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Human Rights Council Background Guide 2023

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and Mariana Gisela Marañón Laguna



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Dear Delegates,

Welcome to the 2023 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce you to our committee, the Human Rights Council (HRC). The topics under discussion are:

1. Realizing the Right to Adequate Housing
2. Combating Intolerance and Discrimination Against Persons Based on Religion or Belief

Members of our dais this year include:



Ashlee Ann Rolheiser (she/her), Director, holds an MA in International Affairs and Diplomacy and a Bachelor of Commerce in Marketing. Ashlee is the Manager of Philanthropy for Alberta and the Northwest Territories for one of Canada's oldest and largest nonprofit organizations.



Emma A. Bott, Director, holds a Bachelor of Management and a Juris Doctor. In addition to her law practice, she is working on a Master's of International Public Policy.



Julien Nelson, Assistant Director, has a Bachelor of Arts in International Relations and Public Affairs from Laval University and is studying for a Master's in International Relations. He currently works at a consulting firm for media and government relations.



Mariana Marañón Laguna, Assistant Director, holds two Bachelor's in Political Science and Psychology from New Mexico State University and a Master of Science in Integrative Neuroscience from Georgetown University. She will soon begin her training to attend medical school.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a Position Paper by 11:59 p.m. (Eastern Time) on 1 March 2023 in accordance with the guidelines in the [Position Paper Guide](#) and the NMUN•NY [Position Papers website](#).

Two resources, available to download from the [NMUN website](#), serve as essential instruments in preparing for the Conference and as a reference during committee sessions:

1. [NMUN Delegate Preparation Guide](#) - explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions. Delegates should not start discussion on the topics with other members of their committee until the first committee session.
2. [NMUN Rules of Procedure](#) - include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the Conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. If you have any questions concerning your preparation for this committee, please contact the Development & Human Rights Department, Tiffany Dao (Conference A) and Danielle Curtis BL (Conference B), at usg.dhr@nmun.org.

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Ashlee Ann Rolheiser, Director
Julien Nelson, Assistant Director
Conference A

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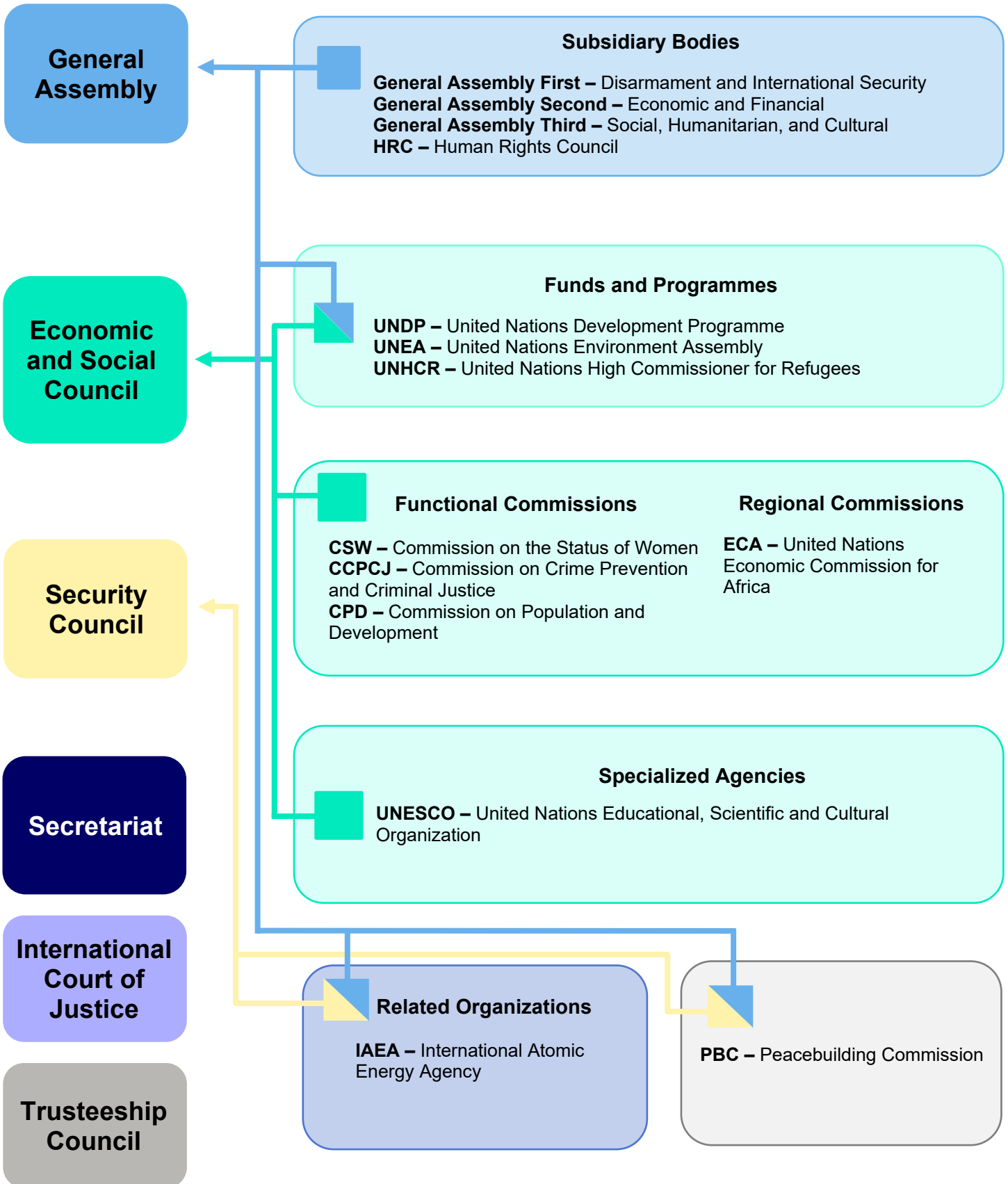


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United Nations System at NMUN•NY

This diagram illustrates the UN system simulated at NMUN•NY. It shows where each committee “sits” within the system to demonstrate the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee’s position, purpose, and powers within the UN system.



Committee Overview

Introduction

The Human Rights Council (HRC) is the United Nation's (UN) primary body responsible for issues pertaining to human rights.¹ HRC serves to promote universal respect for all human rights and fundamental freedoms, effective governance within the UN system on human rights issues, and, if necessary, provide recommendations on human rights violations.²

Mandate, Functions, and Powers

Replacing the United Nations Commission on Human Rights, HRC was established in 2006 with General Assembly resolution 60/251 on the "Human Rights Council", with its operational structures given further detail in 2007 in Human Rights Council resolution 5/1 on "Institution-building of the UN Human Rights Council."³ It is mandated to monitor, discuss and make recommendations on situations of human rights violations, establish international standards, and promote human rights.⁴ The UN has two forms of human rights monitoring mechanisms: treaty-based bodies and charter-based bodies.⁵ The ten treaty-based bodies monitor implementation of specific human rights treaties.⁶ In contrast, HRC is the primary charter-based body and, although its resolutions are not legally binding, it is able to monitor human rights across all UN Member States, rather than solely those which are party to specific treaties.⁷

HRC may mandate international commissions of inquiry or investigations into serious violations of human rights law.⁸ These non-judicial commissions allow violations to be recorded, reported, and ensure accountability in potential future judicial proceedings, including those held by the International Criminal Court.⁹ Commissions will also review legislative and institutional mechanisms to protect human rights and propose recommendations on how they may be strengthened.¹⁰ Separate to these commissions, Special Procedures are mechanisms that enable independent parties to report, monitor, and advise on country-specific or thematic issues being considered by HRC.¹¹ Each investigation has a mandate and a mandate holder, who is typically a Special Rapporteur, an independent expert, or a working group.¹² Special Procedures generally involve field visits, thematic studies, expert consultations and regular reports to HRC, as well as to the General Assembly.¹³

The Universal Periodic Review (UPR) is one of the most important functions of HRC.¹⁴ Each Member State submits a periodic review that assesses the fulfillment of its human rights obligations.¹⁵ The full cycle of the UPR process takes around four years and includes several steps.¹⁶ At the preparation stage, information is gathered that will form the basis of the review, including national reports, stakeholder

¹ United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006.

² *Ibid.*

³ *Ibid.*; Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 5.

⁴ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015.

⁵ Office of the United Nations High Commissioner for Human Rights. *Instruments & mechanisms*. 2022.

⁶ *Ibid.*

⁷ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015.

⁸ Office of the United Nations High Commissioner for Human Rights. *International Commissions of Inquiry, Commissions on Human Rights, Fact-Finding missions and other Investigations*. 2022.

⁹ Office of the United Nations High Commissioner for Human Rights. *Commissions of inquiry and fact-finding missions on international human rights and humanitarian law: Guidance and practice*. 2015. p. 7.

