UNHCR The UN Refugee Agency | EMERGENCY HANDBOOK

Minorities and indigenous peoples

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Key points

- Minorities and indigenous peoples have the collective right either to define themselves as belonging to a certain minority or indigenous people or to avoid doing so
- Actively but responsibly identify and reach out to forcibly displaced and stateless persons who belong to minority and indigenous groups keeping in mind the Do No Harm principle
- Consult minorities and indigenous peoples on the risks they face and the best way to meet their priorities and strengthen their capacities
- Engage minorities and indigenous peoples in the design of programmes and protection activities to ensure your programmes do not inadvertently discriminate against, result in further isolating them or cause tensions between them and other forcibly displaced, stateless, or host communities
- Familiarize 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. UNHCR recognizes the term “minority” as an ethnic, religious linguistic, or cultural group, fewer in number than the rest of the population, whose members share a common identity and rights. Individuals who belong to these minorities may feel different and think and act culturally differently than majority groups. This may be reflected through religious and/or political affiliations, approaches to conflict management, kinship relations, and languages. At the same time, the characteristics that define minorities vary widely from one context to another. Please note that in popular use the term “minority” may also be used to identify groups defined by other characteristics such as sexual orientation, gender identity, etc.

Similarly, no single definition of ‘indigenous people' has been agreed, though UNHCR recognizes

the language in the International Labour Organization Convention on Indigenous and Tribal Peoples (1989), also known as C169. Generally, indigenous peoples descend from populations which inhabited a geographic region at the time it was conquered, colonized, or the present State boundaries were established 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. Like minorities, indigenous communities tend not to be dominant in comparison with majorities in the socio-economic and political spheres of their countries. It should be noted that some minorities also consider themselves to be indigenous peoples and may use both terms. However, many indigenous communities refuse to identify as minorities, on the basis that the term “minority” may not reflect the size and nature of the population in their countries of origin. Indigenous peoples enjoy specific, collective rights, including the rights to practise customary law and protect their traditional knowledge, intellectual property, and cultural heritage.

Why do we need to pay specific attention to upholding the rights of minorities and indigenous peoples?

Minorities and indigenous peoples are often discriminated against and in some societies are marginalized socially, economically, politically, and culturally. Forcibly displaced and stateless persons who are members of minorities or indigenous peoples may be affected both by discrimination by individuals in their communities, and/or at the national level before and during their displacement and by the long-term legacy of discrimination. They may be victims of severe human rights violations, violence, conflict, ethnic and/or religious persecution, and in extreme cases, genocide. These multiple forms of discrimination might affect some members of the community more than others, particularly women, children, persons with disabilities, older persons, and lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) persons.

The climate emergency creates a survival threat and displacement risk for all. However, when structural discrimination is combined with global scarcities, minorities and indigenous peoples are least likely to benefit from any mitigation of its worst effects.

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 under some regional and national laws. These affirm their rights to participate, to be included, enjoy their own culture, profess and practise their own religion, and use their own language.

Applying an Age, Gender and Diversity (AGD) approach to our work with minorities and indigenous peoples aims to ensure that all protection activities, including durable solutions are inclusive of, and accessible to, minorities and indigenous peoples.

2. Relevance for emergency operations

In an emergency response, adequate efforts should be made to fully and meaningfully 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 can access protection activities and services without discrimination.
- Barriers for the full participation of minorities and indigenous people in decisions that affect them are addressed and mitigated.
- All aspects of a response take into consideration the compounded protection risks and capacities of minorities and indigenous peoples.
- The capacities and contributions of minorities and indigenous people are acknowledged and supported.
- Minorities and indigenous people have safe spaces to practise their religion and traditions and receive information in their own language using their preferred channels.

3. Main guidance

Protection Risks

- Minorities and indigenous peoples may be among the most marginalized communities in many societies. They may face severe discrimination and exclusion 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 and statelessness, increasing the protection risks they face.
- Due to discrimination and marginalization minorities and indigenous peoples may have limited access to education, health, and documentation. These issues may require special attention in situations of displacement and statelessness. Lack of documentation is one of the primary and shared protection needs among minorities and indigenous peoples. This discrimination may also be heightened due to intersectionality of their identity with other AGD characteristics.
- 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, with indigenous women and girls facing heightened forms of violence in some contexts.
- It is important to recognize that the systemic discrimination of minorities and indigenous peoples may result in their communities being subject to poverty, lack of access to justice, and lack of access to services. As a result, they may be exposed to protection risks, including physical violence and trafficking. These risks are compounded in situations of forced displacement.
- Minorities and indigenous peoples may be at risk of losing, or not having autonomy over, important elements of their individual and collective identity through displacement, especially if they have strong cultural ties to territory. Humanitarian action may also have an impact on how cultural identity is affected by forced displacement, as rituals or behaviours may be forced to change if response to displacement does not prioritize the preservation of certain cultural practices.
- 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.

- Minorities and indigenous peoples are often disproportionately affected by statelessness, as more than 75% of the world's known stateless populations belong to ethnic, religious, or linguistic minority groups. This is mainly due to direct or indirect discrimination, including in nationality laws. More information on the various forms of discrimination that can lead to statelessness can be found in UNHCR's Background Note on Discrimination in Nationality Laws and Statelessness. Specific minorities and indigenous peoples are especially affected by risks of statelessness, depending on the context.
- 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.

Other risks

Individuals of all ages and genders, belonging to ethnic, religious and linguistic minorities or indigenous peoples often experience discrimination and marginalization.

