



OHCHR



FOSCAMUN 2023

OHCHR COMMISSION

Dear delegates,

On behalf of the OHCHR Commission it is a pleasure to welcome you to FOSCAMUN 2023.

My name is Giulia Ricciuti and I will be your President; I will be assisted by Laura Brisotto, our Vice-President and Maria Tassello, our Moderator.

This year's topic under discussion for OHCHR is:

“Ensuring religious freedom when addressing violations of human rights against religious minorities”

Since the topic to be discussed and the resolutions to be achieved are of greatest importance, the chair members expect you all to work with the appropriate diligence and commitment.

The chair wishes all the delegates an enriching, rewarding and amazing experience!

ABOUT THE OHCHR COMMISSION

The Office of the United Nations High Commissioner for Human Rights, most frequently referred to as the Office of the High Commissioner for Human Rights (OHCHR) or the United Nations Human Rights Office was established on 20th December 1993 by the United Nations General Assembly as a consequence of the 1993 World Conference on Human Rights. It is a department of the United Nations Secretariat that aims to promote, guarantee and, most of all, safeguard human rights that are ensured by international law and stipulated in the 1948 Universal Declaration of Human Rights.

One of the main objectives of OHCHR is to promote international cooperation for human rights. Moreover, it aims to highlight the importance of human rights at both national and international levels and to promote universal enjoyment of all human rights.

The office is led by the High Commissioner for Human Rights. On 8th September 2022, the Austrian Volker Türk succeeded Michelle Bachelet of Chile becoming the eighth and current High Commissioner. He acts as the secretariat of the Human Rights Council located in Geneva, Switzerland and co-ordinates human rights activities throughout the United Nations System.

The OHCHR is divided into different organisational units such as the Administrative Section, the Thematic Engagement, Special Procedures and Right to Develop Division, the Human Rights Council and Treaty Mechanism Division and the Field Operations and Technical Cooperation Division.

TOPIC B: *Ensuring religious freedom when addressing violations of human rights against religious minorities*

RELIGIOUS MINORITIES AND THEIR RIGHTS

According to OHCHR's Special Rapporteur on minority issues an ethnic, linguistic or religious minority is "any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these". In addition, a person "can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status."

Another crucial clarification that needs to be done when approaching the topic of religious minorities, is to understand the criteria used to refer to a group or another. For example, from a more precise point of view, from a Christian perspective there is great dissimilarity between Protestants, Catholics and Eastern Christians and in different parts of the world one of these groups could be considered a minority in respect to the others. Instead, from a less specific point of view that creates a distinction between monotheistic and polytheistic religions, Christians, Jews and Muslims are part of the same group that could be considered a religious minority in some countries.

All forms of discrimination of religious freedom are a clear violation of Human Rights. In particular, Article 18 of the Universal Declaration of Human Rights states 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 other and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance."

As Ms Nazila Ghanea, who assumed her mandate as Special Rapporteur on freedom of religion or belief on August 1st2022, rightly affirmed that what is fundamental to remember is that the rights guaranteed so as to obtain freedom of religion or belief lie at a crucial intersection that can offer help in interpreting many different other human rights. For

