indicated that “access to good schools, health care, electricity, safe water and other critical services remains elusive for many people, and it is frequently determined by socioeconomic status, gender, ethnicity or geography”.<sup>16</sup>

## 2. Sustainable Development Goals and leaving no one behind – except minorities

29. The 2030 Agenda was elaborated through two parallel United Nations processes. The first was the Open Working Group of the General Assembly on Sustainable Development Goals, which was mandated by the United Nations Conference on Sustainable Development to elaborate the Sustainable Development Goals, including social, economic and environmental dimensions of sustainable development. The second was the “post-2015” process set up by the Secretary-General to elaborate a development agenda to follow the expiry of the Millennium Development Goals. This process included a wide range of open consultations among

<sup>8</sup> A/HRC/4/9, para. 104 (f).

<sup>9</sup> Ibid., para. 108.

<sup>10</sup> United Nations Development Group, “Addendum to 2nd guidance note on country reporting on the Millennium Development Goals”, November 2009, p. 5.

<sup>11</sup> Ibid.

<sup>12</sup> *Millennium Development Goals Report 2015* (United Nations publication, 2015).

<sup>13</sup> Ibid., p. 27.

<sup>14</sup> Ibid., p. 11.

<sup>15</sup> Ibid., p. 8.

<sup>16</sup> Ibid., p. 23.



stakeholders and a High-level Panel of Eminent Persons on the Post-2015 Development Agenda, which was appointed to develop a proposal for the new agenda.<sup>17</sup>

30. While formulating the new agenda, there were disagreements about how to incorporate inequality. The United Nations Children’s Fund and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) led thematic consultations on inequality, involving multiple stakeholders. While initially most developing countries supported a stand-alone goal on reducing inequality, they opposed it in the final stages.<sup>18</sup>

31. The High-level Panel did not formulate a stand-alone goal on inequality, but “leave no one behind” emerged as a central theme. This background to the emergence of leaving no one behind should be understood from a subsequent paper by the Department of Economic and Social Affairs from 2018<sup>19</sup> as the main approach to frame the inequality agenda of the Sustainable Development Goals as inclusive development, focusing on the exclusion of marginalized and vulnerable groups from social opportunities and deflecting attention from the core issues of distribution of income and wealth and the challenge of “extreme inequality”. The term is adequately vague so as to accommodate wide-ranging interpretations. It is suggested in the paper that whom the different countries identify and recognize as being left behind is indicative of how they deal with the concept of leaving no one behind. Most countries’ voluntary national reviews refer to exclusion on account of gender and age. In 2017, almost all such reviews referred to women and persons with disabilities, but only 18 mentioned race, ethnicity or religion and almost none used the word “minority”, and 11 referred to indigenous groups.

32. Nevertheless, the possible inclusion of minorities was raised in the negotiations on the post-2015 development agenda several times. Indeed, the marginalization faced by national or ethnic, religious and linguistic communities had been referenced during discussions on nearly every issue on the agenda of the Open Working Group on Sustainable Development Goals, although once again direct reference to them as minorities was often avoided. Moreover, a specific goal 10.5 was suggested during the Group’s discussions:<sup>20</sup> “empower and promote the social and economic inclusion of the poor, the marginalized and people in vulnerable situations, including indigenous peoples, women, minorities, migrants, persons with disabilities, older persons, children and youth”.

33. At this point, the “leaving no one behind” commitment would be turned on its head, with the exact opposite occurring: minorities were to be excluded. While paragraph 23 of the 2030 Agenda specifies vulnerable people who should be empowered by the Agenda, minorities were intentionally removed from the earlier versions of the enumeration of “those left behind” without any explanation, while all the others remained.<sup>21</sup> Thus started what could arguably be perceived as the

<sup>17</sup> Sakiko Fukuda-Parr and Thea Smaavik Hegstad, “‘Leaving no one behind’ as a site of contestation and reinterpretation”, Background Paper No. 47 for the Committee for Development Policy ([ST/ESA/2018/CDP/47](#)), pp. 2–3.

<sup>18</sup> *Ibid.*, p. 3.

<sup>19</sup> *Ibid.*, p. 7.

<sup>20</sup> International Institute for Sustainable Development, “Summary of the Twelfth Session of the UN General Assembly Open Working Group on Sustainable Development Goals: 16–20 June 2014”, in *Earth Negotiations Bulletin*, Vol. 32, No. 12, p. 7.

<sup>21</sup> From paragraph 23 of the 2030 Agenda for Sustainable Development: “People who are vulnerable must be empowered. Those whose needs are reflected in the Agenda include all children, youth, persons with disabilities (of whom more than 80 per cent live in poverty), people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants.”

discriminatory exclusion of minorities in the strategies for the Sustainable Development Goals.

34. An OHCHR position paper<sup>22</sup> published shortly after the adoption of the Sustainable Development Goals misleadingly stated that “the new agenda includes perhaps the most expansive list of groups to be given special focus of any international document of its kind”. This is false, since it removes all references to minorities, one of the world’s main marginalized groups that needed special focus according to many studies on development and poverty.

