



International human rights standards and recommendations relevant to the disaggregation of SDG indicators

The 2030 Agenda for Sustainable Development commits to strengthen the capacity of countries to *increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts* (SDG target 17.18). This document aims to support this commitment by linking the levels of disaggregation to the grounds of discrimination that are prohibited under international human rights law. The document lists the different population groups or characteristics, the relevant universally accepted legal standards and recommendations from the international human rights mechanisms, which provide legal and practical guidance on the variables that should be used in data disaggregation and in the identification of the groups left behind in international, regional and national level.

The 2030 Agenda is unequivocally anchored in human rights. It is explicitly “grounded in the UN Charter, the Universal Declaration of Human Rights, international human rights treaties” and other instruments, including the Declaration on the Right to Development (para 10). It states that the SDGs aim to “realize the human rights of all” (preamble) and emphasises “the responsibilities of all States... to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status” (para 19). Importantly, the Agenda is “to be implemented in a manner that is consistent with the rights and obligations of states under international law” (para 18). This means that any gaps or ambiguities should be resolved in accordance with the requirements of international human rights law.

Disaggregated data can inform on the extent of possible inequality and discrimination. Data collection and disaggregation that allow for comparison of population groups or characteristics are central to a [Human Rights Based Approach to Data \(HRBAD\)](#) and forms part of States’ human rights obligations.

Population groups or characteristics	International human rights standards and recommendations*
<p>All groups and prohibited grounds of discrimination</p>	<p><u>Universal Declaration of Human Rights (UDHR), 1948</u> Article 1, All human beings are born free and equal in dignity and rights. (...) Article 2, Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p><u>International Covenant on Civil and Political Rights (ICCPR) adopted and opened by General Assembly resolution 2200A (XXI) of 16 December 1966</u></p> <p><u>International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted by General Assembly resolution 2200A (XXI) of 16 December 1966</u></p> <p>COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR) <u>(E/C.12/GC/20)</u> Monitoring, indicators and benchmarks</p> <p>41. States parties are obliged to monitor effectively the implementation of measures to comply with article 2, paragraph 2, of the Covenant. Monitoring should assess both the steps taken and the results achieved in the elimination of discrimination. National strategies, policies and plans should use appropriate indicators and benchmarks, disaggregated on the basis of the prohibited grounds of discrimination.</p> <p>PROHIBITED GROUNDS OF DISCRIMINATION</p> <p>15. Article 2 of the Covenant, paragraph 2, lists the prohibited grounds of discrimination as “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. The inclusion of “other status” indicates that this list is not exhaustive and other grounds may be incorporated in this category. The express grounds and a number of implied grounds under “other status” are discussed below. The examples of differential treatment presented in this section are merely illustrative and they are not intended to represent the full scope of possible discriminatory treatment under the relevant prohibited ground, nor a conclusive finding that such differential treatment will amount to discrimination in every situation.</p> <p>Membership of a group</p>

* This table is intended for illustrative purposes only. The listing of population groups or characteristics, relevant international human rights standards and recommendations is not exhaustive. Obligations regarding international assistance and cooperation also apply to the disaggregation of SDGs indicators.