¹⁰ *Ibid.* p. 7.

¹¹ Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2022.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Office of the United Nations High Commissioner for Human Rights. *Universal Periodic Review*. 2022.

¹⁵ Office of the United Nations High Commissioner for Human Rights. *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. 2008. pp. 80-81.

¹⁶ *Ibid.* pp. 80-81.

submissions, and information prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹⁷ At the review stage, documents are presented at the regular sessions of the working group on the UPR.¹⁸ At the stage of adoption and consideration, each Member State provides comments and the Member State under review can offer reservations on specific issues.¹⁹ Finally, during the follow-up stage, each Member State under review shows how effectively it has acted upon the recommendations.²⁰

Whilst the following list is not exhaustive, the mandate of HRC can be summarized as:

- **HRC will generally:** mandate investigative commissions on serious violations of human rights law; serve as a forum for dialogue on human rights; initiate Special Procedures, which may encompass field visits, studies, and reports; manage the UPR processes; receive reports via the Complaint Procedure; and coordinate with non-governmental and civil society actors.²¹
- **HRC will not generally:** adopt legally binding resolutions or decisions; intervene operationally in situations of human rights violations.²²

Governance, Structure, and Membership

HRC is a subsidiary organ of the General Assembly and makes regular recommendations and reports, most often to the General Assembly's Third Committee.²³ It works closely with OHCHR and receives an annual report from the commissioner on ongoing situations and themes.²⁴ It is served by several sub-committees, including the Advisory Committee and various intergovernmental working groups on specific thematic areas.²⁵

The council consists of 47 Member States who are elected via a majority vote of the General Assembly through a direct and secret ballot.²⁶ Membership is based on equitable geographical distribution and a specific number of seats are designated to each geographic region.²⁷ During the first regular session of each year, HRC elects a President and four Vice Presidents to serve on its Bureau, who are responsible for the organization and procedural function of the committee.²⁸

Annotated Bibliography

Office of the United Nations High Commissioner for Human Rights. *Commissions of inquiry and fact-finding missions on international human rights and humanitarian law: Guidance and practice*. 2015. Retrieved 18 October 2022 from:

http://www.ohchr.org/Documents/Publications/Col_Guidance_and_Practice.pdf

One of the key components of HRC's work is its ability to mandate commissions of inquiry or investigations into serious violations of human rights law. This guide outlines

¹⁷ Ibid. pp. 80-81.

¹⁸ Ibid. pp. 80-81.

¹⁹ Ibid. pp. 80-81.

²⁰ Ibid. pp. 80-81.

²¹ Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2022; International Justice Resource Center. *UN Human Rights Council*. n.d.

²² Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. pp. 7, 18.

²³ United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006; Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 18.

²⁴ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 7.

²⁵ Office of the United Nations High Commissioner for Human Rights. *Advisory Committee*. 2022.

²⁶ Office of the United Nations High Commissioner for Human Rights. *Membership of the Human Rights Council*. 2022.

²⁷ Ibid.

²⁸ Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 6.

the role of these inquiries, how they function, and how they report their findings. Delegates will find this guide useful in understanding how one of the main pillars of the committee's work is translated into action.

Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. Retrieved 18 October 2022 from:

https://academy.ishr.ch/upload/resources_and_tools/SwissGuide_HRC_en.pdf

This handbook, created by the Permanent Mission of Switzerland to the United Nations, serves as an extremely useful introduction to the Human Rights Council. It outlines HRC's key purposes, its working practices, its mandate, and the standard flow of its committee sessions. Delegates can utilize this guide to gain a very practical, detailed summary of how HRC functions, both in theory and practice.

United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006. Retrieved 17 October 2022 from: <https://undocs.org/en/A/RES/60/251>

This General Assembly resolution is the founding document of the Human Rights Council. It was established as a replacement for its predecessor, the Commission on Human Rights, as a subsidiary body of the General Assembly. This resolution articulates HRC's primary purpose and mandate, its reporting mechanisms, and membership structure. This resolution will allow delegates to gain a firsthand understanding of the context in which HRC was established and what its core objectives were established to be.

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Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. Retrieved 18 October 2022 from: https://academy.ishr.ch/upload/resources_and_tools/SwissGuide_HRC_en.pdf

United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006. Retrieved 18 October 2022 from: <https://undocs.org/en/A/RES/60/251>

1. Realizing the Right to Adequate Housing

Introduction

The United Nations Human Settlements Programme (UN-Habitat) estimates that 1.6 billion people live in inadequate housing, with 1 million of these residing in slums and another 100 million experiencing homelessness.²⁹ The issue of inadequate housing is widespread globally and has major social ramifications.³⁰ For example, at the height of the COVID-19 pandemic, evictions in the United States led to 433,700 SARS-CoV-2 infections, and 10,700 coronavirus deaths.³¹ In Buenos Aires, homelessness increased by 20% during 2020.³² In Lagos, Nigeria, 11.2 million people live in informal settlements.³³ Since 2017, property prices in South Korea have increased to 14 times the average annual income of a South Korean household.³⁴ Furthermore, in Australia, Aboriginal and Torres Strait Islander Australians comprise 23% of those living in inadequate housing and are 15 times more likely to experience homelessness.³⁵

Although there is no universal definition of adequate housing, the *Universal Declaration of Human Rights* (UDHR) (1948) recognizes the right to an adequate standard of living, including adequate housing.³⁶ The Office of the United Nations High Commissioner for Human Rights (OHCHR) identified that the human right to adequate housing consists of seven components: tenure security; service availability, materials, and infrastructure; affordability; accessibility; habitability; location; and cultural adequacy.³⁷ When the right to adequate housing is violated, the enjoyment of other rights is also transgressed.³⁸ For instance, children who live in slums may be denied access to education because this type of settlement lacks official status.³⁹ Similarly, women and girls become more vulnerable to violence when they are forcibly evicted from their homes.⁴⁰

The right to adequate housing is incorporated into the *2030 Agenda for Sustainable Development* (2030 Agenda) (2015) and is a vital driver for achieving the Sustainable Development Goals (SDGs).⁴¹ Housing is an integral part of SDG 1 (no poverty), SDG 5 (gender equality), SDG 6 (clean water and sanitation), and SDG 11 (sustainable communities).⁴² Housing also directly contributes to SDG 8 (economic growth), SDG 10 (reduced inequalities), and SDG 16 (peace and justice), among others and it indirectly promotes SDG 2 (zero hunger) and SDG 4 (education).⁴³ The right to adequate housing is intersectional and for it to be universally realized, states must think innovatively and inclusively to address the challenges surrounding it.⁴⁴

²⁹ United Nations, Department of Economic and Social Affairs. *SDG Indicators: Metadata repository*. 2021.

³⁰ The Shift. *The Shift: Case for Support*. 2021. p. 2.

³¹ Ibid. p. 3.

³² Ibid. p. 3.

³³ Ibid. p. 3.

³⁴ Ibid. p. 3.

³⁵ Ibid. p. 3.

³⁶ Office of the United Nations High Commissioner for Human Rights. *The human right to adequate housing: Special Rapporteur on the right to adequate housing*. 2022.

³⁷ Office of the United Nations High Commissioner for Human Rights. *The Right to Adequate Housing: Fact Sheet No. 21 (Rev.1)*. 2014.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Habitat for Humanity. *Housing and the Sustainable Development Goals: The Transformational Impact of Housing*. 2021.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

International and Regional Framework

Article 25 of the UDHR enshrines the right to an adequate standard of living in regard to health and well-being, including housing, food, clothing, and medical care.⁴⁵ The UDHR also acknowledges the right of persons to own property and the right to not be arbitrarily deprived of their property in Article 17.⁴⁶ In 1965, the *International Convention on the Elimination of All Forms of Racial Discrimination* recognized the right to housing in Article 5 (e) (iii) as an economic, social and cultural right.⁴⁷ Following this, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966) enshrined the right to adequate housing in Article 11, which holds that the States parties to ICESCR recognize the right to adequate living, including the right to continuous improvement of living conditions.⁴⁸ In addition, Article 17 of ICESCR states that people should be protected from illegal or arbitrary interference with their home.⁴⁹ In 1979, the right to adequate housing for women was reinforced by Article 14 (2) and 15 (2) of the *Convention on the Elimination of All Forms of Discrimination against Women* focusing on involvement in development and property rights.⁵⁰ In 1989, the *Convention on the Rights of the Child* (CRC) protected the right of children to not have their right to privacy interfered with in their home under Article 16 (1).⁵¹ In addition, the CRC recognized the obligation of the state to assist parents or guardians in providing housing for children.⁵² From a legal and policy perspective, conventions have the potential to influence governments of states that ratified the convention to implement policy and law changes.⁵³

Human Rights Council (HRC) resolution 49/17, “Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context” called for the implementation of the *New Urban Agenda*.⁵⁴ The *New Urban Agenda* includes a commitment to national, sub-national and local housing that contributes to the realization of the right to adequate housing while providing integrated age and gender-responsive housing approaches.⁵⁵ The *Vienna Declaration and Programme of Action* (1993) emphasizes that extreme poverty, including the lack of adequate housing, is a violation of human rights.⁵⁶ The achievement of the right to adequate housing is intrinsically linked to many of the SDGs either directly or indirectly.⁵⁷ Therefore, HRC continues to emphasize the importance of implementation of the 2030 Agenda.⁵⁸

Role of the International System

The mandate of HRC is to strengthen and promote the protection of human rights by addressing and reporting on human rights violations as well as providing recommendations for the correction of those violations.⁵⁹ HRC recognized the financial barriers to achieving adequate housing in HRC resolution 37/4

⁴⁵ United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948. art. 25.

