

## **Agenda: Discussion and deliberation on the persecution of religious minorities**

### **Letter from the Executive Board:**

Dear Delegates,

It takes us immense pleasure in welcoming you to the AUMUN 2022 conference. We are honoured to serve you as Executive Board members in this edition of the conference.

We believe that each and every delegate should go through this guide, to have a clear understanding of the agenda at hand. However, this would only serve as a “Background” of the agenda and would not be covering all the aspects linked to it. Your real research lies beyond this guide and we are eager to see all of you discussing possible solutions together, applying all of your extensive research and great knowledge of the topics discussed in this committee.

Understanding both the importance and complexity of this agenda, we strongly recommend you to be prepared and well researched in committee, and at the same time request you to participate at all times, making it a learning experience for all of us. Also note, it will be important for you to have a basic understanding of how various rights get affected in the socio-legal context.

If you are participating in a MUN conference for the very first time, we would request you to have an idea of the UN Charter rules of procedure followed in committee, links to the same would be provided at the end of this guide. The rest of the work as a delegate remains the same for you, wherein you research about the agenda, your foreign policy and laws relating to the same. Please take the initiative and research accordingly.

We strongly hope that you all will come prepared and motivated to discuss the situation at hand, brainstorm together to find out solutions of the same, applying legal frameworks and in the process, take back a lot from committee. Our goal for you in this committee is to have an enriching experience by learning the art of diplomacy and at the same time see you solve real life problems happening in this world.

We are looking forward to see you in committee,

Happy Researching!

Regards,

Arvind Krishnan

*Chairperson*

Keerthana B

*Vice Chairperson*

Eshan Bajaj

**Director**

## **Introduction to the Committee**

The Social, Humanitarian, and Cultural Committee (SOCHUM) is the Third Committee of the General Assembly of the United Nations and focuses broadly on the welfare and human rights of protected groups such as refugees, children, victims of discrimination, and many others. This year, delegates will have the ability to focus on two of those very groups. The first topic covers indigenous groups and addresses issues related to their continued culture and existence.

Indigenous peoples face multitudes of challenges, from resource extraction to climate change, and are often left defenceless with limited resources and capabilities to maintain their way of life. These issues and more will be discussed under topic A. The second topic of this committee focuses on journalists and freedom of expression. Under this topic, delegates will have the chance to discuss issues of censorship, the media's responsibility in misinformation, and international standards for journalists abroad from their home country. Both topics should inspire pertinent conversations and hopefully give delegates a more global mindset on these relevant issues.

## **Topic Background**

Today, issues related to the rights of persons belonging to minorities may be found in nearly every human rights instrument and forum. The United Nations and other intergovernmental organizations recognize that minority rights are essential to protect those who wish to preserve and develop values and practices which they share with other members of their community. They also recognize that members of minorities make significant contributions to the richness and diversity of society, and that States which take appropriate measures to recognize and promote minority rights are more likely to remain tolerant and stable.

The first significant attempt to identify internationally recognized minority rights was through a number of "minority treaties" adopted under the auspices of the League of Nations. With the creation of the United Nations, attention initially shifted to universal human rights and decolonization. However, the United Nations has gradually developed a number of norms, procedures and mechanisms concerned with minority issues, and the 1992 United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and.

## **International framework against persecution of religious minorities**

Freedom of religion or belief is guaranteed by article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

The work of the mandate of the Special Rapporteur on the freedom of religion or belief is also guided by the relevant articles of the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention relating to the Status of Refugees.

In addition, the mandate is guided by relevant resolutions of the Human Rights Council, the General Assembly and other organs of the United Nations, as well as relevant jurisprudence of the treaty bodies and provisions of international humanitarian law. The Special Rapporteur also takes into account relevant human rights instruments and jurisprudence at the regional level.

Freedom of religion or belief has many dimensions and it intersects with other human rights

### **Important international provisions**

The principal convention on the persecution of religious minorities is the United Nations Declaration on the Rights of Minorities. This declaration requires states to protect the existence and identities of minorities. It also calls upon states to encourage the promotion of national or ethnic, cultural, religious and linguistic identities. Under Article 2(1) of this declaration, minorities shall have the right to practice their religion, enjoy their culture and use their own language in both public and private settings without any kind of discrimination. Article 3 of this declaration guarantees persons belonging to minorities the right to exercise their rights individually and in community with others without discrimination. It was adopted by the General Assembly resolution 47/135 of 18 December 1992.

Other important conventions in this regard are as follows;

**The International Covenant on Civil and Political Rights** and, in particular, article 27 inspired the contents of the United Nations Minorities Declaration. This article protects the rights of persons belonging to minorities to their national, ethnic, religious or linguistic identity, or a combination thereof, and to preserve the characteristics which they wish to maintain and develop. Although it refers to the rights of minorities in those States in which they exist, its applicability is not subject to official recognition of a minority by a State. States that have ratified the Covenant are obliged to ensure that all individuals under their jurisdiction enjoy their rights; this may require specific action to correct inequalities to which minorities are subjected.