	<p>16. In determining whether a person is distinguished by one or more of the prohibited grounds, identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned. Membership also includes association with a group characterized by one of the prohibited grounds (e.g. the parent of a child with a disability) or perception by others that an individual is part of such a group (e.g. a person has a similar skin colour or is a supporter of the rights of a particular group or a past member of a group).</p> <p>Multiple discrimination</p> <p>17. Some individuals or groups of individuals face discrimination on more than one of the prohibited grounds, for example women belonging to an ethnic or religious minority. Such cumulative discrimination has a unique and specific impact on individuals and merits particular consideration and remedying.</p>
<p>Age (children, adolescents, older persons)</p>	<p><u>Convention on the Rights of the Child (CRC) adopted by General Assembly resolution 44/25 of 20 November 1989</u></p> <p>COMMITTEE ON THE RIGHTS OF THE CHILD, GENERAL COMMENT No. 5 (2003) General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6) <u>(CRC/GC/2003/5)</u></p> <p>Article 2: the obligation of States to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind. This non-discrimination obligation requires States actively to identify individual children and groups of children the recognition and realization of whose rights may demand special measures. For example, the Committee highlights, in particular, the need for data collection to be disaggregated to enable discrimination or potential discrimination to be identified.</p> <p>F. Data collection and analysis and development of indicators</p> <p>48. Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realization of rights, is an essential part of implementation. The Committee reminds States parties that data collection needs to extend over the whole period of childhood, up to the age of 18 years. It also needs to be coordinated throughout the jurisdiction, ensuring nationally applicable indicators. States should collaborate with appropriate research institutes and aim to build up a complete picture of progress towards implementation, with qualitative as well as quantitative studies. The reporting guidelines for periodic reports call for detailed disaggregated statistical and other information covering all areas of the Convention. It is essential not merely to establish effective systems for data collection, but to ensure that the data collected are evaluated and used to assess progress in implementation, to identify problems and to inform all policy development for children. Evaluation requires the development of indicators related to all rights guaranteed by the Convention.</p> <p>49. The Committee commends States parties which have introduced annual publication of comprehensive reports on the state of children’s rights throughout their jurisdiction. Publication and wide dissemination of and debate on such reports, including in parliament, can provide a focus for broad public engagement in implementation. Translations, including child-friendly versions, are essential for engaging children and minority groups in the process.</p> <p>50. The Committee emphasizes that, in many cases, only children themselves are in a position to indicate whether their rights are being fully recognized and realized. Interviewing children and using children as researchers (with appropriate safeguards) is likely to be an important way of finding out, for example, to what extent their civil rights, including the crucial right set out in article 12, to have their views heard and given due consideration, are respected within the family, in schools and so on.</p>

	<p>General comment No. 20 (2016) on the implementation of the rights of the child during adolescence (CRC/C/GC/20) Collecting data disaggregated at a minimum by age, sex, disability, ethnicity and socioeconomic condition, to render the lives of adolescents visible, the Committee recommends that States agree on common indicators against which to monitor progress in the implementation of adolescents’ rights;</p> <p>Data collection and research 23. In partnership with academia, civil society and the private sector, States should develop systematic, rights-respecting, participatory mechanisms to collect data and share disaggregated information about <u>children in street situations</u>. States must ensure that the collection and use of such information does not stigmatize or harm these children. Collecting data on children in street situations should be integrated into national data collection on children, ensuring that national data do not rely solely on household surveys, but also cover children living outside household settings. Children in street situations should participate in setting the aims and agendas of research and in gathering information, analysing and disseminating research to inform policymaking, and designing specialized interventions. Street situations change rapidly, and research needs to be carried out periodically to ensure policy and programmes are up to date. (CRC/C/GC/21)</p> <p>COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR) (E/C.12/GC/20) 29. Age is a prohibited ground of discrimination in several contexts. The Committee has highlighted the need to address discrimination against unemployed older persons in finding work, or accessing professional training or retraining, and against older persons living in poverty with unequal access to universal old-age pensions due to their place of residence. In relation to young persons, unequal access by adolescents to sexual and reproductive health information and services amounts to discrimination.</p>
<p>Disability</p>	<p>Convention on the Rights of Persons with Disabilities (CRPD), adopted by the United Nations General Assembly in 2006 Article 31 - Statistics and data collection 1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall: (a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities; (b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics. 2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights. 3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others. Article 33 - National implementation and monitoring</p>

