

United Nations Permanent Forum on Indigenous Issues

Questionnaire to the UN system agencies, funds and programmes and intergovernmental organizations: UNHCR inputs

UNHCR's mandate

UNHCR is the global UN entity with a mandate to provide international protection and to work toward solutions for refugees and asylum-seekers, among others. UNHCR has been granted the authority to supervise the application of international instruments for the protection of refugees and asylum-seekers, in particular the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). Contracting States to these instruments are required to cooperate with UNHCR in the exercise of its functions (Art.35 of the *1951 Convention*). UNHCR's role is also reflected in many regional refugee law instruments. Over the years, the UN General Assembly has expanded UNHCR's mandate to various groups of people, beyond those who are covered by the *1951 Convention*. Some of these people include returnees, stateless persons and, in some situations, internally displaced persons (IDPs).

Discrimination against national, ethnic, religious and linguistic minorities can be both a driver/cause of displacement and/or statelessness, and it can also impact upon those who have been displaced or who are stateless. UNHCR thus has a direct interest in the subject of this report and wishes to share some initial, and non-exhaustive, feedback on situations of discrimination against minorities and activities which have been undertaken to promote and protect minority rights.

B. System-Wide Action Plan to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples

UNHCRs approach to working with minorities and indigenous peoples

UNHCR describes ethnic, religious or linguistic minorities and indigenous peoples in its [Need to Know Guidance: Working with National or Ethnic, Religious and Linguistic Minorities and Indigenous Peoples in Forced Displacement](#) (2011) (public document).

Indigenous peoples and minorities in forced displacement and situations of statelessness are at disproportionately heightened risk of marginalization, discrimination, violence, abuse and exploitation.

The COVID-19 pandemic has exacerbated the underlying challenges and risks faced by indigenous and minority populations around the world, including where they experience forced displacement and/or statelessness.

Limitations on mobility have had a detrimental impact on income-generating activities and created barriers to accessing goods and services. This has driven many indigenous and minority asylum-seekers, refugees, internally displaced persons, returnees and stateless persons to depend on humanitarian assistance, and placed them at greater risk of harm.

Furthermore, many indigenous and minority persons of concern without a regular status or documentation are at risk of being excluded from national programmes and services.

To respond to these challenges, UNHCR has adopted a twin-track approach to supporting indigenous and minority persons of concern, by providing life-saving assistance and

employing community-based approaches to address specific risks. UNHCR worked in partnership with local authorities, including those from indigenous and minority populations, to identify appropriate and sustainable responses.

Minorities are disproportionately affected by statelessness which is exemplified by the fact that more than 75% of the world's stateless individuals belong to national or ethnic, religious and linguistic minorities. Statelessness intersects and with and exacerbates barriers already faced by minority populations and other disadvantaged groups. It further limits their access to services and the enjoyment of their human rights. While conferral of nationality alone will not prevent or address all of the the stigmatization and discrimination faced by stateless minorities, it is generally crucial to the full and equal exercise of human rights and freedoms. More information on the challenges faced by stateless minorities can be found in UNHCR's publication "[This is our home](#)".

UNHCR's [Policy on Age, Gender and Diversity](#) (2018) seeks to reinforce efforts to place people at the center of all the work we do. By applying an age, gender and diversity (AGD) approach to all aspects of our work, we aim to ensure that our persons of concern, including national or ethnic, religious and linguistic minorities, as well as indigenous groups, are able to enjoy their rights, equitably access appropriate services, and participate meaningfully in decisions impacting their lives, families and communities.

UNHCR operations across the globe engage in monitoring, awareness raising, advocacy and community-building, using the AGD approach, to promote the social inclusion of minority and indigenous peoples. UNHCR also works to ensure and expand minority and indigenous peoples' access to rights and services. Using a community-based approach, UNHCR seeks to empower communities, through consultation and participation, to engage meaningfully and substantively in all aspects of programmes that impact them, playing a lead role in creating change. We seek to ensure that all groups, including minorities and indigenous peoples, are continually engaged as analysts, evaluators and implementers of their own protection. Moreover, it is important that feedback and response mechanisms, two-way communication mechanisms and participation approaches are adapted to the specific group that we are working with.

To improve our capacity to identify groups and individuals at heightened risk, such as minorities and indigenous persons, LGBTIQ+ persons, older persons, and persons with disabilities, innovative approaches and existing successful practices – such as community outreach volunteers or the use of specific identification tools at registration – will continue to be promoted across UNHCR operations, namely through technical support missions, communities of practice and the annual AGD report. For example, in 2020, in eastern Democratic Republic of Congo, UNHCR supported community-based protection groups to spread awareness on the prevention, risk mitigation, and response to GBV and other protection incidents to nearly 90,000 IDPs and community members.

