

ADVANCE UNEDITED VERSION

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Hundred and first session
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Statement 3 (2020)

**PREVENTION OF RACIAL DISCRIMINATION, INCLUDING
EARLY WARNING AND URGENT ACTION PROCEDURES**

**Statement on the coronavirus (COVID-19) pandemic and its implications under the
International Convention on the Elimination of All Forms of Racial Discrimination**

**I. Impact of the COVID-19 pandemic on the right to non-discrimination and to
equality**

The COVID-19 pandemic is having significant adverse impacts on the enjoyment of human rights, in particular on the right to non-discrimination and to equality based on the grounds set forth in article 1 of the International Convention on the Elimination of all Forms of Racial Discrimination. Several months into the pandemic, evidence shows that the pandemic disproportionately affects individuals and groups who are marginalized and more vulnerable to racial discrimination, in particular persons belonging to national or ethnic, religious and linguistic minorities as well as indigenous peoples, including those living in isolation, migrants, refugees and asylum-seekers, Roma, non-citizens, people of African descent and other groups who face discrimination based on descent.

All over the globe, persons belonging to minorities and marginalized groups are more vulnerable to the pandemic due to a greater exposure to the virus because of often inadequate or particular living conditions (crowded urban settlements or remote communities), limited or no access to clean water and sanitation facilities, limited or no access to healthcare, medication, medical services, social security and social services which as a result can lead to higher rates of infection and mortality. Groups that are subject to racial discrimination are furthermore disproportionately affected by the overall negative impact of the COVID-19 pandemic on health services in general, with health issues not directly related to the COVID-19 disease being left unattended.

The pandemic thereby exposes and further deepens structural inequalities affecting vulnerable groups protected under the Convention, based on entrenched structures and practices of discrimination and exclusion. It furthermore has a significantly disparate socio-economic impact on those groups and minorities, in particular with regard to housing, employment and education as well as economic security in general.

In addition, the pandemic as well as the responses to the pandemic have exacerbated the specific vulnerability of women and girls, children, and persons with disabilities, leading to multiple or intersecting forms of discrimination. An increase of domestic as well as other forms

of sexual, psychological and physical violence against minority and indigenous women has been reported. Furthermore, their high number in informal, low wage and service industries, which were hardest hit by COVID-19, and the existing gender digital divide also pushed many of them farther away from the labour market and work opportunities.

This higher vulnerability of persons belonging to marginalized groups to the pandemic is accompanied by a significant increase in stigmatization, labelling and scapegoating which often results in discriminatory acts and even violence against groups and minorities protected under the Convention, in particular against people of Asian and African descent, migrants as well as members of the Roma community and those who are regarded as belonging to lower castes. Overall, there has been a general rise in xenophobia during the pandemic. Racist hate speech, in particular against Asian people and people of Asian descent, assimilating the spread of the virus to the behaviour of certain groups already subject to racial discrimination, and the use of derogatory language in the public sphere and in statements of State officials, disseminated through traditional and social media, have increased.

Moreover, reports indicate practices and incidents of racially discriminatory enforcement of restrictions on human rights and other measures, such as emergency laws, taken to address the COVID-19 pandemic. In addition, access to justice and national mechanisms combatting racial discrimination has been further hindered due to the COVID-19 pandemic.

II. Obligations of States under the International Convention on the Elimination of All Forms of Racial Discrimination

States have an obligation to respect, protect and fulfil their international human rights obligations, including in times of crisis. States may enact and enforce restrictions of human rights on public health grounds only if they are necessary, reasonable, proportionate and non-discriminatory. Both with regard to the impact of the pandemic in general as well as when addressing the pandemic, States need to respect human rights and to ensure that their measures are in accordance with their international obligations, including those arising from the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee reminds State Parties of its General Recommendations to ensure compliance of the measures they take to address the COVID-19 pandemic and its impact with the provisions of the Convention:

1. Measures addressing the COVID-19 pandemic can be taken and enforced only in compliance with obligations under international human rights law. Measures including but not limited to the closing of borders, lockdowns, quarantines and enforcement measures must not be enacted or enforced in a manner that violates the prohibition of racial discrimination.
2. The COVID-19 pandemic has made members of groups and minorities protected under the Convention particularly vulnerable to discrimination. Beyond their obligation to refrain from any discriminatory acts or practices themselves, States have the obligation to protect members of vulnerable groups against discrimination stemming from private actors. This obligation applies in particular to racist insults and hate speech, harassment, acts of violence, and exclusion or denial of goods and services contrary to the prohibition of racial discrimination.