35. Furthermore, the indicators to measure progress against the Goals, endorsed by the Statistical Commission, fell far short of meeting the ambition of the Goals and targets in measuring the inclusion of marginalized and vulnerable groups, in particular minorities, as had been recommended previously. While initially the Inter-Agency and Expert Group on Sustainable Development Goal Indicators, which had been tasked with creating the indicators, had expressed its commitment to disaggregation by all the categories listed in the targets, the indicators were often either too vague or restrictive. It was pointed out to the Special Rapporteur, for example, that in the case of the indicator for target 10.2, while the spirit of the target was to “empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status”, the indicator proposed to measure it did not even list five of the groups in the target, rendering it meaningless.<sup>23</sup> In other words, again, the “leave no one behind” commitment therefore excluded the type of data that was essential to measure the inclusion of marginalized and vulnerable groups such as minorities, but also specifically indigenous peoples and, in particular, highly vulnerable minorities such as Afrodescendants and Roma. Ironically, the United Nations High Commissioner for Human Rights, Michelle Bachelet, would a few years later call for the collection of exactly the form of disaggregated data rejected in the indicator adopted for target 10.2 of the Goals.<sup>24</sup>

### **C. Obstacles to the equal participation of minorities in social and economic development**

36. Among the submissions to the Special Rapporteur for the present thematic report, it was suggested that “leave no one behind” was the main clarion call throughout the process of developing the Sustainable Development Goals. In part to address the criticism that the Millennium Development Goals masked inequality between groups, the new global Goals were to address this with their commitment that all targets would be met “for all nations, all peoples and for all segments of society”.<sup>25</sup> As the Special Rapporteur has often pointed out, the identification of the extent to which minorities can effectively and equally participate in a State’s social and economic development requires data that are disaggregated by age, sex, disability, race, ethnicity, origin, religion or economic or other status.

<sup>22</sup> See [www.ohchr.org/Documents/Issues/MDGs/Post2015/HRAndPost2015.pdf](http://www.ohchr.org/Documents/Issues/MDGs/Post2015/HRAndPost2015.pdf).

<sup>23</sup> Submission by Minority Rights Group and the Coalition for Religious Equality and Inclusive Development.

<sup>24</sup> The High Commissioner called for a “transformative agenda” to uproot systemic racism and discrimination and detailed the “compounding inequalities” and “stark socioeconomic and political marginalization” that afflict people of African descent (see [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27218&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27218&LangID=E)). She decried the lack of comprehensive official disaggregated data regarding those minorities.

<sup>25</sup> Submission by Minority Rights Group and the Coalition for Religious Equality and Inclusive Development.

37. As the historical examination of the drafting of the Sustainable Development Goals seems to show, however, the current indicators and formulation of the Goals risk hiding the exclusion of vulnerable minorities, since disaggregation is proposed only on a very restricted number of grounds. The global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its resolution 71/313, is not only rights-based to a very limited extent, but also weak on targeting the most vulnerable groups.

38. Of the 169 targets, only around 30 per cent are human-centred, and even fewer are directly worded in terms of human rights. Of 232 unique sustainable development indicators, only around 35 per cent are human-centred, i.e. they measure progress in terms of people and/or their human rights.<sup>26</sup>

39. Clearly, the Sustainable Development Goals are much more about development than human rights, with the risk that the most vulnerable and marginalized in society, and therefore the most in need of protection of human rights, may not fare well in the overall United Nations development agenda for 2030, and even be left further behind. Indeed, “of 169 sustainable development targets, only 25 (circa 15 per cent) explicitly focus on gender, 17 (circa 10 per cent) on age (mainly on children and youth), 5 (circa 3 per cent) on persons with disabilities, 2 (circa 1 per cent) on ethnic minorities and 2 (1 per cent) on indigenous peoples. Of 232 sustainable development indicators, 46 (circa 19 per cent) are targeting or are disaggregated by gender, 38 (circa 15.5 per cent) by age, 10 (4 per cent) by disability status, 2 (under 1 per cent) by indigenous status, and none by ethnicity. Hence, 85 per cent of sustainable development targets, and over 80 per cent of sustainable development indicators, actually are not scoped to ‘leave no one behind’”.<sup>27</sup>

40. Among those most likely to be left behind are minorities who face multiple and intersecting forms of discrimination. An indigenous, Roma or Dalit woman or girl, for example, may be doubly marginalized and disadvantaged, and even be particularly vulnerable to abuse and denial of basic human rights protection. Whether their station will be improved under the 2030 Agenda or whether they will fall behind when the majority in a country may enjoy fully the benefits of social and economic development is simply not factored into the Sustainable Development Goal indicators. This is despite widespread research, such as from the Overseas Development Institute, which highlights, for example, that across 16 countries in the Global South, it is the poorest women from disadvantaged minority groups who were the most likely to have missed out on the promises of progress in education and health implicit in the mantra of development.<sup>28</sup> Only focusing on a person’s sex, without acknowledging or taking into account her ethnicity as a key marker of social and economic exclusion, for example, risks masking the intersecting forms of discrimination that combine to exacerbate the marginalization of minority and indigenous women and the inequality they face in terms of benefiting from social and economic development.