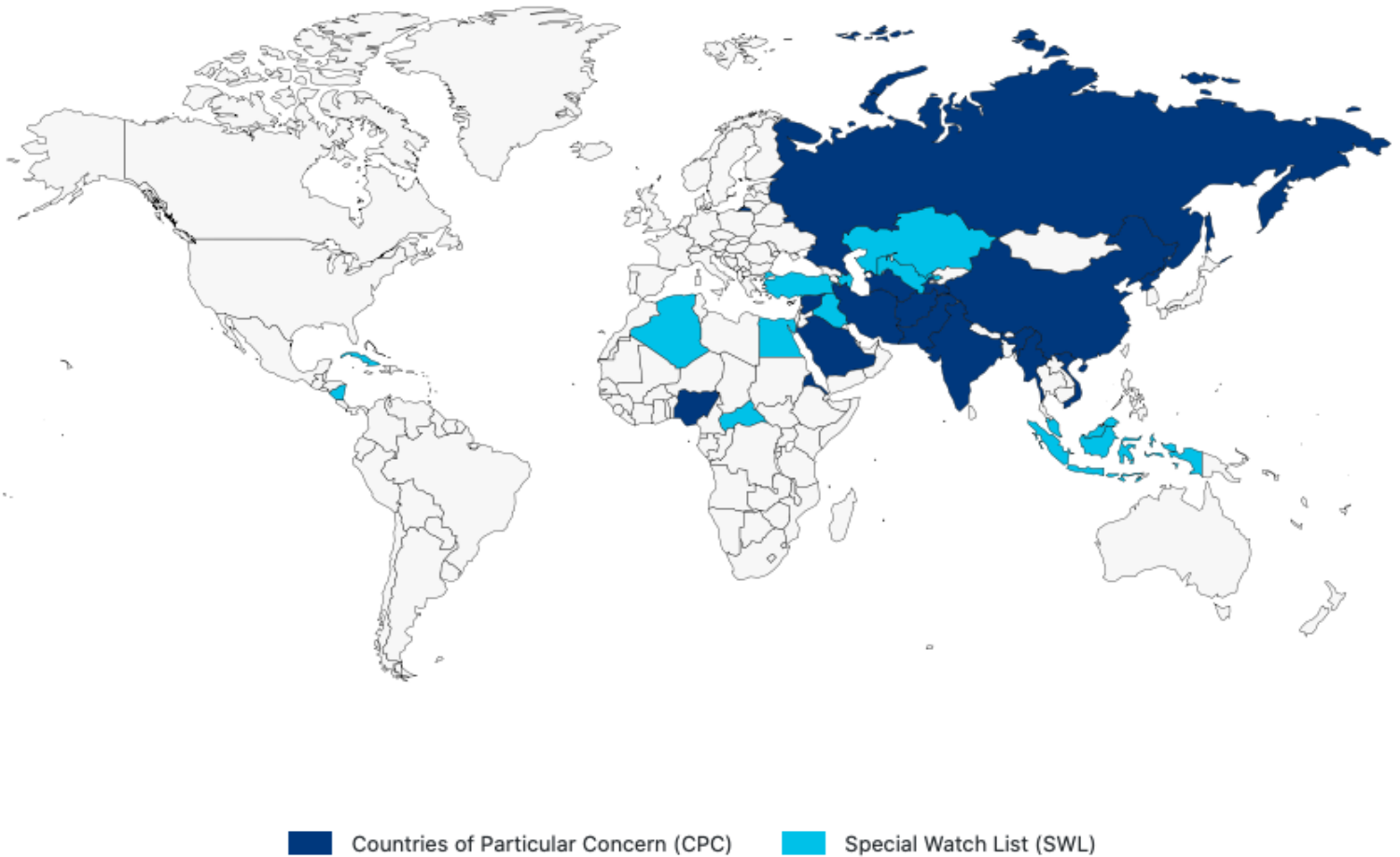
example, a clear overlap can be observed between the rights that should guarantee freedom of religion or belief and the ones that ensure freedom of opinion and expression, non-discrimination, freedom of association and regarding process rights. Moreover, all the discrimination people suffer because of the right to freedom of religion or belief can put at risk a great number of other human rights concerning different aspects of life: the political and the cultural one as well as the civil and the social or the economic one.

This explains why it is so crucial that religious freedom is ensured even when addressing violations of human rights.

Despite the human rights that religious minorities are guaranteed, and that should give them access to the political, social, civil and economic domain, these minorities are continuously and deeply discriminated, directly or indirectly, and face perceived and suffered discrimination in the society they live in.

Below is a map from the USCIRF 2023 Annual Report highlighting the Countries of Particular Concern (CPC) and the Special Watch List (SWL). The US Commission on International Religious Freedom (USCIR) is an independent U.S. government commission created as a consequence of the 1988 International Religious Freedom Act (IRFA) and keeps track of the universal right to freedom of religion or belief in countries all around the world.

**Countries of Particular Concern (CPC) and Special Watch List (SWL)
USCIRF 2023 Annual Report**



The annual report by Freedom House, an American independent watchdog organisation devoted to the expansion of democracy and freedom around the world, demands the question “Are individuals free to practice and express their religious faith or nonbelief in public and private?” In this survey, four is the highest score and zero the worst.

It is important to take into account the status of religion in Asia, since it is the world’s most populous continent. Even though some Asian countries possess high global religious freedom rankings, nine nations score four points due to the fact that freedom of religion is written into their constitutions and religious freedom is widely supported by all within the

State, others receive low rankings. These countries with lower scores have indeed been known for their government officials to hold anti-religious minority behaviour and a score of one or zero indicates that the government aggressively represses and tightly regulates religious activities. Often these nations impede religious gatherings and prohibit open religious practice by minorities.