⁴⁶ Ibid. art. 17.

⁴⁷ United Nations, General Assembly. *International Convention on the Elimination of All Forms of Racial Discrimination (A/RES/2106 (XX))*. 1965.

⁴⁸ United Nations, General Assembly. *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXII))*. 1966.

⁴⁹ United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXII))*. 1966.

⁵⁰ United Nations, General Assembly. *Convention on the Elimination of All Forms of Discrimination against Women (A/RES/34/180)*. 1979.

⁵¹ United Nations, General Assembly. *Convention on the Rights of the Child (A/RES/44/25)*. 1989.

⁵² Ibid.

⁵³ United Nations Children’s Fund. *Convention on the Rights of the Child*. n.d.; Sanjeev et al. United Nations Human Settlements Programme. *Children, Cities and Housing: Rights and Priorities*. 2022.

⁵⁴ United Nations, Human Rights Council. *Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context (A/HRC/RES/49/17)*. 2022. pp. 1-2.

⁵⁵ United Nations, General Assembly. *New Urban Agenda (A/RES/71/256)*. 2017. p. 8.

⁵⁶ United Nations, World Conference on Human Rights. *Vienna Declaration and Programme of Action*. 1993.

⁵⁷ United Nations, General Assembly. *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. 2015.

⁵⁸ United Nations, Human Rights Council. *Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context (A/HRC/RES/37/4)*. 2018. p. 3.

⁵⁹ Office of the United Nations High Commissioner for Human Rights. *Welcome to the Human Rights Council*. 2022.

on “Adequate housing as a component of the right to an adequate standard of living and the rights to non-discrimination in this context” (2018), calling upon Member States to take actions to minimize the factors that result in housing becoming unaffordable.⁶⁰ In this resolution, as well as resolution 49/17, adopted in 2022 on the same issue, HRC also highlighted the importance of the implementation of judicial remedies for violations of the right to adequate housing that is accessible, affordable, and effective.⁶¹

The Special Rapporteur on the Right to Adequate Housing was established in 2000 by the Commission on Human Rights and was then renewed by HRC resolution 34/9 “Adequate housing as component of the right to an adequate standard of living and the right to discrimination in this context” in 2017.⁶² The current Special Rapporteur is Balakrishnan Rajopal who assumed the position in May, 2020.⁶³ The Special Rapporteur’s purpose is to identify specific vulnerabilities that impact the right to adequate housing such as gender or citizenship.⁶⁴ In addition, the Special Rapporteur works to identify solutions, best practices, barriers, challenges, or gaps in the provision of housing.⁶⁵ As per HRC resolution 34/9, the Special Rapporteur is to submit proposals to HRC on implementing housing relating to the 2030 Agenda and the *New Urban Agenda*.⁶⁶ The Special Rapporteur promotes the right to adequate housing as an essential component of the right to an adequate standard of living.⁶⁷ In addition, HRC has the ability to request a report from the Special Rapporteur to assist in developing policies and actions.⁶⁸

OHCHR provides guidance and support on all human rights issues to UN bodies, governments, NGOs and other stakeholders.⁶⁹ They also work to define and address the barriers faced by specific groups in accessing their rights, particularly the right to adequate housing.⁷⁰ UN-Habitat and OHCHR launched the UN Housing Rights Program (UNHRP) in 2002.⁷¹ The purpose of UNHRP is to support governments, civil society, and National Human Rights Institutions (NHRIs) with the implementation of their commitments to ensure the full and progressive realization of the right to adequate housing.⁷² UNHRP focuses on monitoring and evaluating progress, research and analysis, and fostering technical co-operation and capacity building.⁷³ UN-Habitat further works to support all levels of government, civil society groups, and NHRI’s in regards of realizing the right to adequate housing.⁷⁴ For example, the assistance of UN-Habitat avoided evictions in 28 countries, such as Northern Iraq, where UN-Habitat distributed over 2,811 occupancy certificates to Yazidi families in the Sinjar.⁷⁵ Non-governmental organizations (NGOs) also play a role in working alongside Member States and international organizations to ensure the right to

⁶⁰ United Nations, Human Rights Council. *Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context (A/HRC/RES/37/4)*. 2018. p. 3.

⁶¹ *Ibid.* p. 3; United Nations, Human Rights Council. *Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context (A/HRC/RES/49/17)*. 2022. p. 3.

⁶² Office of the United Nations High Commissioner for Human Rights. *Special Rapporteur on the right to adequate housing*. 2022.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ United Nations, Human Rights Council. *Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context (A/HRC/RES/34/9)*. 2017. p. 2

⁶⁷ Office of the United Nations High Commissioner for Human Rights. *Special Rapporteur on the right to adequate housing*. 2022; United Nations, General Assembly. *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (A/73/310/Rev.1)*. 2018.

⁶⁸ United Nations, General Assembly. *The right to adequate housing (A/67/286)*. 2012.

⁶⁹ Office of the United Nations High Commissioner for Human Rights. *OHCHR and the right to adequate housing*. 2022.

⁷⁰ *Ibid.*

⁷¹ United Nations Human Settlements Programme. *Housing Rights*. 2022.

⁷² *Ibid.*

⁷³ United Nations Human Settlements Programme. *United Nations Housing Rights Programme*. n.d.

⁷⁴ United Nations Human Settlements Programme. *Housing Rights*. 2022.

⁷⁵ *Ibid.*; United Nations Human Settlements Programme. *For the first time, Yazidi families have Documents to prove their Rights over Land and Houses in Sinjar, Northern Iraq*. 2022.

adequate housing is realized.⁷⁶ An example of an NGO working on the right to adequate housing is The Shift, which works to overcome the financial barriers that impact the right to adequate housing.⁷⁷

How Does the Right to Adequate Housing Apply to Specific Groups?

The right to adequate housing refers to the right to live somewhere in security, peace, and dignity.⁷⁸ Worldwide, millions of people live in inadequate housing which significantly impacts their life, health and wellbeing.⁷⁹ Women, displaced persons, and indigenous persons, among other racial, ethnic, and religious minorities, often face greater challenges when exercising their right to adequate housing.⁸⁰ These barriers can range from: increased restrictions to accessing private and public housing, or land to build on; unlawful exclusion from public housing; and enhanced difficulties when accessing credits for housing procurement.⁸¹

Women

Under international human rights law, achieving the right to adequate housing is pivotal to women's right to equality as it recognizes women as independent individuals from their families or relationship status.⁸² As of 2022, women make up most of the landless population, and compared to men, women disproportionately lack tenure security.⁸³ Women living in poverty are also increasingly vulnerable to evictions, and women who belong to minority groups face additional forms of discrimination that further violate their right to adequate housing.⁸⁴ Among the various systemic and historical factors that violate women's right to adequate housing are: discriminatory statutory laws; a lack of gender-sensitive laws and policies; and discriminatory customary laws and practices, namely lack of awareness of rights or bias in the judiciary system.⁸⁵

Many Member States have adopted gender-responsive and human rights-based frameworks in which laws, policies, and programs aim to reflect international human rights standards that consider the specific needs of women in relation to housing.⁸⁶ In Namibia, the constitution grants women and men equal access to land and housing.⁸⁷ Furthermore, the *General Law for Regularization of Land in Brazil* requires that a house be registered under both the woman's and the man's name, whilst a partnership between Tajikistan's government, the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), and other agencies resulted in a modification to the Land Code, which previously discriminated against women.⁸⁸

⁷⁶ The Shift. *About Us*. 2022; Office of the United Nations High Commissioner for Human Rights. *NGO Participation in the Human Rights Council*. 2022.

⁷⁷ The Shift. *About Us*. 2022.

⁷⁸ Office of the United Nations High Commissioner for Human Rights. *The Right to Adequate Housing: Fact Sheet No. 21 (Rev.1)*. 2014. p. 3.

⁷⁹ *Ibid.* p. 1.

⁸⁰ Anti-Discrimination Centre. *The UN Special Rapporteur on the right to adequate housing expressed concerns about discrimination of ethnic minorities and indigenous peoples, people with disabilities and other vulnerable groups*. 2021.