41. Some States, although a very small number of them, showed an awareness of this fundamental dimension in their submissions, since they went beyond the requirements of the Sustainable Development Goal indicators and provided disaggregated data on grounds such as ethnicity, and thus provided data that, as pointed out by the United Nations High Commissioner for Human Rights in June

<sup>26</sup> Submission by Slava Balan, PhD in Law Candidate, University of Ottawa, and Ecaterina Balan, International Minority Rights Fellow.

<sup>27</sup> Ibid.

<sup>28</sup> See “Who is being left behind in sub-Saharan Africa, Asia and Latin America?”, Overseas Development Institute 2016 reports, available from <https://odi.org/en/publications/who-is-being-left-behind-in-sub-saharan-africa-asia-and-latin-america/>.

2021, were urgently needed to more effectively combat structural racism and discriminatory practices and policies that can “leave behind” and exclude Afrodescendent minorities, among others.<sup>29</sup> However, Afrodescendants and other minorities are currently largely invisible, essentially “whitewashed”, from the data actually requested under all Goal indicators.

42. As the study in one submission provided to the Special Rapporteur for the present report points out, implementation of the 2030 Agenda is supposed to be “country-led”, and States could in theory adopt a more expansive and inclusive approach to target the most excluded and marginalized populations, in particular minorities and indigenous peoples, for measures specifically targeting those “left behind” and disaggregated indicators in their voluntary national reviews and other reports towards the review and follow-up of the 2030 Agenda.<sup>30</sup> The survey of the world’s 15 largest countries by population concluded that it was a “very disappointing picture”, since there were only a few exceptions: minorities and indigenous peoples were barely even mentioned at all, and usually only briefly in the reports from Brazil, Mexico, Canada and the United States of America. There were almost no substantive provisions on minorities or indigenous groups in the context of targeted actions or disaggregated data.

43. Similarly, the main conclusions above are confirmed in the fifth voluntary national reviews synthesis report prepared by the Department of Economic and Social Affairs in its most recent iteration from 2020, covering 47 voluntary national reviews presented that year.<sup>31</sup> Misleadingly, however, it is claimed in the synthesis report that many voluntary national reviews included assessments of those who are considered at risk of being left behind, identifying groups such as ethnic minorities, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and stateless persons. While there are dedicated sections for indigenous peoples (five paragraphs: a very significant increase from the 2019 report) and LGBTI persons (the same as for indigenous peoples, five paragraphs, whereas there was only one in the previous report), minorities are again completely left out, as are stateless persons, who are only briefly mentioned in passing a few times.

44. Contradictorily, minorities and the stateless (who are overwhelmingly minorities) are in fact hardly mentioned in the synthesis report itself. The few references made include Finland, which is mentioned in the report for not allowing disaggregated data collection on the basis of ethnicity or indigenous status;<sup>32</sup> the work of a civil society organization in Bulgaria, the Alliance for Protection against Gender-based Violence, paying special attention to vulnerable groups of women and girls from ethnic minorities; the Republic of Moldova, indicating that the level of social exclusion of

<sup>29</sup> The submission of Mexico included disaggregated data for indigenous peoples and Afrodescendent minorities, in addition to age and sex, in areas such as access to health services, employment and education.

<sup>30</sup> The submission by Slava Balan, PhD in Law Candidate, University of Ottawa, and Ecaterina Balan, International Minority Rights Fellow, surveyed the following States: Bangladesh, Brazil, Canada, China, Egypt, Ethiopia, India, Indonesia, Japan, Mexico, Nigeria, Pakistan, the Philippines, the Russian Federation and the United States of America.

<sup>31</sup> See [https://sustainabledevelopment.un.org/content/documents/27027VNR\\_Synthesis\\_Report\\_2020.pdf](https://sustainabledevelopment.un.org/content/documents/27027VNR_Synthesis_Report_2020.pdf).

<sup>32</sup> The reference to Finland and the rejection of disaggregated data on ethnicity or indigenous status seems to suggest that such data are ethically problematic because it is somehow “inappropriate to pinpoint minority groups in statistics compiled for the needs of an equal and democratic society”. This does not appear logically coherent, since many “equal and democratic societies” actually do collect such data. In addition, it is not obvious why personal data on sex or gender are “harmless or unobjectionable”, whereas data on language, religion or ethnicity would automatically be.

minority groups was falling in general; and Slovenia, indicating that minority groups were invited to attend some consultations.

45. Indeed, while there are sections for children, youth, women and girls, migrants, persons with disabilities, LGBTI persons, indigenous peoples and older persons, it seems that all main vulnerable groups are covered except one which was, intentionally, excluded: minorities.

46. Despite this exclusion, which is arguably discriminatory – or perhaps because of it – the present study will now turn to a number of global systemic obstacles to the full and equal participation of many minorities in the benefits of social and economic development and the noble vision of leaving no one behind in the Sustainable Development Goals, in the hope of highlighting areas of lacunae that need to be addressed.