For instance, in Việt Nam, all religious groups and most individual clergy members must join a supervisory body under the control of the communist party and gain permission for most activities. A law passed in 2016 strengthened these registration requirements while allowing for significant state meddling in the internal affairs of religious organisations. Additionally, the statute grants authorities broad authority to punish unapproved religious conduct.

On the other hand, in the West, the great majority of countries tends to score three or four points even though in some parts religious freedom is strong but remarkably increasing violence and rhetoric against religious minorities is present. In addition, there is no Western country that received a score of two or lower, unlike Asia, where there are twenty-four nations with meaningful problems with freedom of religion.

Religion-State Relations

Constitutions often govern how the state and religious authorities interact. By recognizing a religion or providing its institutions a special status in the legal-political system, they may forge a bond between the state and a particular religion or religions. Whereas, they could claim that the government is neutral toward religion or that it is secular.

UNITED NATIONS' INTERVENTION:

In article 2 of the Universal Declaration of Human Rights it is stated that everyone has all the rights and freedoms without distinction of any kind, such as religion. also in article 18 is stressed out the fact 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.” The General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Religious Freedom Provisions, Commitments, and Obligations from Regional Bodies and Instruments

The Council of Europe: in the Convention for the protection of human rights and fundamental freedoms that took place in Rome in 1950 the article 9 it is discussed freedom of thought, conscience, and religion, specifying the right to change religion or belief either alone or in community. It also states that “Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”

The European Union: in the Charter of fundamental rights of the European Union in 2000 also promotes freedom of religion and the right to conscientious objection, in accordance with the national laws.

The Organisation for Security and Cooperation in Europe (OSCE): in the Conference on security and cooperation in Europe final act, in Helsinki in 1975 it is stated once again that “The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.” Moreover, in the concluding document of the 1986 Vienna meeting of representatives of the participating states of the conference on security and co-operation in Europe, held on the basis of the provisions of the final act relating to

the follow-up to the conference, the participating State are urged to take effective measures to prevent and eliminate discrimination based on religion or belief. The OSCE, in the document of the Copenhagen meeting of the conference on the human dimension of the CSCE, June 29, 1990, reaffirms that “everyone will have the right to freedom of thought, conscience and religion. This right includes freedom to change one’s religion or belief and freedom to manifest one’s religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards”

The African Union: in the African charter on human and peoples’ rights, adopted June 27, 1981, it is declared that: “Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.”

The Organization of American States (OAS): in the American declaration of the rights and duties of man, adopted at Bogota, 1948, it is declared that “Every person has the right freely to profess a religious faith, and to manifest and practice it both in public and in private.” and “Every person has the right to associate with others to promote, exercise and protect their interests of a political, economic, religious, social, cultural, professional, labor union or other nature.”

In the American convention on human rights, adopted at San Jose, November 22, 1969 reaffirm in article 12 the freedom of Conscience and Religion

USEFUL QUESTIONS:

- Which are the religious minorities in my country?
- Is my country supporting them or taking action against them?
- What is my country doing to ensure their rights?
- Does my country's constitution mention religious minorities?

USEFUL WEBSITES:

<https://www.ohchr.org/en/special-procedures/sr-minority-issues/concept-minority-mandate-definition>
<https://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjsrfWfn4n8AhWM7rsIHfjDT8QFnoECAoQAQ&url=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FDocuments%2FIssues%2FMinorities%2FRightAndSecurity%2FJohannesVanDerVen.pdf&usg=AOvVaw0bbzVsQWqrs12duYOJcqEH>
<https://www.state.gov/reports/2021-report-on-international-religious-freedom/>
<https://www.asianstudies.org/wp-content/uploads/facts-about-asia-religious-freedom-in-asia.pdf>
<https://becketnewsite.s3.amazonaws.com/2021-Religious-Freedom-Index.pdf>
<https://www.uscifr.gov/countries>
<https://www.refworld.org/docid/453883fc0.html>
<https://www.ohchr.org/en/statements/2014/03/statement-special-rapporteur-freedom-religion-or-belief-heiner-bielefeldt-1>
<https://www.ohchr.org/en/special-procedures/sr-religion-or-belief>
<https://freedomhouse.org/report/freedom-world>
<https://www.state.gov/bureaus-offices/under-secretary-for-civilian-security-democracy-and-human-rights/office-of-international-religious-freedom/>
<https://www.ohchr.org/en/special-procedures/sr-religion-or-belief/international-standards#27>
<https://www.idea.int/sites/default/files/publications/religion-state-relations-primer.pdf>