	<p>1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.</p> <p>2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.</p> <p>3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.</p> <p>General Comment No.6 on the right of persons with disabilities to equality and non-discrimination, adopted by the Committee on the Rights of Persons with Disabilities, 9 March 2018 (CRPD/C/GC/6)</p> <p>70. Data collection and analysis are essential measures to monitor anti-discrimination policies and laws. States parties should collect and analyse data, which must be disaggregated on the basis of disability and of intersectional categories. Data collected should provide information on all forms of discrimination. The data collected should be broad and cover statistics, narratives and other forms of data such as indicators to assess implementation and monitor progress and effectiveness of new or ongoing initiatives and policies. Disability-inclusive indicators must be developed and used in a manner consistent with the 2030 Agenda for Sustainable Development Design, collection and analysis of data should be participatory, i.e., undertaken in close and meaningful consultation with representative organizations of persons with disabilities, including children. People living in closed places, such as institutions or psychiatric hospitals, are often overlooked by research and studies collecting data. They should be systematically included in such studies.</p>
<p>Geographic status</p>	<p>COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR) (E/C.12/GC/20)</p> <p>Place of residence</p> <p>34. The exercise of Covenant rights should not be conditional on, or determined by, a person’s current or former place of residence; e.g. whether an individual lives or is registered in an urban or a rural area, in a formal or an informal settlement, is internally displaced or leads a nomadic lifestyle. Disparities between localities and regions should be eliminated in practice by ensuring, for example, that there is even distribution in the availability and quality of primary, secondary and palliative health-care facilities.</p>
<p>Gender/sex</p>	<p>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the United Nations General Assembly in 1979</p> <p>General recommendation No. 9 on Statistical data concerning the situation of women, adopted by the Committee on the Elimination of Discrimination against Women, 1989 (A/44/38)</p> <p>Considering that statistical information is absolutely necessary in order to understand the real situation of women(...) recommends that States parties should make every effort to ensure that their national statistical services responsible for planning national censuses</p>

	<p>and other social and economic surveys formulate their questionnaires in such a way that data can be disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which they are interested.</p> <p>COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR) (E/C.12/GC/20)</p> <p>20. The Covenant guarantees the equal right of men and women to the enjoyment of economic, social and cultural rights. Since the adoption of the Covenant, the notion of the prohibited ground “sex” has evolved considerably to cover not only physiological characteristics but also the social construction of gender stereotypes, prejudices and expected roles, which have created obstacles to the equal fulfilment of economic, social and cultural rights. Thus, the refusal to hire a woman, on the ground that she might become pregnant, or the allocation of low-level or part time jobs to women based on the stereotypical assumption that, for example, they are unwilling to commit as much time to their work as men, constitutes discrimination. Refusal to grant paternity leave may also amount to discrimination against men.</p> <p>See also sexual orientation and gender identity section below.</p>
<p>Health status / HIV /AIDS</p>	<p>COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR) (E/C.12/GC/20)</p> <p>33. Health status refers to a person’s physical or mental health. States parties should ensure that a person’s actual or perceived health status is not a barrier to realizing the rights under the Covenant. The protection of public health is often cited by States as a basis for restricting human rights in the context of a person’s health status. However, many such restrictions are discriminatory, for example, when HIV status is used as the basis for differential treatment with regard to access to education, employment, health care, travel, social security, housing and asylum. States parties should also adopt measures to address widespread stigmatization of persons on the basis of their health status, such as mental illness, diseases such as leprosy and women who have suffered obstetric fistula, which often undermines the ability of individuals to enjoy fully their Covenant rights. Denial of access to health insurance on the basis of health status will amount to discrimination if no reasonable or objective criteria can justify such differentiation.</p>
<p>Income/socio-economic status</p>	<p>COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR) (E/C.12/GC/20)</p> <p>Property status</p> <p>25. Property status, as a prohibited ground of discrimination, is a broad concept and includes real property (e.g. land ownership or tenure) and personal property (e.g. intellectual property, goods and chattels, and income), or the lack of it. The Committee has previously commented that Covenant rights, such as access to water services and protection from forced eviction, should not be made conditional on a person’s land tenure status, such as living in an informal settlement.</p> <p>Marital and family status</p> <p>31. Marital and family status may differ between individuals because, inter alia, they are married or unmarried, married under a particular legal regime, in a de facto relationship or one not recognized by law, divorced or widowed, live in an extended family or</p>