### **Statelessness**

47. The denial of citizenship amounts to an almost complete barrier to participation in a country's social and economic development. For millions of minorities in many of the world's regions, a number that may soon increase exponentially despite the UNHCR Global Action Plan to End Statelessness 2014–2024, lack of citizenship equates to statelessness and a resulting situation of having “no right to have rights”<sup>33</sup> in basic areas such as education, employment in many areas, access to public services and the right to own land and even, in the most extreme cases, to freely marry. Rather than being allowed to equally participate in a State's social and economic development, they are excluded altogether from participating. As the Special Rapporteur pointed out in his 2018 report to the General Assembly, the vast majority of stateless populations today – more than three quarters – are persons belonging to national or ethnic, religious and linguistic minorities.<sup>34</sup> In Asia-Pacific, the largest group of stateless persons are members of the Rohingya minority of Myanmar, at about 1 million, although they may in the coming years be supplanted in the list of shame by millions more belonging mainly to Muslim and Bengali minorities in India.<sup>35</sup> In the Americas, the largest group of stateless persons, at more than 200,000, are members of the Haitian minority in the Dominican Republic. In Africa, the largest single group of stateless persons are the almost 700,000 members of the Dioula and other minorities in Côte d'Ivoire, whereas in Europe most stateless persons belong to the Russian-speaking minorities in Latvia and Estonia, at around 300,000, followed by Roma minorities throughout Europe. As the Special Rapporteur also pointed out in his 2018 report, the statelessness of these millions of minorities is neither simply arbitrary nor accidental. It is the result of clearly intentional and discriminatory State legislation and practices in violation of international human rights law.<sup>36</sup>

48. This almost complete exclusion of specific minorities from participation in a State's social and economic development through statelessness remains largely unobserved and not commented upon, since to repeat the famous words of Hannah Arendt, they have “no right to have rights”. For the Rohingya, the consequences are extreme and almost endless: no right to vote, no right to own land, no right to attend public schools and universities, no right to travel without a permit between parts of Myanmar and no right to employment in public institutions to become teachers, doctors or nurses. The precarious nature of their situation means that they are also bereft of the most basic protections citizens would expect from the State, and this is particularly true when their vulnerability is amplified by intersectional discrimination:

<sup>33</sup> [A/73/205](#), para. 31.

<sup>34</sup> *Ibid.*, para. 21.

<sup>35</sup> [A/74/160](#), para. 4.

<sup>36</sup> [A/73/205](#), para. 32.

it was estimated in 2018 that rape and other forms of sexual violence were committed in the preceding two years against 18,000 minority Rohingya women and girls, including by members of the military and security forces. There has been almost no prosecution of the offenders.

49. While perhaps not reaching the same levels of exclusion as Rohingya, mainly stateless minorities such as Haitians in the Dominican Republic, Dioula in Côte d'Ivoire, Russian-speaking minorities in some Baltic States and Roma in Europe are likely to have no right to vote and to not have access to public education, employment or public health care or property rights. They are likely to be subjected to travel restrictions, may not be able to open bank accounts and, because of social and economic exclusion, are much more vulnerable to sexual and physical violence, exploitation, trafficking in persons, forcible displacement and other abuses.

50. They are, in a sense, the worst off of those who are left behind. They are also among the poorest of the poor. Unfortunately, nothing in the Sustainable Development Goals identifies or addresses this particular aspect of the social and economic exclusion of minorities, who are overwhelmingly the world's stateless, since any data collection to take into account the ethnic, racial or religious backgrounds of individuals who may be affected was removed in the drafting of the indicators.

51. None of the targets for Goal 1, "End poverty in all its forms everywhere", for example, mention the particular poverty and vulnerability of the stateless, nor for that matter of minorities or indigenous peoples, who also tend to be among the poorest segments of society in most countries. There is only one brief and vague mention of "those in vulnerable situations" in relation to developing resilience (target 1.5).

52. Surely under the goal of reducing poverty, in particular target 1.1, "By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day", those among the poorest of the poor in many countries, such as the stateless and minorities, would specifically be considered?

53. Unfortunately, the answer appears to be no. The only indicator identified to measure "success" for this target is indicator 1.1.1, for the "proportion of population below the international poverty line, by sex, age, employment status and geographical location (urban/rural)".<sup>37</sup> While this indicator acknowledges that data is needed to measure progress towards the realization of the target, it is limited to considerations of "sex, age, employment status and geographical location (urban/rural)". The last indicator is especially illuminating, since in many countries geographical location can indirectly highlight the effect of poverty reduction policies on ethnic groups, including indigenous minorities, who may be concentrated in certain regions of a country; the restriction in only dealing with urban/rural divisions is suggestive of a desire to not focus on the possible impact on minorities and indigenous peoples.

54. Of course, the main "equality" Goal lies with Goal 10, in particular target 10.2, "By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status". There are two reasons, however, why the commitment to leave no one behind has been weakened here for stateless minorities: first, because it was never explicitly acknowledged that State obligations could also apply to non-citizens; and second, because the main tools to measure progress in the implementation of these Goals dismiss the need to consider how minorities (and indigenous peoples) are affected. As indicated earlier, any reference to the collection of horizontal data along the lines of religion, ethnicity or race for assessing the attainment of Goal 10 for some

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<sup>37</sup> Global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its resolution 71/313 in 2017.

of the world's most marginalized groups was removed at the last moment from the global indicator framework.

