National, ethnic, religious and linguistic minorities and indigenous peoples

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Key points

- Actively but responsibly identify persons of concern who belong to minority and indigenous groups.
- Consult minorities and indigenous peoples on the risks they face and the best way to meet their needs and build their capacities.
- Do not say that a person belongs to a minority or indigenous group until he or she has said so.
- Do not design programmes or carry out protection activities that might have the effect of further isolating minorities or indigenous peoples or might cause tensions between them and other refugees or host communities.
- Familiarise yourself with the socio-economic situation of each minority or indigenous community represented in the population you work with.

1. Overview

Due to the variety of situations in which they exist, no definition has been agreed internationally on what constitutes a minority. For UNHCR the term refers to an ethnic, religious and linguistic group, fewer in number than the rest of the population, whose members share a common identity. Members of minorities commonly share ethnic, religious, linguistic and/or cultural characteristics that differentiate them from the majority, and generally seek to maintain these distinguishing identities. At the same time, the characteristics that define minorities vary widely from one context to another.

Similarly, no single definition of ‘indigenous people' has been agreed. Generally, indigenous peoples occupied land in a territory before it was invaded or colonized by currently dominant
cultures. Indigenous peoples can generally demonstrate a historical continuity with pre-invasion or pre-colonial societies, in terms, for example, of occupation of ancestral land, ancestry, language, or cultural beliefs and practices. The term ‘first peoples’ reflects this claim. Like minorities, indigenous communities tend not to be dominant. In some countries, they enjoy specific rights, including the rights to practise customary law and protect their traditional knowledge, intellectual property and cultural heritage. The term ‘peoples’ generally denotes communities whose identity connects them to their ancestors.

Why do we need to pay specific attention to minorities and indigenous peoples?

Minorities and indigenous peoples are often discriminated against and in some societies are marginalized socially, economically, politically and culturally. Persons of concern who are members of minorities or indigenous peoples are therefore likely to be affected both by events before and during their displacement and by their legacy of discrimination. They may be victims of severe human rights violations, violence, conflict, ethnic and/or religious persecution, and in extreme cases, genocide. They often depend on natural resources that they have used sustainably for generations. Climate change, and programmes of conservation and development, are particularly likely to affect them and have forced some groups to leave their ancestral lands. For all these reasons, minorities and indigenous people may represent a high proportion of those seeking international protection.

In addition to the human rights principles that prohibit discrimination and assert the equality of all persons, minorities and indigenous peoples have specific rights under the international human rights framework and also under some regional and national laws. These affirm their rights to participate, to be included, enjoy their own culture, profess and practice their own religion, and use their own language.

An emergency response should fully include minorities and indigenous peoples. To address their protection concerns, the response should dedicate resources to their protection and support, and plan and implement specific activities in close consultation with the persons concerned and service providers. These activities should ensure that:

- Minorities and indigenous peoples do not suffer discrimination and participate fully in decisions that affect them.
- All aspects of a response take into consideration the specific needs and capacities of minorities and indigenous peoples.
- Minorities and indigenous people have safe spaces to practice their religion and traditions, and receive information in their own language.

2. Main guidance

Underlying principles and standards

- UNHCR, Policy on Age, Gender and Diversity (2018).
Explains the objective, rationale, and core commitments of an age, gender, and diversity (AGD) approach. Defines areas of engagement and core actions for mainstreaming AGD.

- UNHCR, *Working with National or Ethnic, Religious and Linguistic Minorities and Indigenous Peoples in Forced Displacement (Need to Know Guidance, 2011).*

Practical guidance for staff and partners on how to ensure that the rights of minorities and indigenous peoples who are of concern to UNHCR are respected, and prevent discrimination.

- UNHCR, *Understanding Community-Based Protection (Protection Policy Paper, 2013).*

Sets out key lessons of community-based protection and advises UNHCR staff and partners how to integrate community-based approaches to protection in their humanitarian work.