⁸¹ *Ibid.*

⁸² Office of the United Nations High Commissioner for Human Rights. *Women and the right to adequate housing*. 2022.

⁸³ Office of the United Nations High Commissioner for Human Rights. *Right to adequate housing for people in situations of vulnerability*. 2022.

⁸⁴ *Ibid.*

⁸⁵ Office of the United Nations High Commissioner for Human Rights. *The Right to Adequate Housing: Fact Sheet No. 21 (Rev.1)*. 2014. p. 17.

⁸⁶ Office of the United Nations High Commissioner for Human Rights. *How to Make Women's Right to Housing Effective?* 2014. p. 6.

⁸⁷ *Ibid.* p. 35.

⁸⁸ *Ibid.* p. 35.

Displaced Persons

Refugees, asylum-seekers, internally displaced persons, or migrants are “particularly vulnerable to human rights violations, the enjoyment of housing being among the most endangered rights.”⁸⁹ This vulnerability to human rights violations results from various and interconnected forms of discrimination that can hamper their ability to secure adequate housing.⁹⁰ Often, displaced persons will be forced to live in overcrowded and decaying shelters and camps that lack basic services.⁹¹ To implement inclusive policies that promote displaced people’s right to adequate housing, UN agencies such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and UN-Habitat increased the number of cooperative initiatives with governments.⁹² An example of such initiative can be found in Kenya, where since 2016 both agencies accommodated 60,000 people – including refugees and host community members – in a settlement in Turkana County.⁹³ Moreover, UNHCR partnered in the past with the IKEA Foundation and BetterShelter to design shelters that meet adequate housing standards for displaced persons.⁹⁴

Indigenous Persons

Leilani Farha, former UN Special Rapporteur on the Right to Housing, found that indigenous persons are the specific group most vulnerable to having their right to adequate housing violated.⁹⁵ In tandem, they also face discrimination such as: lack of allocation of culturally appropriate housing; lack of tenure insecurity over their lands; and the high cost of housing compared to their income.⁹⁶ Due to discriminatory laws and practices that impede them from a fair treatment in the housing and rental market, an increasing number of indigenous people are relocating from their traditional lands to urban areas where the housing conditions tend to be substandard and culturally inappropriate.⁹⁷ As a result, indigenous persons tend to face increased poverty by leaving behind their traditional lands and resources for more precarious conditions without secure tenure.⁹⁸ Ms. Leilani Farha noted that for indigenous people to fully realize their right to adequate housing, Member States should consult indigenous people in the development and implementation of housing programs that implicate them.⁹⁹ For example, to improve the housing for many Indigenous Australians, the Australian governments and the Coalition of Peaks formed the *National Agreement on Closing the Gap* (The National Agreement) in 2018.¹⁰⁰ The National Agreement sets targets that are periodically monitored and evaluated to show progress on desirable housing outcomes for Aboriginal and Torres Strait Islander people.¹⁰¹

The Role of Land in Realizing the Right to Adequate Housing

As of 2022, no international instrument refers to the human right to land, however, land rights and human rights are intrinsically linked.¹⁰² The issue of land is relevant for several rights recognized in ICESCR.¹⁰³ Furthermore, the *Indigenous and Tribal Peoples Convention* (1989), and the *United Nations Declaration*

⁸⁹ Office of the United Nations High Commissioner for Human Rights. *Migration and the right to housing: Special Rapporteur on the right to adequate housing*. 2022.

⁹⁰ Office of the United Nations High Commissioner for Human Rights et al. *Principles and Guidelines, supported by Practical Guidance on the Human Rights Protections of Migrants in Vulnerable Situations*. n.d. p. 6.

⁹¹ Office of the United Nations High Commissioner for Human Rights. *The Right to Adequate Housing: Fact Sheet No. 21 (Rev.1)*. 2014. p. 25.

⁹² United Nations Human Settlements Programme. *Turkana Houses*. 2020.

⁹³ Ibid.

⁹⁴ IKEA Foundation. *Flat-pack Refugee Shelter Wins Design of the Year 2016*. 2017.

⁹⁵ Office of the United Nations High Commissioner for Human Rights. *The Right to Adequate Housing: Fact Sheet No. 21 (Rev.1)*. 2014. p. 28.

⁹⁶ Ibid. p. 28.

⁹⁷ Ibid. p. 28.

⁹⁸ Ibid. p. 28.

⁹⁹ United Nations, Human Rights Council. *Guidelines for the Implementation of the Right to Adequate Housing (A/HRC/43/43)*. 2020. p. 6.

¹⁰⁰ Ibid. p. 6.

¹⁰¹ Australian Housing and Urban Research Institute. *Closing the Gap Targets Improved Housing for Indigenous Australians*. 2021.

¹⁰² Gilbert. *International Journal on Human Rights. Land Rights as Human Rights*. 2013. p. 1.

¹⁰³ Columbia Climate School. *Is There a Human Right to Land?* 2017.

on the Rights of Indigenous Peoples (2007) clarify how certain groups have a right to land.¹⁰⁴ The term “land” includes farmland, wetland, pasture, rangeland and forests, as well as areas used for harvesting, hunting, fishing, and human settlement.¹⁰⁵ Land is vital to obtaining adequate housing as it defines at least three of its dimensions: tenure, affordability, and location.¹⁰⁶ Moreover, land policies play a major role in boosting the capacity of housing systems to grant affordable and adequate homes and these can also catalyze achieving the SDGs and realize the right to adequate housing.¹⁰⁷

Increasing pressures on land and property have had detrimental effects on both urban and rural housing.¹⁰⁸ In urban settings, market speculation and privatization increase the price of land.¹⁰⁹ Plans to redevelop and gentrify can lead to unaffordability of housing and violated security of tenure.¹¹⁰ Low-income residents in cities, of which a large portion are female migrants and indigenous persons, tend to be the most affected, facing harsher conditions of inadequate housing.¹¹¹ In the rural context, large-scale land acquisitions for the construction of resorts for tourism and the creation of extractive industries, lead to the forced displacement of farmers, pastoralists, artisanal fishers, and indigenous communities.¹¹² Thus, these individuals are left without housing, and often, without stable sources of livelihood.¹¹³

United Nations (UN) bodies that devote a large part of their work to issues pertaining to land and adequate housing include UN-Habitat, the United Nations Environment Programme, the Committee on Economic, Social and Cultural Rights, and the Department of Peacekeeping Operations.¹¹⁴ All United Nations regional Economic Commissions work with UN-Habitat and national governments to implement the *New Urban Agenda* and SDG 11.¹¹⁵ Through these partnerships, many Member States advanced land rights and the right to adequate housing.¹¹⁶ In Mexico, the National Institute for Sustainable Land is set to increase land tenure.¹¹⁷ By 2024, it is expected that 12.3% of Mexicans will have access to land tenure (roughly 361,208 people).¹¹⁸ In Cuba, the approval in 2021 of the *Law on Land Use, Urban Planning and Land Management* and the *General Housing Law* will allow for a redistributive management of urban land.¹¹⁹ In a European context, Germany, France, Ireland, the Netherlands, and the United Kingdom adopted long-term policies for the use of land in recent decades to ensure an adequate number of houses to meet local needs.¹²⁰ These examples illustrate how central land is to realize the right to adequate housing and demonstrate that progress in this realm is possible with high-level support and long-term commitment.¹²¹

¹⁰⁴ Ibid.

¹⁰⁵ Office of the United Nations High Commissioner for Human Rights. *Realizing Women’s Rights to Land and Other Productive Resources*. 2020. p. 5.

¹⁰⁶ United Nations Human Settlements Programme. *The Role of Land in Achieving Adequate and Affordable Housing*. 2021. p. 3.

¹⁰⁷ United Nations, Economic Commission for Europe. *#Housing2030 Effective policies for affordable housing in the UNECE region*. 2021. p. 101.

¹⁰⁸ Office of the United Nations High Commissioner for Human Rights. *Land and Human Rights: Standards and Applications*. 2015. p. 23.

¹⁰⁹ Ibid. p. 24.

¹¹⁰ Ibid. p. 24.

¹¹¹ Ibid. p. 24.

¹¹² Ibid. p. 24.

¹¹³ Ibid. p. 24.

¹¹⁴ United Nation, Department of Global Communications. *Land and property*. n.d.

¹¹⁵ United Nations, Economic Commission for Europe. *Mission*. n.d.

¹¹⁶ Siclari et al. *Implementation of the New Urban Agenda (NUA) in Latin America and The Caribbean: 2018-2022*. 2022.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ United Nations, Economic Commission for Europe. *#Housing2030 Effective policies for affordable housing in the UNECE region*. 2021.

¹²¹ Ibid.