	<p>kinship group or have differing kinds of responsibility for children and dependants or a particular number of children. Differential treatment in access to social security benefits on the basis of whether an individual is married must be justified on reasonable and objective criteria. In certain cases, discrimination can also occur when an individual is unable to exercise a right protected by the Covenant because of his or her family status or can only do so with spousal consent or a relative’s concurrence or guarantee.</p> <p>Social and Economic status</p> <p>35. Individuals and groups of individuals must not be arbitrarily treated on account of belonging to a certain economic or social group or strata within society. A person’s social and economic situation when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping which can lead to the refusal of, or unequal access to, the same quality of education and health care as others, as well as the denial of or unequal access to public places.</p>
<p>Indigenous Peoples</p>	<p>United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly on 13 September 2007</p> <p>General recommendation No. 23 on the rights of indigenous peoples, adopted by the Committee on the Elimination of Racial Discrimination, 1997 (A/52/18, annex V)</p> <p>The Committee further calls upon States parties with indigenous peoples in their territories to include in their periodic reports full information on the situation of such peoples, taking into account all relevant provisions of the Convention.</p> <p>Resolution on the World Conference on Indigenous Peoples, adopted by the General Assembly on 22 September 2014 (A/RES/69/2)</p> <p>10. We commit ourselves to working with indigenous peoples to disaggregate data, as appropriate, or conduct surveys and to utilizing holistic indicators of indigenous peoples’ well-being to address the situation and needs of indigenous peoples and individuals, in particular older persons, women, youth, children and persons with disabilities.</p> <p>Report of the 16th Session of the UN Permanent Forum on Indigenous Issues, 2017 (E/2017/43)</p> <p>92. The Permanent Forum calls upon Governments to establish permanent, open and inclusive mechanisms for consultation, participation and representation of indigenous peoples in local, regional, national and international processes and bodies relating to the Sustainable Development Goals. It also calls upon Governments to allocate adequate resources towards implementation of plans that include indigenous peoples, as well as to ensure data disaggregation on the basis of indigenous identifiers.</p>
<p>Migrants / internally displaced persons / trafficking in persons</p>	<p>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), adopted by the United Nations General Assembly in 1990</p> <p>43. States should ensure effective access of all migrant domestic workers to any medical care urgently required to avoid irreparable harm to their health (article 28). Particular attention should be given to women migrant domestic workers with irregular status, who are especially vulnerable during pregnancy, as they are often afraid to contact public health services out of fear of deportation. States should not require public health institutions providing care to report data on the regular or irregular status of a patient to immigration authorities.</p> <p>57. States parties shall ensure that all migrant children, independently of their migration status, have access to free and compulsory primary education as well as to secondary education on the basis of equality of treatment with nationals of the State</p>

concerned (article 30), and that the domestic work carried out by children does not interfere with their education. **Schools should not be required to report data on the regular or irregular status of pupils to immigration authorities.**

General comment No. 1 on migrant domestic workers, adopted by the Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families, on 23 February 2011

66. States parties should include in their reports information about efforts to **monitor the situation of migrant domestic workers, including through the provision of statistical data**, and to protect their rights under the Convention, keeping in mind the recommendations contained in the present general comment.

Joint General Comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration

17. Children's personal data, in particular **biometric data, should only be used for child protection purposes, with strict enforcement of appropriate rules on collection, use and retention of, and access to, data.** The Committees urge due diligence regarding safeguards in the development and implementation of data systems, and in the sharing of data between authorities and/or countries. States parties should **implement a "firewall" and prohibit the sharing and use for immigration enforcement of the personal data collected for other purposes, such as protection, remedy, civil registration and access to services.** This is necessary to uphold data protection principles and protect the rights of the child, as stipulated in the Convention on the Rights of the Child.

Guiding Principles on Internal Displacement, (E/CN.4/1998/53/Add.2)

Principle 1 - Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

Principle 4 - These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.

Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1)

Guideline 3: Research, analysis, evaluation and dissemination

Effective and realistic anti-trafficking strategies must be based on accurate and current information, experience and analysis. It is essential that all parties involved in developing and implementing these strategies have and maintain a clear understanding of the issues. States and, where appropriate, intergovernmental and non-governmental organizations, should consider: 1. Adopting and consistently using the internationally agreed definition of trafficking contained in the Palermo Protocol. 2. **Standardizing the collection of statistical information on trafficking and related movements (such as migrant smuggling) that may include a trafficking element.** 3. **Ensuring that data concerning individuals who are trafficked is disaggregated on the basis of age, gender, ethnicity and other relevant characteristics.** 4. Undertaking, supporting and bringing together research into trafficking.