55. As a result, and perhaps predictably, none of the numerous State submissions sent to the Special Rapporteur expressly mention any specific action in relation to the participation of stateless individuals in the social and economic development of the country, with some State submissions assuming, not unreasonably given its wording, that the Sustainable Development Goals programme is only applicable to citizens.<sup>38</sup>

56. Some of the world's most vulnerable, mainly minorities who are denied basic human rights, therefore remain invisible and unaccounted for under the Sustainable Development Goals strategy.

### Education

57. Sustainable Development Goal 4, “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”, represents a recognition of the central role of education in development. At the societal level, it can be said to be fundamental to development and growth, since any development achievements, from technological and health advances and agricultural innovations to efficient public administration and service delivery, need to unleash the human potential. This can best be achieved through education. For the individual, as proclaimed in article 29 of the Convention on the Rights of the Child, the education of the child can, among other things, serve towards the “development of the child’s personality, talents and mental and physical abilities to their fullest potential”.

58. Worldwide, however, three groups find themselves most likely to be disproportionately excluded from or denied equal access to public education, in other words to be left behind: women and girls, indigenous peoples and minorities. The first, rightly so, are the main focus of a significant number of measures and indicators of the Sustainable Development Goals; the second, much fewer, although not entirely dismissed; and the third almost none at all.

59. It can be said that the formulation of the Sustainable Development Goals, targets and indicators, and their exclusion of minorities, have had a detrimental effect on efforts to guarantee equality for minorities. In numerous United Nations reports, it is admitted that “indigenous peoples and ethnic minorities are generally also worse off in terms of education and health than the ethnic majority”.<sup>39</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) has also acknowledged for decades that minorities are one of the main groups whose right to education is discriminatorily impinged upon, and that this also impedes their development and the development of society.

60. A total of 262 million primary- and secondary-school aged children and youth are still out of school. Girls, persons with disabilities, those from disadvantaged backgrounds or rural areas, indigenous peoples, migrants and national minorities are among those who face the worst discrimination, affecting both their right to go to school and their rights within schools. Unequal treatment can both impede their learning and undermine their full development, and this has much wider consequences for States and society as a whole.<sup>40</sup>

61. Many others have agreed, pointing out that the “realization of the right to education takes on a double importance for minority and indigenous children. First, because these children are often socially excluded and discriminated against, the

<sup>38</sup> Submissions by Greece, India, Kazakhstan, Kyrgyzstan, Mexico, Nepal and Poland.

<sup>39</sup> *Promoting Inclusion through Social Protection: Report on the World Social Situation 2018* (United Nations publication, 2018), p. 99.

<sup>40</sup> UNESCO and the Right to Education Initiative, *Right to Education Handbook* (Paris, 2019).

‘multiplying’ effect of the right to education is of particular relevance to break or perpetuate the cycle of exclusion and marginalization”.<sup>41</sup>

62. It is also here that an intersectional approach assists in better understanding the increased marginalization and vulnerability of minority women and girls, who often face even more obstacles to their right to education.<sup>42</sup>

63. To enumerate just a few of the reasons, beyond the obstacle of non-citizenship or statelessness, as mentioned earlier, minorities may attend schools where instruction is not in a language they are familiar with, leading to poorer academic results and higher dropout rates, as well as family members being less able to contribute to and be engaged in their child’s educational environment;<sup>43</sup> curricula may also exclude information about their culture and language, or even implicitly or more explicitly denigrate their identity; and there may be financial or physical restrictions to education owing to a lack of accessibility, including minority children having to travel significant distances. The end results, as UNESCO has often stated, are for certain minorities being significantly and disproportionately left behind.

64. Despite this long-standing recognition, the specific exclusion of minorities in all of the measures and indicators of Sustainable Development Goal 4, while only a few social groups are put forward, has led to UNESCO going backwards and largely setting aside its own recognition of minorities as facing “the worst discrimination in education”. In its 2019 report *Beyond Commitments: How Countries Implement SDG 4*, which is supposed to serve as an important reference for those working towards the achievement of Goal 4, UNESCO focuses instead only on the small number of left-behind groups identified as being worthy of consideration under the Goal 4 measures and indicators, on gender, disability and, for one indicator only, indigenous status. While the measures and indicators of the Goals have legitimately drawn attention to the need to tackle the significant obstacles to education that women and girls, persons with disabilities and indigenous children face, this does not in any way diminish the need to protect equally the human right to education of all those who are particularly vulnerable and marginalized. Instead, one particular group is again left behind and excluded, even though minorities face “the worst discrimination in education”.