### Protection Risks

- Minorities and indigenous peoples are among the most marginalized communities in many societies. They are often excluded from participation in social, cultural and economic affairs, may not have access to political power, and are frequently prevented from expressing their identity. These obstacles are exacerbated during displacement, increasing the protection risks they face.
- Due to discrimination and marginalization they usually have limited access to education, health and documentation. These issues may require special attention in situations of displacement.
- Members of minority and indigenous groups can be at risk of harm from the surrounding or host population, or from their own family or community.
- If they were displaced because they were targets of violence, minority or indigenous communities may also face violence in their countries of asylum. Children and women are particularly vulnerable to attack; community leaders, and men and youth who are perceived to be potential combatants, are also at risk.
- Because minorities and indigenous peoples often experience chronic poverty, they may be more at risk of becoming victims of trafficking, including sexual exploitation. This risk increases in situations of displacement and is particularly acute for minority and indigenous children, young adults, and women.
- Minority and indigenous people may be at high risk of sexual violence, and may experience weaker community protection than more dominant social groups.
- Minorities and indigenous peoples may lose important elements of their individual and collective identity through displacement, especially if they have strong cultural ties to territory. The effect can be particularly harmful for people who have experienced distressing events or must adjust to new surroundings.
- Minorities and indigenous peoples may not speak frankly if interpreters are from a different community in the country of origin or country of asylum. In addition, members of minorities and indigenous peoples may only speak a minority or indigenous language.
- Individuals may not feel that it is safe to identify themselves as members of minorities or
indigenous peoples. Culturally appropriate outreach measures will be required if they fear discrimination and prefer to stay hidden.

- Minorities and indigenous peoples are often disproportionately affected by statelessness. This is sometimes due to discriminatory nationality and citizenship legislation, sometimes because the various States to which minorities and indigenous peoples have ties apply different nationality laws, and frequently because of misconceptions about what constitutes legal status.
- Minorities and indigenous peoples often have rights to land and territories that do not coincide with political borders; as a result, they often cross borders fluidly. In conflicts or crises, this may put them at risk of being caught up in violent situations or separated from the groups to which they belong.
- Some minorities and indigenous groups practice harmful traditional practices that may negatively affect certain age and gender groups, particularly girls and women.

Other risks

UNHCR runs a reputational risk. If it fails to protect minorities and indigenous persons of concern, this will harm its credibility and authority and undermine its mandate.

Key decision points

- Make sure that minority and indigenous persons are identified and registered. Always uphold the principle of self-declaration and ensure that self-declaration or recording of minority status, ethnicity or religion does not put those who self-declare at risk.
- Identify the decision-making structures, cultural practices, and customary laws of minority and indigenous peoples, to ensure they are properly included in decision-making and can participate in determining the appropriateness and acceptability of services and other protection measures, and in relevant activities.
- Put in place appropriate systems to prevent and respond to violence, exploitation, or abuse of minorities and indigenous peoples.
- Ensure that all programmes include minorities and indigenous peoples. Make sure they receive information and messaging about the programmes they are entitled to access.
- Involve relevant national services, where these exist. Consider providing support to strengthen the capacity of national services if these do not adequately meet the needs of persons of concern from minority and indigenous groups.
- Identify suitable partners qualified to work with indigenous and minority communities and work with them. This is especially relevant if reliable national services are not available.
Key steps

Support services and care arrangements

- Map partners as well as local organisations led by indigenous or minority groups. Set up referral mechanisms. Assess the community's capacities.
- Take appropriate measures to ensure that, if they wish, displaced minority and indigenous communities can remain together to maintain their cultural heritage and identity.
- Be mindful of the traditions, practices and customary laws of minorities and indigenous peoples.
- Involve persons of concern from minority and indigenous groups in decision-making processes.

Identification and assessment procedures

- Apply an age, gender and diversity (AGD) perspective to assess the situation of minority and indigenous groups.
- Ensure that security is such that persons of concern feel comfortable about identifying themselves as members of a minority or indigenous group. Make sure that data protection measures are in place and that persons who do not wish to self-identify are not forced to do so, especially if they may be at risk. Where persons were displaced because of their minority or indigenous status, ensure that adequate measures are in place for their security.
- Enter the specific needs of minority and indigenous persons in ProGres.