	Such research should be firmly grounded in ethical principles, including an understanding of the need not to re-traumatize trafficked persons. Research methodologies and interpretative techniques should be of the highest quality.
Minorities	<p>United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of 18 December 1992</p> <p>Article 6 - States should cooperate on questions relating to persons belonging to minorities, inter alia, exchanging information and experiences, in order to promote mutual understanding and confidence.</p> <p>Report of the Special Rapporteur on minority issues, Rita Izsák-Ndiaye (A/HRC/34/53)</p> <p>73. Disaggregated data-gathering should be conducted at the national, regional and local levels through the national census and periodic social surveys, accompanied by appropriate statistical analysis. It is essential to include data takers from diverse backgrounds, including minority persons, especially in territories where minorities are concentrated. Census questions should allow for open and multiple responses to enable respondents to self-identify according to their national, ethnic, religious and linguistic affiliation, including multiple identities. It is necessary to develop various socioeconomic indicators and indices to adequately assess possible marginalization of and discrimination against minorities with respect to, inter alia, access to education, employment, health, housing and public services. Moreover, other forms of surveys, such as population surveys that measure experiences, perceptions and attitudes, and situation-testing surveys to directly measure discrimination in specific instances may be necessary to fully understand the status of minorities.</p>
People of African Descent	<p>General recommendation No. 34, adopted by the Committee of All Forms of Racial discrimination against people of African descent on 3 October 2011 (CERD/C/GC/34)</p> <p>9. Take steps to identify communities of people of African descent living in their territories, especially through the collection of disaggregated data on the population, bearing in mind the Committee's general recommendations, particularly general recommendations Nos. 4 (1973) on demographic composition of the population (art. 9); 8 (1990) on identification with a particular racial or ethnic group (art. 1, paras. 1 and 4), and 24 (1999) on reporting of persons belonging to different races, national/ethnic groups, or indigenous peoples (art. 1).</p> <p>Resolution on the Programme of activities for the implementation of the International Decade for People of African Descent, adopted by the General Assembly on 18 November 2014 (A/RES/69/16)</p> <p>13. In accordance with paragraph 92 of the Durban Programme of Action, States should collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and take all other related measures necessary to assess regularly the situation of people of African descent who are victims of racism, racial discrimination, xenophobia and related intolerance.</p> <p>14. Such statistical data should be disaggregated in accordance with national legislation, upholding the right to privacy and the principle of self-identification.</p> <p>15. The information should be collected to monitor the situation of people of African descent, assess progress made, increase their visibility and identify social gaps. It should also be used to assess and guide the formulation of policies and actions to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance.</p>

<p>Persons with albinism</p>	<p>Report of the Independent Expert on the enjoyment of human rights by persons with albinism, (A/72/131)</p> <p>5. International human rights law includes internationally recognized standards providing protection to specific groups through the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities. The last-mentioned instrument is of paramount significance for persons with albinism, in particular because of the duty set out therein to provide reasonable accommodation.</p> <p>74. The duty of the State to protect the right to life and prevent torture also requires the systematic recording of attacks. Furthermore, States are to disseminate information widely to promote awareness within the law enforcement community and to ensure that adequate measures are developed where necessary. Moreover, States are to undertake and support research, systematic collection of data, and thorough analysis of risk factors. Preventing crimes relating to attacks against persons with albinism encompasses the adoption of strategies and measures.</p>
<p>Race / ethnicity / colour / national origin /birth</p>	<p>International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted by the United Nations General Assembly in 1965</p> <p>COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR) (E/C.12/GC/20)</p> <p>18. The Committee has consistently raised concern over formal and substantive discrimination across a wide range of Covenant rights against <u>indigenous peoples</u> and <u>ethnic minorities</u> among others.</p> <p>Race and colour</p> <p>19. Discrimination on the basis of “race and colour”, which includes an individual’s ethnic origin, is prohibited by the Covenant as well as by other treaties including the International Convention on the Elimination of Racial Discrimination. The use of the term “race” in the Covenant or the present general comment does not imply the acceptance of theories which attempt to determine the existence of separate human races.</p> <p>Language</p> <p>21. Discrimination on the basis of language or regional accent is often closely linked to unequal treatment on the basis of national or ethnic origin. Language barriers can hinder the enjoyment of many Covenant rights, including the right to participate in cultural life as guaranteed by article 15 of the Covenant. Therefore, information about public services and goods, for example, should also be available, as far as possible, in languages spoken by minorities, and States parties should ensure that any language requirements relating to employment and education are based on reasonable and objective criteria.</p> <p>Nationality</p> <p>30. The ground of nationality should not bar access to Covenant rights, e.g. all children within a State, including those with an undocumented status, have a right to receive education and access to adequate food and affordable health care. The Covenant rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation.</p> <p>National or social origin</p>