Conclusion

The right to adequate housing is internationally recognized since the adoption of the UDHR in 1948.¹²² Since then, numerous legal instruments, resolutions, treaties, and covenants at the international, regional, and national level recognized the importance of realizing the right to adequate housing for all.¹²³ Notwithstanding this, UN-Habitat estimates that close to 1.6 billion people live in inadequate housing.¹²⁴ Not only is the realization of the right to adequate housing indispensable to realizing the right to an adequate standard of living, but it is also integral to the achievement of SDGs 1, 2, 4, 5, 6, 8, 10, 11, and 16.¹²⁵ The adoption of the 2030 Agenda and the *New Urban Agenda* opened promising pathways to ensure the fulfillment of this right, in particular for populations more at risk of experiencing housing inequalities, namely women, displaced persons, and indigenous persons.¹²⁶ Furthermore, given the increasing global demand for land, it is paramount that more attention is devoted to the legal and institutional frameworks by which this limited resource can be managed.¹²⁷ Only by realizing the right to adequate housing will a life with security, peace and dignity be guaranteed for all.¹²⁸

Further Research

In preparing for the conference, delegates should consider the following questions: How can different Member States and other actors in the international system work together to achieve the right to adequate housing? How can already existing frameworks be effectively utilized to achieve the right to adequate housing? How would the realization of the right to adequate housing assist in achieving the SDGs? What strategies can civil society utilize to protect vulnerable populations' right to land?

Annotated Bibliography

Gilbert. International Journal on Human Rights. *Land Rights as Human Rights*. 2013. Retrieved 1 August 2022 from: <https://sur.conectas.org/en/land-rights-human-rights/>

This article analyses land rights from five different angles under international human rights law. This includes land rights as property rights; land rights as cultural rights; land rights as an issue for gender equality; land rights as housing and land rights as access to adequate food. By examining this article, delegates will understand the connection between land rights and human rights as well as how land rights are integral to the achievement of other human rights within the international human rights framework.

Sanjee et al. United Nations Human Settlements Programme. *Children, Cities and Housing: Rights and Priorities*. 2022. Retrieved 1 August 2022 from:

<https://www.habitat.org/sites/default/files/documents/Children-Cities-and-Housing-Rights-andPriorities.pdf>

This document should be used as a resource for delegates to understand the basis of children's right to adequate housing as part of their human rights. Children, along with indigenous peoples, are arguably the most vulnerable of specific groups. Therefore, special attention must be paid to their needs in realizing their right to adequate housing. Delegates are strongly encouraged to review this joint UN publication to comprehend

¹²² United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948. art. 25

¹²³ Office of the United Nations High Commissioner for Human Rights. *Realizing Women's Rights to Land and Other Productive Resources*. 2020.

¹²⁴ United Nations, Department of Economic and Social Affairs. *SDG Indicators: Metadata repository*. 2021.

¹²⁵ United Nations, General Assembly. *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (A/73/310/Rev.1)*. 2018; United Nations Human Settlements Programme. *Homelessness and the SDGs*. 2019. pp. 17-20.

¹²⁶ Office of the United Nations High Commissioner for Human Rights. *Realizing Women's Rights to Land and Other Productive Resources*. 2020.

¹²⁷ Office of the United Nations High Commissioner for Human Rights. *The human right to adequate housing: Special Rapporteur on the right to adequate housing*. 2022.

¹²⁸ Office of the United Nations High Commissioner for Human Rights. *The Right to Adequate Housing: Fact Sheet No. 21 (Rev.1)*. 2014. p. 3.

how the housing crisis affects children; why and how children are entitled to the right to housing; and the ways in which Member States can tackle housing inadequacy for children.

United Nations, Human Rights Council. *Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context (A/HRC/RES/49/17)*. 2022. Retrieved 23 June 2022 from: <https://undocs.org/en/A/HRC/RES/49/17>

Delegates should use this document to gain a good understanding of the current HRC position on this the right to adequate housing. This is the most recent Human Rights Council resolution on the right to adequate housing, therefore reflects the most current HRC position on adequate housing and the actions of the HRC. The document calls upon Member States to implement the New Urban Agenda and the 2030 Agenda for Sustainable Development. The resolution further calls for equality and non-discrimination and also focuses on the judicial tools to remedy abuses and violations of the right to adequate housing. It is imperative that delegates review this resolution.

Office of the United Nations High Commission for Human Rights. *Women and the Right to Adequate Housing*. 2012. Retrieved 1 August 2022 from:

https://www.ohchr.org/sites/default/files/Documents/Publications/WomenHousing_HR.PUB.11.2.pdf

It is paramount that delegates revise this publication as it will provide them with a greater understanding of how the right to adequate housing is indivisible from other human rights. This document clearly sets out how women's right to adequate housing is a prerequisite for gender equality. Review of this document will also provide delegates with an overview of the gender-specific dimensions of the right to adequate housing.

Office of the United Nations High Commissioner for Human Rights. *The Right to Adequate Housing: Fact Sheet No. 21 (Rev. 1)*. 2014. Retrieved 1 August 2022 from:

https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf

This OHCHR Fact Sheet provides a very comprehensive introduction to the right to adequate housing in international human rights law. Review of this publication is essential for delegates to understand key aspects of this right, the link between the right to adequate housing and other human rights, how this right affects different social groups, as well as the mechanisms that monitor national, regional, and international progress in this realm. Therefore, it is highly encouraged that delegates should use this document as a starting point to understand the core facets on the right to adequate housing.

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2. Combating Intolerance and Discrimination Against Persons Based on Religion or Belief

Introduction

Hostile actions and acts of violence are used to target individuals based on religious or belief-based discrimination and intolerance.¹²⁹ Social hostility is defined as conflicts or wars originating by belief-based intolerance and discrimination.¹³⁰ As a sharp increase in religious or belief-based violence has affected many groups worldwide, social hostility related to religion and belief is an area of global concern.¹³¹ In 2018, more than 25% of the world's countries experienced social hostilities related to religion or belief, including mob violence, terrorism, and harassment of women.¹³² International laws and policies concerning freedom of religion or belief are fundamental to humankind and human rights, and play an important role in protecting national security, as well as religious property, religious education, and religious places of worship and burial.¹³³

A number of United Nations (UN) entities have discussed combating intolerance and discrimination against persons based on religion or belief and the Human Rights Council (HRC) has continued the conversation since its inception in 2006.¹³⁴ Discussions on the topic have focused on freedom of religion or belief, discrimination, vulnerable groups, the intersection of freedom of religion or belief with other human rights, and cross-cutting issues, such as derogation, limitation, legislative issues, defenders of freedom of religion or belief, and the role of non-governmental organizations (NGOs).¹³⁵

A belief is defined as a disposition considered to be accurate without validation, whereas religion combines cultural and belief systems with the intention of connecting humanity to spirituality.¹³⁶ Religions and beliefs often influence the understanding of individual and collective identity.¹³⁷ Although rights and freedoms often intersect, a right is a moral or legal allowance, whereas a freedom is the ability for choice of action.¹³⁸ Rights are entitlements which are protected by laws, whereas freedoms are protected and granted by rights in the absence of coerciveness for decision-making.¹³⁹ The terms 'belief' and 'religion' further cover theistic, non-theistic, and atheistic values, and simultaneously allow for the fundamental human right not to profess or practice any religion or belief.¹⁴⁰ The international community, including the HRC, have the responsibility to uphold human rights, as it is vital to mitigate intolerance and discrimination against persons based on religion or belief.¹⁴¹ Freedom of religion or belief intersects with many other human rights, and thus, is a key area of focus for HRC as a key international actor in addressing intolerance and discrimination.¹⁴²

¹²⁹ Office of the United Nations High Commissioner for Human Rights. *Condemn abuse of religion or belief as tool of discrimination and violence: UN experts and the Special Advisor of the Secretary-General on the Prevention of Genocide*. 2022.

¹³⁰ The Borgen Project. *Critical Global Issues That Require Immediate Attention*. 2018.

¹³¹ Muggah et al. World Economic Forum. *Religious violence is on the rise. What can faith-based communities do about it?* 2019.

¹³² Ibid.

¹³³ Office of the United Nations High Commissioner for Human Rights. *Call for input: Report on eliminating intolerance and discrimination based on religion or belief and the achievement of Sustainable Development Goal 16 (SDG 16)*. 2020.

¹³⁴ Office of the United Nations High Commissioner for Human Rights. *International standards*. 2022.

¹³⁵ Ibid.

¹³⁶ Council of Europe. *Religion and belief*. 2022.

¹³⁷ Ibid.

¹³⁸ Hasa. Pediaa. *Difference Between Rights and Freedom*. 2016.

¹³⁹ Ibid.

¹⁴⁰ Australian Human Rights Commission. *Freedom of thought, conscience and religion or belief*. n.d.

