

Background Guide

Human Rights Council

Topic: Combating Religious Discrimination

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September 2023

I. Introduction to the Committee

The Human Rights Council is an intergovernmental body within the United Nations responsible for strengthening the promotion and protection of human rights around the globe, and for addressing situations of human rights violations. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the United Nations Office at Geneva (UNOG).

The Human Rights Council was created by the General Assembly on 15 March 2006 through GA Resolution 60/251, thereby replacing the Commission on Human Rights. The Council held its first session from 19 to 30 June 2006. A year later, the Council adopted resolution 5/1, its “institution-building package” to guide its work and set up its procedures and mechanisms. The 47 members of the Council are elected by the General Assembly.

There are different parts of the HRC, which include the universal periodic review, the Advisory Committee, and the complaint procedure. The universal periodic review serves to assess the state of human rights in all member states of the UN. The Advisory Committee serves as the council’s “think tank,” by providing advice and expertise on thematic human rights issues. The complaint procedure allows organizations and individuals to bring human rights violations to the attention of the HRC. The Human Rights Council also works with its special procedures, which were originally established by the Commission on Human Rights. These are independent experts appointed by the council to monitor, examine, advise, and report on thematic issues or situations of human rights in specific countries.

The Council also established subsidiary expert mechanisms to provide thematic expertise. They focus on studies, research-based advice, and best practices. There is the expert mechanism on the Rights of Indigenous People and the expert mechanism on the Right to Development. They have also established fora to provide a platform for cooperation. There are fora for the following topics: Minority Issues, Social, Business and Human Rights, Democracy, and the Rule of Law.

II. Statement of the Problem

There are over 4,000 religions, faith groups, and denominations that exist around the world (Pacis, 2022). Researchers and academics generally categorize the world’s religions into five major groups: Christianity, Islam, Buddhism, Hinduism, and Judaism. 82.8 percent of the global population still identifies with one of the world’s major religions (Pacis, 2022). Christianity is one of the most popular religions, comprising 31 percent of the world’s population. Adherents of

Islam comprise 23 percent, unaffiliated is 16 percent, Hinduism at 15 percent, and Buddhism at 7 percent. Folk Religions comprise 5.9 percent, and Judaism is 0.2 percent of the population (Pacis, 2022).

More than 80 countries favor a specific religion, either as an official, government-endorsed religion, or by affording one religion preferential treatment over faiths (Mitchell, 2017). Islam is the most common government-endorsed faith, with 27 countries (including most in the Middle East-North Africa region) officially making Islam their state religion (Mitchell, 2017). By comparison, just 13 countries (including nine European nations) designate Christianity or a particular Christian denomination as their state religion (Mitchell, 2017). However, an additional 40 governments around the globe unofficially favor a particular religion, and in most cases the preferred faith is a branch of Christianity.

Religious discrimination is defined as treating individuals differently because of their religious beliefs and practices, and/or requesting accommodations due to religious beliefs and practices (Commerce). It also includes treating individuals differently because of their lack of religious beliefs or practices. Religious beliefs and rights are being tested, and violence against certain groups or persons has been an issue for decades. This threat is underrecognized by the international community, and violence against these groups is rising all over the world. For example, the governments of China, Myanmar, and Turkey have used widespread force against religious minorities, with each of the three UN member states responsible for over 10,000 recorded incidents of force based on religion or belief in 2018 alone (Gorur & Gregory, 2021). In the same year, the governments of Eritrea, Iran, Iraq, Rwanda, Syria, and Uzbekistan were each responsible for between approximately 1,000 and 10,000 incidents of force against religious or belief communities (Gorur & Gregory, 2021). These are examples of state actors engaging in religious discrimination. However, governments are not the only actors responsible for religious discrimination. Many people and groups, like the KKK, are also responsible. Non-state actors, since 2017, have exhibited unprecedented social hostilities related to religion or belief (Gorur & Gregory, 2021).

Religion-related terrorism is also a concern. The number of casualties in these acts has increased in recent years (Gorur & Gregory, 2021). Examples include attacks against civilians by ISIS in Iraq and Syria, the Taliban in Afghanistan, Al-Shabaab in Somalia, and Boko Haram in Nigeria.

III. History/Past UN Action

The Human Rights Council, the General Assembly, and the Security Council have all been engaged recently on issues related to violence based on religion or belief.