Access to services

- Be prepared to intervene on behalf of persons of concern who are exposed to risk because they lack identity documents, could be stateless, face discrimination, or cannot access services and assistance on the same basis as others.
- Ensure that all information about services is easily comprehensible and accessible to persons from minority and indigenous groups. The presence of a translator or interpreter may be necessary to enable minority and indigenous people to access relevant services.
- In consultation with them, make sure that minority and indigenous persons have space to practise their cultural traditions.
- Take steps to understand the specific rights of minorities and indigenous peoples. Rights may be conferred by international human rights law, and also regional or national laws. A range of actors, including government authorities, may be responsible for protecting the rights of minorities and indigenous persons and for providing specific services to them.

Prevention of abuse and exploitation

- Monitor the occurrence of harmful traditional practices and seek opportunities to address them in close consultation with the affected community. Work with the community to identify alternative practices that uphold its values without violating rights.
- Ensure that appropriate systems are in place to prevent and respond to violence, exploitation and abuse of minority or indigenous groups. Establish monitoring mechanisms.
to this end.

- Every effort must be made to protect minority and indigenous persons of concern from cross-border attacks or attacks by other persons of concern or members of host communities. Be prepared to provide safe accommodation or to offer evacuation in extreme circumstances.

**Inclusion and information sharing**

- Make sure that all programmes include minorities and indigenous peoples.
- Make sure that information and messaging about programmes are provided in accessible formats and languages.
- Encourage the involvement and meaningful representation of minority and indigenous women, LGBTI persons, persons with disabilities, older persons, and other groups at risk, provided this can be done safely.

**Awareness raising and advocacy**

Make sure that staff, partners, and local and national authorities understand and know how to respond to the specific needs of minorities and indigenous peoples. This requires sensitization and training.

Encourage and assist communities to learn about and share their cultures. Involve the host community, persons of concern from majority communities, and minority and indigenous persons of concern.

**Key management considerations**

- Make sure that sufficient staff and resources are available to enable UNHCR to understand the communities it seeks to protect, and to address the specific needs of minorities and indigenous peoples. This might require research or advice by anthropologists.
- Assess programmes regularly; ensure that all analysis is AGD-sensitive.
- Establish protection monitoring mechanisms and monitor the level of protection enjoyed by indigenous and minority persons of concern.
- Encourage national services and partners to continue to support programmes that protect and assist minority and indigenous persons of concern.
- Ensure that the needs of minorities and indigenous peoples are included in all relevant programmes and services.
Resources and partnerships

Staff
Protection; health; mental health and psychosocial support; community-based protection; interpreters.

Financial resources
Sufficient resources should be available to meet the needs of minorities and indigenous peoples.

Partners
These include, in particular, national NGOs, government institutions, and national human rights institutions that work with minorities and indigenous peoples. Minority Rights Group International (MRG International) is the best-known international NGO working for minorities and indigenous peoples. (At https://minorityrights.org/).

Annexes

UNHCR, Policy on Age, Gender and Diversity (2018)

Working with National or Ethnic, Religious, and Linguistic Minorities and Indigenous Peoples in Forced Displacement


UNDP, Marginalised Minorities in Development Programming a Resource Guide and Toolkit

UN Development Group, Guidelines on Indigenous Peoples’ Issues

3. Learning and field practices

4. Links

5. Main contacts

As first port of call, contact the UNHCR Deputy Representative (Protection), the UNHCR Assistant Representative (Protection), or the Senior Protection Officer in the country. Alternatively, contact the UNHCR Head of Protection, or the Deputy Director (Protection) or the Regional Assistant/Deputy Representative (Protection); or the Senior Protection Officer or the Senior Community-based Protection Officer in the regional bureau. The person you contact will liaise as required with the relevant technical unit at UNHCR DIP.