¹⁴¹ Muggah et al. World Economic Forum. *Religious violence is on the rise. What can faith-based communities do about it?* 2019.

¹⁴² Office of the United Nations High Commissioner for Human Rights. *International standards*. 2022.

International and Regional Framework

In 1945 the *Charter of the United Nations* (the Charter) was signed, and became the cornerstone of human rights, dignity, and equality amongst people.¹⁴³ Article 1.3 of the Charter identifies religious freedom as a fundamental human right and requires international co-operation for economic, social, cultural, and humanitarian advancement.¹⁴⁴ All signing Member States pledged to take individual and cooperative global action to promote universal respect and show dignity to all human beings, regardless of religion.¹⁴⁵

An individual's freedom of religion or belief is guaranteed through article 18 of the *Universal Declaration of Human Rights* (UDHR) (1948).¹⁴⁶ Article 18 of the UDHR also extends this human right to freedom of thought, conscience, and religion, and protects the right to practice, teach, worship, and observe the religion or belief in public or private.¹⁴⁷ Additionally, freedom of religion or belief is further guaranteed by article 18 of the *International Covenant on Civil and Political Rights* (ICCPR) (1966), and the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (1981).¹⁴⁸ Article 18 of the ICCPR declares that there are no limitations or conditions on the freedom of thought or conscience on religion or belief.¹⁴⁹ This important observance from the ICCPR is the collective aspect, as the freedom to manifest religion or belief can be demonstrated in community, or individually.¹⁵⁰ With respect to combating intolerance and discrimination based on religion or belief, article 20 outlines that war propaganda or the expressed support of religious hatred that leads to discrimination, hostility, or violence shall be prohibited by law.¹⁵¹ Additionally, an important idea enshrined in both the UDHR and ICCPR is the right to opinion without interference.¹⁵²

In 1979, Member States adopted the *Convention for Elimination of All Forms of Discrimination against Women* (1979), built upon the principles of non-discrimination, state obligation, and substantive equality.¹⁵³ By 1981, the General Assembly adopted the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, proclaiming that no one should be subject to religious or belief-based discrimination by any state, institution, or person.¹⁵⁴ This declaration affirms its resolve to eradicate religious or belief-based discrimination as quickly and effectively, as possible.¹⁵⁵ Although it has its own distinct eight articles, it supplements the UDHR and ICCPR.¹⁵⁶ Article two of the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (Minorities Declaration) (1992) also outlines that every person has the right to enjoy, profess, and practice their own religion in private or public without discrimination or intolerance.¹⁵⁷

In 2015, the General Assembly adopted the *2030 Agenda for Sustainable Development* (2030 Agenda) to implement effective integration of marginalized communities and members of varying groups, including

¹⁴³ United Nations Conference on International Organization. *Charter of the United Nations*. 1945.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948. p. 5.

¹⁴⁷ Ibid. p. 5.

¹⁴⁸ Office of the United Nations High Commissioner for Human Rights. *International standards*. 2022.

¹⁴⁹ United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*. 1966.

¹⁵⁰ Australian Human Rights Commission. *Freedom of thought, conscience and religion or belief*. n.d.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ United Nations, General Assembly. *Convention on the Elimination of All Forms of Discrimination against Women (A/RES/34/180)*. 1979.

¹⁵⁴ United Nations, General Assembly. *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55)*. 1981.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ United Nations, General Assembly. *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/RES/47/135)*. 1992.

religious or belief-based groups.¹⁵⁸ The Sustainable Development Goals (SDGs), outlined in the 2030 Agenda, were created with the intention of “leaving no one behind”, and defend religion and belief-based peoples throughout its text.¹⁵⁹ SDG 5 (gender equality) aims to create and maintain equal opportunities for women and girls, which is especially relevant when considering the intersectionality between religious freedom and gender equality.¹⁶⁰ SDG 10 (reduced inequalities) aims to include all, irrespective of religion and other factors.¹⁶¹ SDG 16 (peace, justice, and strong institutions) further promotes non-discriminatory laws and policies and aims to broaden societal participation without discrimination.¹⁶²

Role of the International System

As a key actor in human rights advocacy, HRC has taken action on many issues regarding intolerance and discrimination based on religion or belief, including the adoption of its resolution 46/27 (2021) on “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.”¹⁶³ The topic of discrimination and intolerance based on religion or belief was further discussed recently in HRC resolution 43/48 (2020) on “Gender-based violence and discrimination in the name of religion or belief” and HRC report *Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity* (2022).¹⁶⁴

Human Rights Council resolution 6/37 on “Elimination of all forms of intolerance and of discrimination based on religion or belief” (2007) mandated the creation of the Special Rapporteur on freedom of religion or belief.¹⁶⁵ As an appointed independent expert, the Special Rapporteur serves to identify and address obstacles to the right of religious and belief-based freedom and promote the adoption of measures to protect these rights.¹⁶⁶ The Special Rapporteur will conduct fact-finding visits, communicates with Member States on potential infringements of rights, and presents an annual report to the HRC and General Assembly.¹⁶⁷

In 2001, the General Assembly convened the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in Durban, South Africa.¹⁶⁸ The outcome of WCAR was the *Durban Declaration and Programme of Action* (Durban Declaration) (2001).¹⁶⁹ Article 2 of the Durban Declaration acknowledges that racism, racial discrimination, xenophobia and related intolerance occurs based on religion and opinion.¹⁷⁰ The document aims to combat racism through more resilient anti-discrimination legislation, calls for higher-quality education, access to health, and the administration of justice.¹⁷¹ Furthermore, it recognizes the importance to fight poverty, enhance development, create a

¹⁵⁸ Office of the United Nations High Commissioner for Human Rights. *Combating Intolerance against Persons Based on Religion or Belief*. 2022.

¹⁵⁹ Petersen. The Danish Institute for Human Rights. *Freedom of Religion or Belief and the Sustainable Development Goals*. 2021. p. 4.

¹⁶⁰ *Ibid.* p. 9.

¹⁶¹ *Ibid.* p. 4.

¹⁶² Office of the United Nations High Commissioner for Human Rights. *Call for input: Report on eliminating intolerance and discrimination based on religion or belief and the achievement of Sustainable Development Goal 16 (SDG 16)*. 2020.

¹⁶³ United Nations, Human Rights Council. *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (A/HRC/RES/46/27)*. 2021.

¹⁶⁴ Office of the United Nations High Commissioner for Human Rights. *Religious Intolerance*. 2022.

¹⁶⁵ Office of the United Nations High Commissioner for Human Rights. *Special Rapporteur on freedom of religion or belief*. 2022.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ United Nations, Department of Global Communications. *World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance*. 2002.

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.*

structure of quality resources for victims of racism, and enhance global multiculturalism and respect for human rights.¹⁷²

In 2011, HRC adopted resolution 16/18, “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief”, which has become one of the landmark resolutions for combating intolerance and discrimination based on religion or belief.¹⁷³ Its eight action points commit Member States to implement specific policies, laws, and practices to address the sources of intolerance or discrimination based on religion or belief, and to take measures to eradicate it.¹⁷⁴ In addition to its action points, the resolution also calls for effective measures to ensure public figures and institutions do not discriminate, foster religious freedom and pluralism, and invite equal contribution to society, encourage societal participation from all, and create strong efforts to counter religious discrimination.¹⁷⁵ It continues to remain a vital plan of action for the international community to build a unified response.¹⁷⁶

HRC and the General Assembly have continued to revisit the conversation on combating intolerance and discrimination based on religion or belief, most recently at the eighth meeting of the Istanbul Process.¹⁷⁷ As a result of the adoption of HRC resolution 16/18, the Istanbul Process was hosted by the Secretariat of the Organisation of Islamic Cooperation (OIC) to call upon stakeholders to implement measures that would directly combat intolerance and discrimination based on religion or belief.¹⁷⁸ The Istanbul Process was created as a forum for the exchange of good practices and initiatives that work to implement HRC resolution 16/18.¹⁷⁹ Eight follow-up meetings and a stocktaking exercise have taken place subsequently, involving government representatives, UN officials, religious leaders, and civil society organizations (CSOs).¹⁸⁰ Most recently, with the 10th anniversary of HRC resolution 16/18 on 16 February 2022, the eighth Istanbul Process took place with the theme “Looking Back and Moving Forward”.¹⁸¹ With many Member States successfully implementing measures listed in HRC resolution 16/18 and from discussions at the Istanbul processes, HRC and the General Assembly have invited Member States to share best practices on their national implementation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Secretary-General.¹⁸²

UN Secretary-General, António Guterres, submits annual reports to the General Assembly and HRC, providing information from the OHCHR on international action to combat intolerance and discrimination based on religion or belief.¹⁸³ The most recent report was discussed at the 49th session of the HRC, pursuant to resolution 46/27 (2021).¹⁸⁴ This report contains information on the implementation of the Durban Declaration in the context of COVID-19, and contains recommendations from OHCHR and the Secretary-General.¹⁸⁵

¹⁷² Ibid.