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (the “1981 Declaration”), was one of the first international statements

regarding the promotion and protection of human rights (Bielefeldt & Wiener, 1981). It is the first international soft or normative law instrument focusing on religious intolerance, and since 1986, the United Nations has also mandated a Special Rapporteur to monitor the implementation of the 1981 Declaration globally (Bielefeldt & Wiener, 1981). In the past decade, action by the General Assembly has largely focused on reinforcing Human Rights Council resolutions. In December 2011, the General Assembly reaffirmed the need for universal implementation of Human Rights Council Resolution 16/18 (Gorur & Gregory, 2021).

In 2011, the Human Rights Council adopted resolution 16/18, which set an ambitious agenda for “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against, persons based on religion or belief” (OHCHR). This resolution urged member states, among other things, to speak out against incitement to violence, and criminalize incitement to immediate violence based on religion or belief. The resolution recognized a link between restrictions on freedom of religion or belief (FoRB) and violent conflict by noting that open, respectful fora for debate can prevent and counter religious tensions and violence (Gorur & Gregory, 2021). The resolution called on member states to implement the 16/18 resolution by countering religious profiling, preventing discrimination, and appointing a section within their governments to monitor and address tensions between religious communities. Again, since March 2011, the General Assembly and Human Rights Council have adopted resolutions on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.

The Security Council has taken some actions recognizing religion as a factor in conflict. For example, thematic resolutions such as Resolution 2250, passed in 2015, on youth, peace, security, and recent peacekeeping mandates for the UN peacekeeping mission in the Central African Republic acknowledge that religious intolerance and violence can drive conflict (Gorur & Gregory, 2021). Similarly, resolutions on terrorism and violent extremism assert that neither should be associated with any particular religion or nationality.

IV. Latest Developments

The Human Rights Council recorded one of its busiest years in 2021 (OHCHR). Under the presidency of Ambassador Nazhat S. Khan of Fiji – the first held by a representative from a small island developing state in the Pacific – the Council continued to introduce innovations, break boundaries, and set new human rights standards (OHCHR).

In a landmark decision, the Human Rights Council adopted a resolution in which it recognized the human right to a clean, healthy, and sustainable environment. For the first time, the Council decided to allow delegates to vote remotely, hosted the largest number of dignitaries ever to speak at its sessions, and supported the participation of 19 delegates from least developed countries and small island developing states through its SIDS/LDCs Trust Fund. The

Council held five special sessions in 2021 – again demonstrating its effectiveness in responding to urgent global crises. These special sessions addressed ongoing situations in the following countries: Myanmar, the Occupied Palestinian Territory, and Israel, Afghanistan, Sudan, and Ethiopia (OHCHR).

Again, in 2021, the Human Rights Council extended the mandates of 17 special procedures and investigative bodies and established seven new mandates (OHCHR). These mandates included: an accountability project on Sri Lanka, a monitoring mission in Belarus, a commission of inquiry on the Occupied Palestinian Territory, and Israel, a special rapporteur for Afghanistan, a racial justice body addressing systemic racism in law enforcement around the globe, a special rapporteur on climate change, and lastly, an investigative body for Ethiopia (OHCHR).

In December 2022, the General Assembly called upon States to foster a domestic environment of religious tolerance, peace and respect by “encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education; creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities and assisting with conflict prevention and mediation; encouraging the efforts of leaders to discuss within their communities the causes of discrimination and developing strategies to counter those causes; speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence; and much more to reduce religious discrimination” (OHCHR).

V. Problems a Resolution Should Address

A position paper and resolution should address the issues a country is facing with religious discrimination, whether it is violence, specific groups or people, or terrorism.

For your research, consider the following questions from your country’s perspective:

1. How many countries have an official state religion?
2. What are some examples of the world’s most persecuted religious groups?
3. What international treaties/documents codify the right to practice one’s religion?
4. How does international refugee and genocide law relate to protection of individuals and groups based upon religious identity?

VI. Helpful Sources

Article on Violence Based on Religion or Belief: <https://www.stimson.org/2021/violence-based-on-religion-or-belief-taking-action-at-the-united-nations/>

What is religious discrimination: <https://www.commerce.gov/cr/reports-and-resources/discrimination-quick-facts/religious-discrimination#:~:text=What%20is%20religious%20discrimination%3F,their%20religious%20beliefs%20and%20practices.>

Pew Research Center on religions: <https://www.pewresearch.org/religion/2017/10/03/many-countries-favor-specific-religions-officially-or-unofficially/>

Human Rights Council Website: <https://www.ohchr.org/en/hrbodies/hrc/home>

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