When engaging with personnel, including security personnel, part-time or consulting staff, partner staff and interpreters, consider their background and their attitudes when communicating with minority and indigenous forcibly displaced and stateless persons. Even when an interpreter behaves professionally, there is a risk that a minority or indigenous person will not speak openly if the interpreter comes from a majority community in the country of origin.

All staff, at every level, with particular attention to those who interact with individuals most often such as security guards and protection staff, should be trained on working with minorities and indigenous peoples, and should remain neutral and professional in all interactions.

Key steps

Support services and care arrangements

- 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. Respect and cultural sensitivity must always be shown.
- Engage with minority and indigenous forcibly displaced and stateless persons in all programming phases, and in leadership structures.
- Map partners as well as local organizations led by minorities and indigenous peoples. Set up referral mechanisms. Assess and support the community's capacity to address its concerns.
- Identify community self-management structures among minorities and indigenous peoples and invest in supporting their capacity to develop community-action plans that address the protection issues and concerns within their communities. Consider the Grant agreement tool (UNHCR internal link) to support community-led organizations in addressing the community's priorities.

Identification and assessment procedures

- Apply an age, gender and diversity (AGD) lens and **community-based approach** to working with minorities and indigenous peoples.
- Ensure that conditions are secure and safe for persons to feel comfortable about identifying themselves as members of a minority or indigenous people. 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.
- Promote and support the collection of fully disaggregated data on minority and indigenous forcibly displaced and stateless persons including on protection risks for specific AGD groups, capacities and their proposed solutions. Data should be collected in a sensitive manner as per UNHCR standards.

Access to services

- Establish accessible and trusted two-way communication channels and ensure that all information about services is inclusive of and accessible to persons from minorities and indigenous peoples and available through their preferred channels. 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 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

- Ensure that minorities and indigenous peoples have access to systems to prevent and respond to violence, exploitation, and abuse.

Participation and Inclusion

- Make sure that all programmes include and meaningfully engage minorities and indigenous peoples and that they address barriers to the full and equal access to protection service and assistance.
- Make sure that information about programmes, services, or their rights, is provided in accessible formats and languages.
- Encourage the involvement and meaningful representation of minority and indigenous peoples from different AGD groups including women, LGBTIQ+ persons, persons with disabilities, and older persons, provided this can be done safely.
- Provide space for practising cultural traditions and strengthen community groups, including providing education or activities for minority and indigenous children in their minority or indigenous language.

Awareness raising and advocacy

- Make sure that staff, partners, and local and national authorities understand and know how to work with minorities and indigenous peoples, considering the attitudes and

preconceptions of UNHCR and partner staff. UNHCR's Code of Conduct sets out clear norms and requires managers to take action when inappropriate behaviour is identified. This requires sensitization and training.
- Explore avenues for advocacy with relevant stakeholders, including governments, other UN agencies, and civil society, for the elimination of discriminatory nationality laws, policies, and practices.

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 protection needs of minorities and indigenous peoples. 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 forcibly displaced and stateless persons.
- Encourage national services and partners to continue to support programmes that protect and assist minority and indigenous forcibly displaced and stateless persons.
- 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 and with minorities and indigenous peoples.

Key action points for working with minorities and indigenous peoples

- Make sure that minority and indigenous persons are identified and registered, to facilitate documentation and their access to services. Always uphold the principle of self-determination and identity, and ensure that recording of minority or indigenous status, including ethnicity or religion, does not put minorities and indigenous forcibly displace and stateless persons at risk (Do No Harm).

- Identify the decision-making structures, cultural practices, and customary laws of minorities and indigenous peoples, to ensure they are meaningfully included in

decision-making and can participate in determining the appropriateness and acceptability of services and other protection measures, and in relevant activities.

- Be mindful that minorities and indigenous people are not a homogenous group. Special attention should be made to ensure that minorities and indigenous peoples of all AGD groups are able to meaningfully participate and that barriers to the participation of women, older persons, persons with disabilities, LGBTIQ+ persons, youth and children are systematically identified and addressed.

- Ensure that systems to prevent and respond to violence, exploitation, or abuse of forcibly displaced and stateless persons are designed in consultation with minorities and indigenous peoples to ensure they are inclusive, safe and accessible.

- Ensure that all programmes include minorities and indigenous peoples. Make sure they can access information about the programmes and services they are entitled to access, and that they can voice their concerns and share their feedback through their preferred channels.

- 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 forcibly displaced and stateless minorities and indigenous peoples.

Annexes

UNHCR, Policy on Age, Gender and Diversity, 2018

UNHCR Need to Know Guidance: Working with National or Ethnic, Religious, and Linguistic Minorities and Indigenous Peoples in Forced Displacement, 2011

Tip Sheet on Applying the UNHCR's age, gender and diversity policy to Minorities and Indigenous Peoples, 2021

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

4. Learning and field practices

AGD e-learning [English], [French] (also available to externals)

Minority Rights Group International - Say My Name

UNHCR Age, Gender and Diversity eLearning Textbook

UNHCR, Using a holistic and intersectional empowerment strategy for effective community-based protection of indigenous peoples: A promising practice on age, gender and diversity in Brazil, 2022

5. Links

UNHCR – Minorities and Indigenous Peoples page Office of the High Commissioner for Human Rights (OHCHR), Minorities Minority Rights Group International - Homepage UN Department of Economic and Social Affairs, Indigenous Peoples OHCHR – International Covenant on Civil and Political Rights, Article 27 on rig... ILO, C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169) Community-Based Protection Community of Practice (INTERNAL) Center for International Development and Conflict Management, Minorities at Ris...

6. 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.