¹⁷³ Organisation of Islamic Cooperation. *OIC Secretary-General Addresses the 8th Meeting of The Istanbul Process*. 2022.

¹⁷⁴ Istanbul Process. *16/18 Explained*. 2022.

¹⁷⁵ Ibid.

¹⁷⁶ Organisation of Islamic Cooperation. *OIC Secretary-General Addresses the 8th Meeting of The Istanbul Process*. 2022.

¹⁷⁷ Istanbul Process. *16/18 Explained*. 2022.

¹⁷⁸ Istanbul Process. *16/18 Process*. 2022.

¹⁷⁹ Istanbul Process. *16/18 Impact*. 2022.

¹⁸⁰ Istanbul. *16/18 Process*. 2022.

¹⁸¹ Organisation of Islamic Cooperation. *OIC Secretary-General Addresses the 8th Meeting of The Istanbul Process*. 2022.

¹⁸² Istanbul Process. *16/18 Explained*. 2022.

¹⁸³ Office of the United Nations High Commissioner for Human Rights. *Combating intolerance against persons based on religion or belief*. 2022.

¹⁸⁴ United Nations, General Assembly. *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (A/RES/74/164)*. 2018.

¹⁸⁵ Ibid.

The Security Council has also recognized that religion is correlated with conflict, acknowledging in 2015 that religious intolerance and violence contribute to conflict.¹⁸⁶ In August 2019, the Security Council convened to discuss the topic “Advancing the safety and security of persons belonging to religious minorities in armed conflict,” which highlighted the importance of the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief.¹⁸⁷ Despite actively seeking solutions for eradicating discrimination and intolerance of religion or belief, the Security Council has had relatively limited direct engagement with the topic.¹⁸⁸

In March 2017, faith-based and civil society actors convened in Beirut to discuss international commitment to upholding the dignity and equality of all people.¹⁸⁹ The *Faith for Rights Declaration* (Beirut Declaration) (2017) committed Member States to 18 action-based objectives, creating a framework of reflection for religions, beliefs, and human rights.¹⁹⁰ To follow-up the 2017 meeting, the #Faith4Rights toolkit was launched in 2020 to extend learning opportunities and build capacity in Member States.¹⁹¹ An impactful outcome of the Beirut Declaration is that the development of diverse societies is not only encouraged, but respected and celebrated.¹⁹²

Freedom of Expression vs. Religious Discrimination

Religious freedom is closely related to all forms of freedom and is guaranteed when states offer support for the expression of religion and belief.¹⁹³ This lack of support could, in turn, translate into a lack of respect by society for particular religions or beliefs.¹⁹⁴ Religious freedom also includes freedom from religion, which means individuals are free to not engage in any religious practices of a majority religion.¹⁹⁵ Additionally, there are concerns regarding the application of laws that undermine values and traditions of religious communities but do not necessarily restrict the practice of a religion and limit rights for these groups.¹⁹⁶

Religious freedom is protected by many international instruments and conventions, such as the 1992 Minorities Declaration that offers religious self-determination to religious and ethnic minorities, who are more susceptible to be victims of strict norms surrounding the expression of religion and belief.¹⁹⁷ Freedom of expression, found in Article 19 of the UDHR, is defined as “freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”¹⁹⁸ A 2019 OHCHR report on freedom of religion or belief further notes that freedom of expression should be considered as an essential right, indispensable to the protection of freedom of religion or belief, and vice-versa.¹⁹⁹ HRC resolution 40/10 (2019) on “Freedom of religion or belief” also

¹⁸⁶ Gorur et al. Stimson Center. *Violence Based on Religion or Belief*. 2021. p. 7.

¹⁸⁷ Ibid. p. 7.

¹⁸⁸ Ibid. p. 8.

¹⁸⁹ Office of the United Nations High Commissioner for Human Rights. *The Beirut Declaration and its 18 commitments on Faith for Rights*. 2017.

¹⁹⁰ Petersen. The Danish Institute for Human Rights. *Freedom of Religion or Belief and the Sustainable Development Goals*. 2021. p. 9.

¹⁹¹ Ibid. p. 9.

¹⁹² Ibid. p. 9.

¹⁹³ Ludsin. UCLA Journal of Islamic and Near Eastern Law. *International Human Rights Law and Religious and Cultural Law: Breaking the Impasse*. 2020.

¹⁹⁴ Fox. Social Compass. *What is religious freedom and who has it?* 2021.

¹⁹⁵ Ibid.

¹⁹⁶ Ludsin. UCLA Journal of Islamic and Near Eastern Law. *International Human Rights Law and Religious and Cultural Law: Breaking the Impasse*. 2020.

¹⁹⁷ United Nations, General Assembly. *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/RES/47/135)*. 1993.

¹⁹⁸ United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948. Art. 19.

¹⁹⁹ United Nations, General Assembly. *Report of the Special Rapporteur on freedom of religion or belief (A/74/358)*. 2019.

guided future discussions on freedom of religion or belief, which should include consideration for freedom of expression.²⁰⁰

Countries have attempted to limit discrimination and stigmatization based on religion or belief through blasphemy laws and laws against the defamation of religion.²⁰¹ Such laws prohibit any speech that would undermine or question beliefs or religions.²⁰² In other cases, hate speech laws, which help protect individuals against speech inciting discrimination or violence based on belief or religion, can limit freedom of expression.²⁰³ In 2008 and 2009, in the General Assembly and HRC respectively, resolutions discussing limiting or prohibiting intolerance and hate that could be exacerbated by defamation of religions, were approved but not adopted by the committees.²⁰⁴ Other states argue there is a risk that both of these types of laws may be utilized by a majority religion to restrict the rights of a minority religion.²⁰⁵ Thus, approaches concerning these issues are contentious within the international community.²⁰⁶ The Special Rapporteur on freedom of religion or belief adds that such provisions have, in many cases, had the effect of intimidating minorities, dissidents, or critics of a majority religion.²⁰⁷

The SDGs also contain many provisions regarding freedom of expression and fighting against religious discrimination.²⁰⁸ Specific targets of SDG 4 (quality education), SDG 10, and SDG 16 can be regarded as interrelated with combating intolerance.²⁰⁹ Discrimination and lack of inclusion when assessing access to education is another issue raised by the Special Rapporteur on freedom of religion or belief, found in SDG 4, targeting inclusivity and equity when ensuring a quality education to all.²¹⁰ Additionally, the objective of target 10.2 is to “promote the social, economic and political inclusion of all.”²¹¹ Target 10.3 aims to reduce inequalities by proposing efforts to eliminate discriminatory laws.²¹² Finally, Target 16.b aims to achieve peaceful, just, and inclusive societies through the promotion of non-discriminatory laws.²¹³ Additionally, as outlined in article 13 of the *International Covenant on Economic, Social and Cultural Rights* (1966), school should be an institution where human rights are protected, such as the right to education.²¹⁴ However, the Special Rapporteur on freedom of religion or belief notes schools can be a place where religious and belief minorities can be ostracized by education programs that limit certain religious practices or converting children into a more accepted religion or belief.²¹⁵

Violence Based on Religion or Belief

At its 46th session, HRC adopted resolution 46/27 (2021), “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on

²⁰⁰ Ibid.

²⁰¹ Office of the United Nations High Commissioner for Human Rights. *Combating intolerance against persons based on religion or belief*. 2022.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ Cherry et al. International Humanist and Ethical Union. *Speaking Freely About Religion: Religious Freedom, Defamation and Blasphemy*. 2009. p. 9.

²⁰⁵ Office of the United Nations High Commissioner for Human Rights. *Combating intolerance against persons based on religion or belief*. 2022.

²⁰⁶ Cherry et al. International Humanist and Ethical Union. *Speaking Freely About Religion: Religious Freedom, Defamation and Blasphemy*. 2009. p. 9.

²⁰⁷ United Nations, General Assembly. *Elimination of all forms of religious intolerance (A/71/269)*. 2016.

²⁰⁸ United Nations, General Assembly. *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. 2015.

²⁰⁹ Ibid.

²¹⁰ United Nations, General Assembly. *Elimination of all forms of religious intolerance (A/71/269)*. 2016.

²¹¹ United Nations, General Assembly. *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. 2015.

²¹² Ibid.

²¹³ Ibid.

²¹⁴ United Nations, General Assembly. *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*. 1966.