UNHCR works with OHCHR and others to raise awareness on the importance of the right to a nationality, encourage States to share and adopt good practices to eliminate discrimination from their nationality laws, policies and practices, and encourage attention to these issues by UN human rights mechanisms (e.g., through the organization of a high-level event).

Indigenous Peoples have been disproportionately affected by COVID-19¹, with many have tragically losing their lives. The pandemic has exposed and exacerbated pre-existing structural

¹ Costa Rica example from below list of activities (AGD Accountability Report 2020): "In Costa Rica, to facilitate the Miskito indigenous population's access to life-saving information, **UNHCR supported the translation of materials on COVID-19, and refugee status, from Spanish to Miskito.** In its efforts to prevent statelessness,

inequalities and systemic racism globally in many contexts. It has deepened the impact of unequal access to quality health care and other social services. Groups at particular risk, such as indigenous children and persons with disabilities, have been hit particularly hard, as have indigenous women and elders. The pandemic has also interrupted the transmission of indigenous languages and traditional knowledge, affecting indigenous cultures.

Activities undertaken to promote and protect indigenous peoples' rights

UNHCR wishes to share the non-exhaustive list of examples below, which have been captured in UNHCR's recent Age, Gender and Diversity Accountability Reports.

Examples from UNHCR's [Age, Gender and Diversity Accountability Report](#) (2020):

- “For example, in northern Brazil, UNHCR and partners reached indigenous populations using mobile registration exercises and nonfood item distributions so that persons of concern did not have to travel and take health and other risks.” (pg. 15)
- “In Brazil, UNHCR developed a strategy for Venezuelan indigenous populations, targeting over 3,500 indigenous persons of concern, largely of Eñepa, Pemón and Warao ethnicity, including pregnant women and adolescents, individuals with serious health conditions and older persons. **As part of this, UNHCR supported the establishment and activities of seven Working Groups.** These coordination forums designed and implemented efficient, coordinated and streamlined interventions for the indigenous Warao population.” (pg. 34)
- “UNHCR worked in partnership with national entities in Colombia to support over **13,000 indigenous individuals**, including from the Awá, Barí and Yukpa communities. The partnership facilitated access to services; advocated for the right to asylum and recognition of the binationality of crossborder indigenous persons of concern and strengthened human rights observation in cross-border regions. **UNHCR also fostered partnerships with local authorities in Colombia through the coordination and implementation of a child protection intervention in Buenaventura and Litoral del San Juan, with emphasis on sports and cultural initiatives**, to prevent and protect children from recruitment and sexual exploitation. This initiative was coordinated and implemented with the indigenous and Afro-descendant authorities in the collective territories to garner buy-in, promote sustainability and target AGD groups within the indigenous communities.” (pg. 34)
- “In Costa Rica, to facilitate the Miskito indigenous population's access to life-saving information, **UNHCR supported the translation of materials on COVID-19, and refugee status, from Spanish to Miskito.** In its efforts to prevent statelessness, and to strengthen civil registration and documentation among indigenous populations, UNHCR has continued to support the Costa Rica Civil Registry to boost birth registration among indigenous populations of concern. Meanwhile, in the Republic of Congo, UNHCR supported mobile court hearings for the benefit of indigenous persons of concern who are at risk of statelessness due to their lack of identity and nationality documents.” (pg. 34)

Examples from UNHCR's [Age, Gender and Diversity Accountability Report](#) (2018-19):

- “Operations, including those in Argentina, Colombia, the Democratic Republic of the Congo, Kenya, Malawi, Nepal, Nigeria, Rwanda, Sudan, and Zimbabwe, conduct

and to strengthen civil registration and documentation among indigenous populations, UNHCR has continued to support the Costa Rica Civil Registry to boost birth registration among indigenous populations of concern. Meanwhile, in the Republic of Congo, UNHCR supported mobile court hearings for the benefit of indigenous persons of concern who are at risk of statelessness due to their lack of identity and nationality documents.” (p. 34)

specific participatory assessment exercises with minorities and indigenous persons to better understand their needs, capacities and envisioned solutions” (pg. 32)