**The Human Rights Committee's general comment No. 23 (1994) on the rights of minorities provides an authoritative interpretation of article 27.** The Committee stated that "this article establishes and recognizes a right which is conferred on individuals belonging to minority groups and which is distinct from, and additional to, all the other rights which, as individuals in common with everyone else, they are already entitled to enjoy under the Covenant." The right under article 27 is an autonomous one within the Covenant. The interpretation of its scope of application by the Human Rights Committee has had the effect of ensuring recognition of the existence of diverse groups within a State and of the fact that decisions on such recognition are not the province of the State alone, and that positive measures by States may be "necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practise their religion, in community with the other members of the group."

### **The state of play in human rights instruments**

The right to be free from discrimination is a fundamental human right recognised in all the major international treaties on human rights. The UDHR starts, in Article 1, with: 'All human beings are born free and equal in dignity and rights'. Article 2 entitles everyone to enjoy the rights and freedoms in the 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'. Article 7 declares that: 'All are equal before the law and are entitled without any discrimination to equal protection of the law..'

Other UN instruments also contain equality or non-discrimination clauses; for example, Article 2 ICCPR and Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which are similar to Article 2 UDHR. The ICCPR also contains a prohibition of discrimination in Article 26, which declares that the law should prohibit discrimination and guarantee equal and effective protection against discrimination.

However, despite the extensive list of prohibited grounds, Articles 2 UDHR, ICCPR and ICESCR and 14 ECHR do not provide a freestanding right to non-discrimination. They only secure the enjoyment of the rights and freedoms in the instrument without distinction or discrimination. Therefore, discrimination can only be challenged in relation to other rights and a victim of discrimination cannot claim a breach of the anti-discrimination article alone. There are two exceptions to this: Article 26 ICCPR which provides a freestanding right that can be invoked without having to be linked to another protected right; and Protocol 12 ECHR, which prohibits discrimination in ‘the enjoyment of any right set forth by law

### **The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**

Adopted by General Assembly resolution 60/147 of 16 December 2005, states that “restitution should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one’s place of residence, restoration of employment and return of property.” This principle could be broadly interpreted to include the right to have one’s status as indigenous person or person belonging to a minority restored, in particular where this is provided for under national legislation and if such status is lost as a consequence of displacement.

### **Additional Conventions**

1. **Convention on the Prevention and Punishment of the Crime of Genocide** is a legal source referred to in the United Nations Minorities Declaration for protecting the rights of minorities. It is one of the first conventions that the General Assembly adopted (resolution 260 A (III) of 9 December 1948) and relates to the protection of groups, including minorities, and their right to physical existence.
2. **Rome Statute of the International Criminal Court** provides for the prosecution of cases that encompass not only the crime of genocide but also crimes against humanity. Acts which would constitute crimes against humanity are listed in its article 7, paragraph 1.
3. **ILO Discrimination (Employment and Occupation) Convention, 1958** (No. 111) requires States to adopt and implement national policies to promote and ensure

equality of opportunity and treatment in employment and occupation, with a view to eliminating direct and indirect discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin (arts. 1 and 2).

4. **ILO Declaration on Fundamental Principles and Rights at Work** provides that all members of the Organization have an obligation to respect, promote and realize the fundamental principles and rights at work (“core labour standards”).
  
5. **UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage** provides safeguards and promotes the practices, representations, expressions, knowledge, skills—as well as the associated instruments, objects, artefacts and cultural spaces—that communities, groups and, in some cases, individuals recognize as part of their cultural heritage
  
6. **UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions** encourages States to incorporate culture as a strategic element in national and international development policies and to adopt measures aimed at protecting and promoting the diversity of cultural expressions within their territory

In addition, several regional human rights treaties include provisions that can be invoked to advance minority rights. The Council of Europe’s Framework Convention for the Protection of National Minorities contains particularly detailed provisions on minority rights in various fields.

### **State-Induced Religious Intolerance**

The Special Rapporteur on freedom of religion or belief has noticed a "global backlash on human rights," some of it at the state level, which has only widened the gap between realising the right to freedom of religion or belief and realising it. For example, Russia's Supreme Court barred Jehovah's Witnesses from the nation in 2017 as part of an effort to outlaw extreme faiths. Some faiths are considered a danger to the state in China, and a growing number of rules restricting religions are being enacted. When you compare these examples of religious intolerance at the state level, you'll notice that there are a variety of reasons for religious intolerance. Understanding the origins of religious intolerance is critical to developing more effective policies to combat it.

Root causes for religious intolerance by governments can be summarized into different categories: intolerance on the basis of religious interpretation; using religion (or secularism) to distinguish national heritage or privilege certain religions; the exercise of control of public and private life; government failure; and an imbalance of power. Members of religious minorities are more vulnerable than religious majorities, as they may lack representation or protection and access to decision makers, and may experience discriminatory government policies. The most pervasive form of state-induced religious intolerance is harassment and hostility of government employees towards certain religious minorities. These include overly burdensome government processes such as requiring special permits for establishing places of worship, or requiring registration or legal authority for religious communities in order for them to operate.