3. The COVID-19 pandemic has led to the increased use of racist stereotypes, associating the virus with specific regions, nationals or groups or through linking the disease and its outbreak to migration or foreigners in general. States are obliged to desist from, but also condemn and combat, any action that could reinforce such stereotypes and lead to stigmatization, in particular with regard to any action that might incite acts of racial discrimination. States should counter existing stereotypes and prejudice through the dissemination of fact-based information and awareness campaigns.
4. The disparate impact of the COVID-19 pandemic is particularly pertinent with regard to the enjoyment of economic, social and cultural rights. States must protect against and mitigate the impact of the pandemic on individuals and groups subject to structural discrimination and disadvantage on the basis of the grounds in the Convention, taking into account the gender-related dimensions of racial discrimination:
 - (a) States have an obligation to ensure equal access to healthcare services, including testing, medicine and medical procedures, and to eliminate discriminatory practices against groups and minorities protected under the Convention, including migrants and undocumented persons that might obstruct them from accessing healthcare.
 - (b) States have an obligation to take appropriate measures to address the disparate effects of the COVID-19 pandemic on groups and minorities protected under the Convention with regard to adequate housing and homelessness, for example through financial assistance or regulatory measures on rent and mortgage payments as well as eviction moratoriums.
 - (c) States have to take appropriate measures to address the disparate effects of the COVID-19 pandemic on groups and minorities protected under the Convention with regard to employment and employment conditions, in particular with regard to the higher risk and impact of unemployment. Workers in occupations with a high risk of contamination should be provided with protective equipment and clothes without discrimination.
 - (d) States have an obligation to take appropriate measures to address the disparate effects of the COVID-19 pandemic on groups and minorities protected under the Convention with regard to access to education, for example by taking the needs of these groups into specific consideration when deciding about the reopening of schools, advancing ways of alternative learning solutions and enacting measures in order to bridge the digital divide.
 - (e) States must guarantee that all persons and groups have access to financial aid and other economic support measures taken in the context of the COVID-19 pandemic without discrimination. In light of the disparate impact of the pandemic on groups and minorities protected under the Convention, States should consider the adoption of special measures in order to secure the full and equal enjoyment of human rights and fundamental freedoms of disadvantaged groups.
 - (f) Indigenous peoples, specifically those living in remote areas and in isolation, are particularly vulnerable to the COVID-19 pandemic. States have an obligation to ensure, through positive measures if needed, that the rights of indigenous communities living on their territory are protected.

5. States must ensure, in their own actions as well as through international cooperation, that the development of vaccines as well as access to an eventual vaccine against COVID-19 occur in a non-discriminatory manner, taking into account the situation and needs of groups which are marginalized and subjected to discrimination.
6. States must combat the COVID-19 pandemic guided by the principle of international solidarity through international assistance and cooperation. States furthermore must cooperate in order to mitigate the disparate impact of the pandemic and its socio-economic consequences in particular for groups and minorities protected under the Convention.
7. States should adopt a consultative approach to their response to COVID-19, in particular by guaranteeing the participation of all groups and minorities protected under the Convention in the design and implementation of emergency measures.

III. Role of the Committee on the Elimination of Racial Discrimination and Recommendations

1. The Committee on the Elimination of Racial Discrimination closely monitors the impact of the COVID-19 pandemic and of State responses to the pandemic on the prohibition of racial discrimination. The Committee will avail itself of all its procedures as appropriate, in particular its reporting and early warning and urgent action procedures.
2. The Committee encourages all State Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to specifically address within their next reports under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination:
 - (a) The impact of the COVID-19 pandemic on groups and minorities protected under the Convention within their territory and under their jurisdiction;
 - (b) Measures taken to ensure the participation of all groups and minorities, in particular women, children and persons with disability, in the design and implementation of their response to the COVID-19 pandemic;
 - (c) Measures taken to protect people belonging to groups and minorities protected under the Convention from the impact of the COVID-19 pandemic;
 - (d) Measures taken to protect members of vulnerable groups against discriminatory acts and to counter hate speech and stigmatization in connection with the COVID-19 pandemic;
 - (e) Measures taken to mitigate the socio-economic impact of the COVID-19 pandemic on members of marginalized and vulnerable groups in accordance with their obligation to respect, protect and fulfil economic, social and cultural rights.
3. The Committee is committed to cooperation with all other United Nations agencies and calls upon these agencies to provide, within their mandate, assistance to Member States in implementing the recommendations of the Committee as well as all other recommendations related to the COVID-19 pandemic issued within the United Nations system.

4. The Committee calls upon civil society to submit all information relevant to the mandate of the Committee with regard to racial discrimination in the context of the COVID-19 pandemic. The Committee is committed to maintain the dialogue with civil society and to ensure the participation of civil society in the work of the Committee.

2805th meeting
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