65. The result is little short of disturbing. Gone is the long-standing UNESCO attention to the exclusion and “discrimination in education” of minorities: there is no mention of Dalit children, despite their often being denied access to quality education in parts of South Asia; Roma children are also invisible, except for one mention of a European Court of Human Rights decision as a mere example of the role of regional entities. To neglect the vulnerability and exclusion of Roma women, for example, by dismissing the need to refer to ethnicity, seems difficult to accept, when one considers that Roma women have been described as “probably discriminated against more than any other group, facing discrimination both for their ethnic origin and their gender”.<sup>44</sup> Finally, people of African descent are completely omitted, despite a significant body of research also concluding that they are among those most likely to face obstacles to accessing schools or quality education and despite even the United Nations High

<sup>41</sup> Vanessa Sedletzki, “Fulfilling the right to education for minority and indigenous children: where are we in international legal standards?”, *State of the World’s Minorities and Indigenous Peoples 2009* (London, Minority Rights Group International, 2009), p. 43.

<sup>42</sup> Carol Benson, *Mother Tongue-based Teaching and Education for Girls: advocacy brief* (Bangkok, UNESCO, 2005).

<sup>43</sup> See, in particular, Special Rapporteur on minority issues, *Language Rights of Linguistic Minorities: A practical guide for implementation*, (Geneva, OHCHR, 2018).

<sup>44</sup> Roxana Andrei, George Martinidis and Tana Tkadlecova, “Challenges faced by Roma women in Europe on education, employment, health and housing – focus on Czech Republic, Romania and Greece”, in *Balkan Social Science Review*, vol. 4 (December 2014).



Commissioner for Human Rights urgently calling for data on the exclusion of Afrodescendants facing systemic discrimination in different areas, including education.

66. Given the lack of focus on minorities under Goal 4 measures and indicators, and to a lesser degree the diminished attention paid to indigenous peoples who sometimes face some of the same discriminatory factors, it is hard to see how the 2030 Agenda can make much significant leeway when there is no focus, measure or indicator to assess progress or increased exclusion for minorities, as one of the main groups facing “the worst discrimination” in education.

### **Economic development**

67. The 2030 Agenda presents a vision of development as the cornerstone to end poverty, protect the planet and ensure that all people enjoy peace and prosperity. Globally, however, data show that certain minorities and indigenous peoples often do not equally enjoy peace and prosperity. Indeed, a recent United Nations/World Bank Group report appears to demonstrate the opposite: economic exclusion of minorities and indigenous groups from development initiatives and the benefits of development can be a leading contributing factor to violent conflict, since “many of today’s violent conflicts relate to group-based grievances arising from inequality, exclusion, and feelings of injustice ... It is when an aggrieved group assigns blame to others or to the state for its perceived economic, political, or social exclusion that its grievances may become politicized and risk tipping into violence”.<sup>45</sup>

68. The premise and promise of the Sustainable Development Goals, therefore, are eminently commendable – except for the aforementioned flaw of not sufficiently focusing on the “equality” of development by discarding the need for any measure or indicator to assess how minorities are treated in development initiatives or whether they are unreasonably treated or left out of the benefits of economic development.

69. Development, even if aimed at “poverty alleviation”, does not lead to peace if people cannot equally reap its benefits. Indeed, prosperity without justice, or discriminatory development, particularly where groups such as minorities and indigenous peoples are excluded, is one of today’s main causes of violent conflicts. In numerous cases, development without consideration of the impact on minorities and indigenous peoples can occur on the back of breaches of their human rights. It would be naive to assume that “all development is good development”: history is replete with examples of “progress and development” occurring on the back of slavery, brutality and even genocide – usually of minorities or indigenous peoples. Unfortunately, development that disregards the human rights of minorities and indigenous peoples is not a thing of the past.

70. In Italy, a violent separatist movement emerged in the mainly German-speaking northern region of the country in the 1960s. This emerged mainly over claims of exclusion and discrimination flowing from the development and power reduction measures after the Second World War, such as the building of hydroelectrical power dams and other industrialization initiatives, which mainly benefited migrant workers brought in from other parts of Italy and not the local minority population. This, as well as claims that the German-speaking minority was excluded from employment and other opportunities by the language policies of the Government of Italy, eventually resulted in violence and the assassination of a dozen Italian soldiers and police. Eventually, peace and prosperity were achieved in the region, but only after negotiations resulted in a territorial autonomy arrangement which led to the recognition of a number of language rights, effectively granted the minority a higher

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<sup>45</sup> United Nations and World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* (Washington, D.C., World Bank, 2018).

degree of territorial and political autonomy and financial autonomy and support, and perhaps more importantly led to the adoption of a quota system to ensure that government departments in the region used both the German and Italian languages and that public job opportunities were allocated in strict proportion to the percentage in the population of the German minority, the Italian community and a small local minority known as the Ladin.

71. In Papua New Guinea, the development of the world's largest copper mine on Bougainville Island from the 1960s was a vital pillar of that country's economic development, at one point contributing by itself more than 45 per cent of the country's national export revenue. The development of the mine involved the expropriation and use of land and resources belonging to the indigenous minorities of Bougainville, and the vast majority of the thousands of workers recruited were migrant workers from other parts of Papua New Guinea – a pattern often associated with massive resource-based development programmes in different parts of the world. At the risk of oversimplifying an evolving situation with various social and political elements, conflict began to emerge because many of the local landowners were not benefiting from the employment and financial benefits associated with the mine, and local indigenous minorities were increasingly concerned about adverse environmental effects, while almost all of the mine profits left the island. Tensions over decades finally led to violent conflict in the 1980s, with estimates of 15,000–20,000 Bougainvilleans killed in the period 1988–1998 alone. Eventually the mine was closed, a form of autonomy was granted and recently the population freely and unambiguously voted in favour of independence in a self-determination referendum.