- “To protect indigenous populations and help prevent and reduce statelessness in Venezuela, UNHCR took measures to build the capacity of state institutions, NGOs and community structures, developing and dispensing related guidance, training community committees and outreach volunteers and providing information sessions on the right to identity and on birth registration procedures for indigenous populations. In addition, public information materials in five indigenous languages have been produced as part of a specific and comprehensive strategy for working with indigenous people at risk; ” (pg. 32)
- “In Venezuela, age, gender and diversity data were used to set up mapping for community structures, including female community members, minority groups, persons with disabilities, LGBTI persons, indigenous people and older persons.” (pg. 17)
- “In Venezuela, UNHCR also works with community structures who are trained in the identification of persons with specific needs, community mobilization and the AGD approach. The community structures are in charge of conducting outreach to persons with specific needs, including women and children at risk, older persons at risk, LGBTI persons, indigenous people and persons with disabilities, conducting information sessions and disseminating referral pathways.” (pg. 25)

Older examples from UNHCR’s [Age, Gender and Diversity Accountability Report \(2017\)](#):

- “UNHCR **Colombia** supported a meeting between several transnational indigenous groups to plan a campaign for the recognition of dual citizenship for indigenous peoples whose ancestral territory overlaps national borders. This would benefit indigenous people from **Venezuela** crossing into **Colombia** seeking access to food, services and rights as well as Colombian indigenous people returning from **Ecuador**. UNHCR **Colombia** also partnered with local actors to promote an ethnically suitable return and relocation process and trained other regional affiliated organizations on the process” (pg. 35).

Older examples from UNHCR’s [AGD Accountability Report \(2016\)](#):

- “In **Colombia**, UNHCR used culturally sensitive activities to solicit feedback from indigenous communities, particularly when addressing protection risks. In communities where not all members speak Spanish, interpreters and interactive methodologies were used to ensure the participation of women and children. The operation worked with schools, municipal authorities and civil society to highlight the historic discrimination against indigenous women in the region, and to implement affirmative action that supports their equal participation. An example is a project to aid IDPs to reduce the risks of their communities’ extinction by solving conflicts, strengthening community empowerment, reconstructing cultural identity and supporting relocation” (pg. 32).

D. COVID-19 pandemic – Effect on indigenous displaced and stateless communities

Stateless persons and persons at risk of statelessness have been disproportionately impacted by the COVID-19 pandemic. They often lack legal residency status and have for that reason been denied health services, including access to testing and treatment for COVID-19. They also often live in remote, hard-to-reach locations where they faced difficulties in obtaining information on transmission risks and mitigation measures. Suspension of issuance of civil and identity documentation, including birth registration, posed risks for minority group members to (re)establish their nationality in the absence of documentation proving place of birth and descent.

Stateless persons and those at risk of statelessness often already live on the margins of society, and the lack of legal identity documentation exacerbated their lack of access to social services. They have also been severely impacted socio-economically, as they have in many instances not been able to benefit from government relief aid packages due to their lack of legal residency status.

From the early days of the Covid-19 pandemic, UNHCR operations globally have been working to meet the needs of minorities and indigenous people of concern.

UNHCR operations reported the following trends in Covid-19-related challenges faced by minorities and indigenous people of concern, putting them at higher risk of Covid-19 and other protection risks:

- UNHCR operations reported that indigenous and minority persons of concerns were at **elevated risk of contracting Covid-19**
- Indigenous communities faced **obstacles to access basic services**
- Minorities and indigenous communities, **faced discrimination and hostility, including evictions, arbitrary arrests, deportations, and barriers to access Covid-19 vaccines** in their host countries.
- Indigenous or minority groups, including forcibly displaced persons, were **unable to access information or support related to Covid-19** due to factors including lower literacy and lack of access to digital platforms.
- There were **increases in violence, including GBV**, faced by ethnic minorities.
- UNHCR operations reported **barriers in access to GBV services, including for child survivors of GBV** for indigenous and rural women.
- UNHCR worked with States to **reform laws and policies** to decrease discrimination based on membership in indigenous and minority groups.
- There was **increased displacement** amongst indigenous and minority communities.

UNHCR operations, in partnership with community groups, I/NGOs, and State governments, responded to these challenges in the following ways:

- UNHCR reinforced communication **with minority and indigenous communities about Covid-19** in a number of operations by launching specific communication platforms targeting indigenous communities, translating Covid-19 messages into indigenous languages, and translating messages into minority languages.
- UNHCR and partners **provided material assistance** to minority and indigenous groups, such as distributing hygiene kits and masks.
- UNHCR operations **registered and supported documentation** for forcibly displaced indigenous persons.
- UNHCR **worked with community protection groups, to identify the most vulnerable persons of concern**, including minority ethnic groups and indigenous persons, and to ensure access to Covid-19 information as well as **feedback and response** systems.
- UNHCR operations and partners **provided healthcare services** to minorities and indigenous persons of concern, including mental health services, and a comprehensive health care campaign for elderly indigenous persons of concern.

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