²¹⁵ United Nations, General Assembly. *Elimination of all forms of religious intolerance (A/71/269)*. 2016.

religion or belief”, which proposed that Member States criminalize violence and incitement of violence on the grounds of religion or belief and promote conflict prevention by denouncing religious hatred, while fostering dialogue between different religious communities.²¹⁶ Acts of violence can either be committed by state or non-state actors and can be seen in different forms, such as property damage, use of force to impose religious norms and practices, and mob violence.²¹⁷ For example, a 2018 study also shows the number of countries with governments using physical violence against religious and other belief groups increased from 47 to 58.²¹⁸

More recently, the Security Council and HRC discussed security concerns based on religion or belief.²¹⁹ HRC has also emphasized how violence and hatred against religious minorities, caused by religious extremism and intolerance, is an important challenge to attain freedom of religion or belief.²²⁰ Through its resolution 40/10 (2019), “Freedom of religion or belief”, HRC recalled the importance of Article 18 of the ICCPR and recognized that acts of violence perpetrated against people based on religion or belief constitute violation of the basic right to freedom of religion or belief.²²¹ In 2019 and 2021, respectively, the Security Council discussed the protection of religious minorities in the meeting on “Advancing the Safety and Security of Persons belonging to Religious Minorities in Armed Conflict” and “Religion, Belief and Conflict.”²²² During these sessions, Security Council Member States shared best practices on policies that offer protection of religious and other belief groups are strengthened during conflict.²²³

The 2022 report of the Special Rapporteur on freedom of religion or belief brings attention to how state actors will often utilize beliefs or religion to mobilize against minorities in situations of conflict or use the conflict itself to ignore human rights of religious minorities and individuals whose beliefs are not widely accepted by the government.²²⁴ For example, 64,000 Sunni-Muslim people living in refugee camps in Syria were victims of violence in 2021, but due to security concerns and fear of domestic political backlash related to the perception that the refugees are affiliated with the Islamic State of Iraq and the Levant, many states did not repatriate nationals from these camps.²²⁵ In other cases, states that claim human rights measures puts minorities at risk.²²⁶ For example, Pakistan rejected a bill that brought attention to forced conversion of Hindu and Christian girls and women, claiming that the bill, if passed, would increase the vulnerability of such individuals to violence.²²⁷

Following the report of the Secretary-General (A/66/811) (2012) on *Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution*, the Network for Religious and Traditional Peacemakers was created in 2013 by various stakeholders present at the General Assembly’s sixty-sixth session.²²⁸ The network is a collaborative initiative where actors can engage in dialogue and elaborate strategies in line with the 2030 Agenda.²²⁹ The network fights religious based violence and discrimination and includes national and international CSOs, academic institutions, and key NGOs such

²¹⁶ United Nations, Human Rights Council. *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (A/HRC/RES/46/27)*. 2021.

²¹⁷ Gorur et al. Stimson Center. *Violence Based on Religion or Belief*. 2021.

²¹⁸ Ibid.

²¹⁹ United Nations, Human Rights Council. *Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity (A/HRC/49/44)*. 2022.

²²⁰ Ibid.

²²¹ United Nations, Human Rights Council. *Freedom of religion or belief (A/HRC/RES/40/10)*. 2019.

²²² Security Council Report. *Arria-formula Meeting: Religion, Belief and Conflict*. 2021.

²²³ Ibid.

²²⁴ United Nations, Human Rights Council. *Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity (A/HRC/49/44)*. 2022.

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ Network for Religious and Traditional Peacemakers. *Peacemakers Network 2021 Year at a Glance*. 2021; United Nations, General Assembly. *Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution: Report of the Secretary-General (A/66/811)*. 2012.

²²⁹ Network for Religious and Traditional Peacemakers. *Peacemakers Network 2021 Year at a Glance*. 2021.

as the OIC and Religions for Peace.²³⁰ In 2020, the Faith Action for Children on the Move Coalition and the Alliance for the Protection of Children discussed violence, including religious violence, against children with 55 faith-based organizations and the partnership led to the publication of the *Guide for the prevention of violence against children in 2022*.²³¹

Conclusion

Defended by the fundamental composition of the Charter, the UDHR, the ICCPR, and many other foundational documents, it is clear that freedom of religion and beliefs are human rights.²³² While the international community has taken important steps to eradicate religious or belief-related intolerance and discrimination, there is also an international understanding that challenges remain and the international community has more work to do in achieving the provisions set forth in HRC resolution 16/18.²³³ Many measures to promote peace and reconciliation for intolerance and discrimination of religion or belief are rarely documented or evaluated, which leads to high-level policies that are often not implemented into national legislation.²³⁴ There are opportunities for international co-operation to develop partnerships for the monitoring, evaluation, and acknowledgement of the architecture of peace for all religious and belief-based groups.²³⁵ As declared in General Assembly resolution 75/200 (2020) on “the International Day of Human Fraternity”, all Member States are invited to uphold a culture of peace through the spirit of tolerance and diversity, recognizing the right to religion and belief for all humankind.²³⁶

Further Research

In pursuit of further research, delegates should consider the following: How can the international community work to secure the religious and belief-based rights of migrants? With a gap in recorded and confirmed conversations for peacebuilding between religious and belief-based communities, how can the international community work together to develop lasting and meaningful partnerships for data and co-operation? How can HRC elevate existing collaborative forums with other UN bodies and NGOs to harness best practices in combating intolerance?

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Istanbul Process. *16/18 Explained*. 2022. Retrieved 23 June 2022 from:

<https://www.istanbulprocess1618.info/16-18-explained/>

HRC resolution 16/18 (2011) outlines eight action points and four following focus areas to take effective measures at national policy levels. With the intention to implement the eight action points holistically and comprehensively, the Istanbul Process was created as a forum for Member States to share best practices from their own national implementation. This resource outlines the fundamental eight action points, as well as the four follow-up focus areas. Delegates will find this resource useful in their research regarding implementation of resolution 16/18 and its accompanying publications.

Office of the United Nations High Commissioner for Human Rights. *Combating intolerance against persons based on religion or belief*. 2022. Retrieved 22 June 2022 from:

<https://www.ohchr.org/en/minorities/combating-intolerance-against-persons-based-religion-or-belief>

Since 2011, the HRC and General Assembly began adopting resolutions specific to intolerance and discrimination against people based on religion or belief. The result of these initial conversations is global negotiation, comprehensive reports, and updated

²³⁰ Ibid.

²³¹ World Vision. *Faith action for children on the move*. 2022.

²³² United Nations, General Assembly. *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55)*. 1981.

²³³ Istanbul Process. *16/18 Explained*. 2022.

²³⁴ Muggah et al. World Economic Forum. *Religious violence is on the rise. What can faith-based communities do about it?* 2019.

²³⁵ Ibid.

²³⁶ United Nations, General Assembly. *International Day of Human Fraternity (A/RES/75/200)*. 2020.

resolutions. This resource outlines General Assembly resolution 76/157 (2019) and follows with a dated list of reports and their corresponding dates, and the UN committee that mandated each publication. Delegates will find this resource useful, as it lists many major documents that have had a direct impact on the global discussion on combating religious and belief-based discrimination and intolerance.

Office of the United Nations High Commissioner for Human Rights. *Condemn abuse of religion or belief as tool of discrimination and violence: UN experts and the Special Advisor of the Secretary-General on the Prevention of Genocide*. 2022. Retrieved 3 September 2022 from:

<https://www.ohchr.org/en/statements/2022/08/condemn-abuse-religion-or-belief-tool-discrimination-and-violence-un-experts-and>

With 22 August serving as the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief, UN experts and senior UN officials issued a statement to honor the victims and recognize their rights, as outlined in the UDHR. This resource will assist delegates in their deepened understanding of the many individuals and groups that work together to eliminate all forms of intolerance and discrimination, preceded by various resolutions, statements, and declarations. This statement reflects on the previous work of UN bodies, including the General Assembly, to defend the human rights of religion and belief.

United Nations, General Assembly. *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/RES/47/135)*. 1993. Retrieved 23 June 2022 from:

<https://undocs.org/en/A/RES/47/135>

In 1993, the General Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities unanimously. This document is fundamental to the international community when addressing religious tolerance and curbing discrimination against persons based on religion or belief. The rights described in the declaration ensure religious minorities are granted human rights, while also empowering minorities through education, political representation and required positive action by states. Delegates will find many core principles that are used in many following resolutions and reports, as well as possible solutions.

United Nations, Human Rights Council. *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (A/HRC/RES/46/27)*. 2021. Retrieved 23 June 2022 from: <https://undocs.org/en/A/HRC/RES/46/27>

Many international instruments guard religious minorities' rights and provide basic principles to solicit future action by the international community. This resolution follows UN General Assembly resolution 74/164 (2019) and addresses concrete solutions that states should focus on to tackle religious discrimination. Many of these include internal institutional safeguards and awareness building and educating. Other proposed measures have the objective to further dialogue between different religious and ethnic groups through representation of minorities' interest. This resource provides delegates with a good understanding of the kind of proposals HRC can do to tackle this topic within its mandate and provide an overview of what current discussions and actions are taking place in the council.

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