Additionally, blasphemy laws, which exist in over 70 countries, serve to penalize the expression of religion or belief when considered blasphemous in nature. Many blasphemy laws contradict international law regarding freedom of religion, belief, or expression, and have been deemed by the Special Rapporteur on the right to freedom of religion or belief to be unlawful and unjustifiable in the context of human rights, particularly the right to freedom of religion or belief. The securitization of human rights is an ongoing problem for maintaining religious freedom, as it undermines certain human rights, particularly the right to freedom of religion or belief, through state laws. Some states make declarations that rights must be limited in the name of security, when, in reality, the limitation of those rights does not lessen a security risk, or when the relationship between restricting rights and security is weak or unfounded. General, vague statements made by governments about the restriction of religious freedom in the name of security or order may be in some cases a cover for wanting to halt religious criticism, to maintain control over public and private life, or to discriminate against minority groups. Judiciaries and legislative frameworks within Member States play an important role in the realization of the right to freedom of religion or belief.

Defence of secularism in human rights cases has become ubiquitous in countries that have secular laws. While the right to freedom of religion or belief is codified in international and human rights laws, the expression of such beliefs is often subject to limitations at the national level. For instance, in France, a country-wide ban on veils has been upheld in human rights courts, in order to promote France's religious neutrality.

A similar instance is being seen in the Indian state of Karnataka which has banned Hijaab in educational institutes. This has come under controversy at various national, and international levels.

The cumulative impact of these cases may have serious effects for religious minorities and societies, where principles of secularism may be implemented differently in each secular country. In these cases, and others, an analysis of the reasons for bans on religious symbols,



national law, gender equality, security, human rights law, and other factors may be considered before a decision is made by a court. One of the biggest issues facing the international community is a general lack of quality data on religious intolerance that could be used to establish better policies in the future.

### **The Role of Non-State Actors**

Some of the most brutal acts of religious intolerance are carried out by non-state actors. For instance, some officials of UN Member States have determined that the Islamic State of Iraq and the Levant (ISIL) has committed acts of violent extremism in the name of religion, ultimately constituting genocide. According to the Special Rapporteur on freedom of religion or belief, militant and terrorist organizations that commit atrocities in the name of religion thrive due to many of the same root causes as government-induced religious intolerance: a general lack of governance and mechanism to enforce laws prohibiting religious intolerance, segregated and splintered societies, systemic discrimination, and corruption. An issue that the international community has failed to address is the role of non-state actors in the wider issue of protecting and promoting human rights. Even though non-state actors may perpetrate acts of violence or religious intolerance, it is nonetheless the responsibility of the state to protect and uphold human rights. Societal contexts in different parts of the world may not be accommodating to religious diversity or multiplicity of religious interpretation, and governments may explicitly or implicitly endorse marginalization and social ostracism, or other acts of intolerance. In some countries, vigilante groups patrol their neighbourhoods at night to ensure compliance with religious norms.

### **Conclusion**

The Universal Declaration of Human Rights defines the freedom of religion or belief as a human right.

Article 18 declares that "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." Although the freedom of religion is recognized internationally as a human right, governments may not respect that right for

various reasons. Governments may not want individual practice a certain religion or set of beliefs for fear that might threaten national security. Or, governments may want individuals to practice a certain religion.

While there is some information on the root causes of religious intolerance, and the mechanisms available to further understand religious intolerance around the world, it is impossible to capture every example of religious intolerance.

Mutual understanding, respect for pluralism and tolerance, and recognition of human rights and human dignity form the core of any discussions on this agenda. The aim of this committee would be to explore all aspects of the same, and bring a conclusive end to this debate.

## **QARMA**

1. Does the Government encourage interfaith and inter-religious dialogue at all levels? How does it do so? Where communal and sectarian tensions exist, how does the Government address such matters?
2. Where religious education is on the curriculum, what measures are in place, if any, to promote interfaith and inter-religious understanding and dialogue?

3. Is social pressure or forced conversion an issue affecting minorities? If so, how is the Government addressing this?
4. Have there been cases before the courts or complaints brought to the attention of United Nations human rights treaty bodies or special procedures, in particular the Special Rapporteur on freedom of religion or belief, with respect to the rights of persons belonging to religious minorities?
5. Is there recognition of religious minorities' holy days by the State? Are they recognized as public holidays?

## **References**

1. <https://www.ohchr.org/en/issues/freedomreligion/pages/standards.aspx>
2. [https://www.ohchr.org/documents/publications/minorityrights\\_en.pdf](https://www.ohchr.org/documents/publications/minorityrights_en.pdf)
3. <https://www.ohchr.org/en/issues/minorities/srminorities/pages/standards.aspx>