	<p>24. “National origin” refers to a person’s State, nation, or place of origin. Due to such personal circumstances, individuals and groups of individuals may face systemic discrimination in both the public and private sphere in the exercise of their Covenant rights. “Social origin” refers to a person’s inherited social status, which is discussed more fully below in the context of “property” status, descent-based discrimination under “birth” and “economic and social status”.</p> <p>Birth</p> <p>26. Discrimination based on birth is prohibited and article 10, paragraph 3, of the Covenant specifically states, for example, that special measures should be taken on behalf of children and young persons “without any discrimination for reasons of parentage”. Distinctions must therefore not be made against those who are born out of wedlock, born of stateless parents or are adopted or constitute the families of such persons. The prohibited ground of birth also includes descent, especially on the basis of caste and analogous systems of inherited status. States parties should take steps, for instance, to prevent, prohibit and eliminate discriminatory practices directed against members of descent-based communities and act against the dissemination of ideas of superiority and inferiority on the basis of descent.</p> <p>General recommendation No. 8 Concerning the Interpretation and Application of Article 1, Paragraphs 1 and 4 of the Convention, adopted by the Committee on the Elimination of Racial Discrimination on 22 August 1990 (A/45/18)</p> <p>The Committee on the Elimination of Racial Discrimination, having considered reports from States parties concerning information about the ways in which individuals are identified as being members of a particular racial or ethnic group or groups, is of the opinion that such identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned.</p> <p>General recommendation No. 27 on Discrimination against Roma, adopted by the Committee on the Elimination of Racial Discrimination on 16 August 2000 (A/55/18, annex V)</p> <p>46. States parties include in their periodic reports, in an appropriate form, data about the Roma communities within their jurisdiction, including statistical data about Roma participation in political life and about their economic, social and cultural situation, including from a gender perspective, and information about the implementation of this general recommendation.</p>
<p>Religion, belief and ideology / political affiliation / professional status</p>	<p>COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR) (E/C.12/GC/20)</p> <p>Religion</p> <p>22. This prohibited ground of discrimination covers the profession of religion or belief of one’s choice (including the non-profession of any religion or belief), that may be publicly or privately manifested in worship, observance, practice and teaching. For instance, discrimination arises when persons belonging to a religious minority are denied equal access to universities, employment, or health services on the basis of their religion.</p> <p>Political or other opinion</p> <p>23. Political and other opinions are often grounds for discriminatory treatment and include both the holding and not holding of opinions, as well as expression of views or membership within opinion-based associations, trade unions or political parties. Access to food assistance schemes, for example, must not be made conditional on an expression of allegiance to a particular political party.</p>