72. The Niger Delta region of Nigeria saw tensions arise in the early 1990s over oil exploitation and with a number of local minorities, particularly the Ogoni and the Ijaw. Nigerian legislation empowered the federal Government to expropriate land for negligible compensation without consulting local populations to turn over to oil corporations, oil being the country's main economic driver. Indeed, the oil industry based in the fertile Niger River Delta produces over 90 per cent of the country's total exports. Oil has for a long time figured as a totem in the development plans of Nigeria. The skilled, well-paid jobs were not occupied by minorities of the Niger Delta, and indeed the region has become poorer since the 1960s. The Ogoni and other local minorities were largely excluded from the benefits of this driver of the economy, which dilapidated the environment, leading to growing discontent and eventually violence in the 1990s.

73. There are only two regions of India where the country's Muslim minority of more than 200 million people are able to exercise significant political authority through some form of territorial autonomy. The Muslim minority in the union territories of Jammu and Kashmir and Lakshadweep constitute more than 50 per cent of the population, with the former having a much higher level of autonomy with a parliamentary assembly able to adopt its own legislation. In August 2019, however, the national Government unilaterally revoked the region's autonomy by abolishing article 370 of the Constitution of India, effectively dismissing the democratically-elected government in place, and among other things removing legislation and other measures that protected the land ownership and employment guarantees that benefited Muslim and other minorities of Jammu and Kashmir, "to speed up development in the region".<sup>46</sup> Similar to some of the steps taken in Jammu and Kashmir that have raised human rights concerns from special procedures mandate holders,<sup>47</sup> in Lakshadweep Union Territory the national Government's 2020 appointed administrator has made

<sup>46</sup> See [www.aljazeera.com/news/2021/6/24/india-modi-meets-kashmir-leaders-for-first-time-since-autonomy-revoked](http://www.aljazeera.com/news/2021/6/24/india-modi-meets-kashmir-leaders-for-first-time-since-autonomy-revoked).

<sup>47</sup> Communication AL IND 21/2020 of 10 February 2021.

sweeping changes in part to further expand “tourism development”: these changes include the draft Lakshadweep Development Authority Regulation, 2021, changing property rights to allow the expropriation of land “for development”, the demolition of traditional fisher sheds, the development of tourism resorts, the freeing up of alcohol sales and restrictions on raising of cattle and consumption of beef, without any consultation or agreement with the Muslim inhabitants of the territory, who make up more than 96 per cent of its population.

74. From a human rights point of view, and consistent with the warning issued in the United Nations/World Bank Group report on inclusive approaches to preventing violent conflict, the development measures described above appear to have discriminated against indigenous and other minorities, with employment, profits and benefits funnelled mainly towards central authorities and with native minorities receiving little or no benefits, and in some cases massive damage to their local environment, dislocation and even increased poverty. In other words, development in these and many other cases may increase horizontal inequalities unless States are fully aware of the consequences of development on minorities and take active steps to measure the impact of development efforts on minorities and indigenous peoples, who may be more susceptible to systemic marginalization in many societies.

75. Unfortunately, almost none of the measures or indicators of the Sustainable Development Goals currently acknowledge or provide for the identification and measurement of the risks of growing horizontal inequalities through development, and therefore omit to address how to leave no one behind through shared and equal prosperity for these often-excluded communities. Instead of inclusive growth being a priority, development can exacerbate exclusion and marginalization that risks being invisible, and lead to tensions, growing inequality and the maintenance of systemic discrimination against minorities and indigenous peoples.<sup>48</sup> Even more unacceptable is the disregard of the situation of minority women, which needed particular attention in the area of economic development impact. The intersection of discrimination on the basis of gender and ethnicity, religion or language needed to be considered systematically in development efforts. Instead, despite it being well established that women from marginalized populations, such as minorities and indigenous communities, are the overwhelming number of those excluded from the benefits of development initiatives and living in poverty worldwide, minority women are largely omitted and invisible in the data and measurements of progress of the 2030 Agenda.

#### **IV. Concluding remarks and recommendations**

**76. A human rights-based approach requires greater focus in the Sustainable Development Goals and their measures and indicators on the marginalized, most disadvantaged and excluded groups in order to reduce disparities and horizontal inequalities where most needed. Such an approach would require that efforts and resources target the most vulnerable and excluded groups. There cannot be equality for all if no attempt is made to measure the inequalities that already exist, especially for the most marginalized groups in terms of participation in social and economic development. Among the most marginalized are minorities, particularly minority women.**

**77. While the 2030 Agenda and measures and indicators of the Sustainable Development Goals made impressive leaps forward with the prioritization of gender issues and the importance of measuring progress towards the Goals through gender-disaggregated data, critically, the absence of disaggregation on**

<sup>48</sup> Ibid.

other grounds denies and dismisses the fundamental intersectional significance of the combining effects of discrimination on the basis of gender and ethnicity, religion or language for minority women. This surprising and disappointing failure to measure the impact of efforts towards the Goals on some of the most marginalized segments of society, such as persons of African descent, Roma or Dalits, means that the discrimination and exclusion experienced by many of those groups remain largely invisible and therefore essentially unaddressed – a direct denial of the stated vision of “leaving no one behind”.