	<p>Report of the Special Rapporteur on the situation of human rights defenders (A/HRC/31/55) Human rights defenders, including journalists</p> <p>78. As noted above, greater public visibility of threats to defenders can serve a protective function. Indeed, public awareness of human rights and the situation of defenders may even prevent human rights violations against defenders. This awareness and support can be fostered by providing the general public with accurate information on the activities and situation of defenders by means of traditional and social media. Members of the media themselves can be defenders, and can thus face many of the same risks as other defenders.</p> <p>Resolution on Protecting Women Human Rights Defenders, adopted by the General Assembly on 18 December 2013 (A/RES/68/181)</p> <p>22. Also urges States to promote and support projects to improve and further develop the documentation and monitoring of cases of violations against women human rights defenders.</p>
<p>Sexual orientation / gender identity / intersex status / sex characteristics</p>	<p>Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (A/72/172)</p> <p>14. The right to be free from discrimination is enshrined in article 2 of the Universal Declaration of Human Rights and all human rights treaties. Issues relating to sexual orientation and gender identity have been dealt with by the monitoring bodies under the human rights treaties in their relationship with States, and a number of those bodies, including those created under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities, have adopted general comments that refer expressly to sexual orientation and gender identity.</p> <p>59. (b) The Sustainable Development Goals offer an opportunity to tackle violence and discrimination, also in regard to sexual orientation and gender identity, and that opportunity should be maximized to ensure that no one is left behind without exception or distinction. They are also an avenue for Governments and other actors to generate data and information in a disaggregated manner so as to facilitate future planning and allocation of resources;</p> <p>COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR) (E/C.12/GC/20)</p> <p>32. “Other status” as recognized in article 2, paragraph 2, includes sexual orientation. States parties should ensure that a person’s sexual orientation is not a barrier to realizing Covenant rights, for example, in accessing survivor’s pension rights. In addition, gender identity is recognized as among the prohibited grounds of discrimination; for example, persons who are transgender, transsexual or intersex often face serious human rights violations, such as harassment in schools or in the workplace.</p> <p>OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, Living Free and Equal, 2016 (HR/PUB/16/3)</p> <p>D. STRATEGIC APPROACHES</p> <p>Data, monitoring and evaluation: States should collect data and monitor and evaluate the impact and effectiveness of laws, policies and programmes established to combat violence and discrimination faced by LGBT and intersex persons in a transparent manner, in</p>

	<p>close consultation and partnership with LGBT and intersex civil society organizations. Data should be disaggregated based on, sexual orientation, gender identity and sex characteristics and other relevant characteristics, including factors of multiple forms of discrimination. Results of monitoring and evaluation efforts should be available to the general public. States should ensure the following: the data collection methodology should be in line with international human rights standards, including being based on informed consent, self-identification, confidential treatment of information and protection of the privacy and safety of participants.</p> <p>E. PROTECTING LGBT AND INTERSEX PERSONS FROM VIOLENCE</p> <p>Data on violence and hate crime: Data should be collected on such violence and hate crimes, including disaggregation by sexual orientation, gender identity and sex characteristics, with data collection in line with human rights standards (see also D). Data collection should be carried out in collaboration with LGBT and intersex civil society organizations. One possible modality is to combine data from State-based reporting mechanisms with data collected through surveys on experiences of violence and hate crime conducted by civil society organizations. Data should also be collected on prosecutions and convictions of alleged perpetrators. It is important to analyse data with the objective to, for example, identify patterns of impunity as well as underreporting. The results of such data collection practices should be made available to the public. It should also be used to formulate policies to prevent such violence and provide support and redress to victims.</p> <p>G. PROTECTING PERSONS FROM DISCRIMINATION</p> <p>Data: Disaggregated data should be collected and reported publically on incidents and patterns of discrimination based on sexual orientation, gender identity or expression and sex characteristics, including through official complaints mechanisms and population surveys. Such data should inform State efforts to combat such discrimination by identifying areas requiring specific attention.</p>
<p>Other status</p>	<p>COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, ICESCR) (E/C.12/GC/20)</p> <p>27. The nature of discrimination varies according to context and evolves over time. A flexible approach to the ground of “other status” is thus needed in order to capture other forms of differential treatment that cannot be reasonably and objectively justified and are of a comparable nature to the expressly recognized grounds in article 2, paragraph 2. These additional grounds are commonly recognized when they reflect the experience of social groups that are vulnerable and have suffered and continue to suffer marginalization. The Committee’s general comments and concluding observations have recognized various other grounds and these are described in more detail below. However, this list is not intended to be exhaustive. Other possible prohibited grounds could include the denial of a person’s legal capacity because he or she is in prison, or is involuntarily interned in a psychiatric institution, or the intersection of two prohibited grounds of discrimination, e.g. where access to a social service is denied on the basis of sex and disability.</p>