78. This harsh conclusion is nevertheless confirmed in the findings of the study on the voluntary national reviews outlined in the present report, that the 2030 Agenda remains largely blind with regard to minorities and indigenous peoples, especially in the lack of targeting of and disaggregating by some of the most significant vulnerability criteria globally, namely ethnicity and indigenous status. This can and should, however, be redressed in improving and strengthening the implementation of the Sustainable Development Goals, as shown by the inclusion and significant focus on the LGBTI community in the 2020 voluntary national reviews synthesis report and many of the 47 voluntary national reviews, despite none of the measures or indicators of the Goals referring to this ground. Indeed, such an adjustment was also implicitly called for by the United Nations High Commissioner for Human Rights in June 2021, when she urged the collection of comprehensive official disaggregated data – on the ground of ethnicity – in order to be able to identify and more effectively combat structural racism and the “compounding inequalities” and “stark socioeconomic and political marginalization” that can “leave behind” Afrodescendent minorities.

#### Recommendations

79. The Special Rapporteur on minority issues recommends that future guidance documents on the preparation of voluntary national reviews contain a dedicated section on progress made in efforts towards “leaving no one behind” aimed at minorities, and that States be invited to identify their actions and accomplishments in reaching the Sustainable Development Goals in their voluntary national reviews, as was done with other marginalized and vulnerable groups, such as indigenous peoples and LGBTI communities, and that a similar section also be included in the future in the synthesis report.

80. The Special Rapporteur also recommends that States adopt comprehensive anti-discrimination legislation on the basis of ethnicity, religion and language, and all other grounds recognized in international law.

81. As called for by the United Nations High Commissioner for Human Rights in 2021, States should gather data on key economic and social indicators concerning the social and economic development of persons belonging to minorities to design appropriate policy responses. Those data should be disaggregated on the basis of ethnicity, religion and language in addition to gender.

82. The Special Rapporteur recommends that States take legislative and other steps to eradicate statelessness for all those born or long-time residents in the country in order to fully comply with the prohibition of discrimination in international law, one of the most severe barriers to the full and equal participation of certain minorities in social and economic development.

83. Education is the pathway to the full and equal participation of minorities in a State’s social and economic development. Minorities and indigenous peoples have equal rights to quality education. Where minorities are concentrated, education must be provided in their own language as much and as long as is practicably possible in order for them to acquire as effectively and early on

literacy and numeracy skills, as well as more effectively be able to acquire fluency in other languages. Physical barriers to education, including the absence of schools or transportation, must in particular be addressed and as a matter of priority in the case of marginalized and vulnerable minorities and indigenous peoples.

84. Development initiatives that discount or ignore the impact on minority and indigenous communities can exacerbate their economic exclusion and marginalization and lead to growing inequality, and this is particularly true of minority and indigenous women. Especially in the case of resource-based development initiatives affecting or involving parts of the country where minority or indigenous communities are based, initiatives must include prior local public consultations, impact assessment studies that are focused on those communities and action plans on how local minority or indigenous communities will be prioritized in employment schemes and sharing of the project revenues and benefits in order to comply with a human-rights-based approach to development, in particular the prohibition of discrimination in the sharing of prosperity. The situation of and impact on minority women must always figure prominently in all of these areas.

85. The Special Rapporteur recommends that international, regional and national human rights institutions support the work of States to monitor and report on discrimination and inequalities, including by collecting disaggregated data on the most important horizontal inequalities and disparities, such as ethnicity, religion and language, in addition to gender.

86. The Special Rapporteur reiterates the 2007 recommendations of the Independent Expert on minority issues that international development agencies:

(a) Adopt policy guidelines on minority issues and their human rights which specifically address the particular barriers and discrimination faced by persons belonging to minorities, in addition to indigenous peoples;

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

(c) Undertake dialogues with minorities on development priorities;

(d) Collect disaggregated data on the impact on minorities of policies, programmes and projects;

(e) Monitor budgetary support to ensure that resource allocations are appropriately targeting minorities or the regions in which they live;

(f) Support States in the preparation of voluntary national reviews on the Sustainable Development Goals 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.

87. **The Special Rapporteur recommends that civil society organizations:**

(a) **Increase monitoring on inequalities in attainment of the Sustainable Development Goals based on ethnicity, religion or language, including by collaborating with development actors, international human rights organizations and United Nations entities;**

(b) **Consider, in their efforts to advance the Sustainable Development Goals, reporting on issues such as statelessness, education and economic participation of minorities in development schemes or projects with a view to ensuring that they are inclusive and non-discriminatory.**

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