Committee Background:

The Human Rights Council (HRC) was created by the United Nations General Assembly (UNGA) under Resolution 60/251 in 2006 to replace the UN Commission on Human Rights and promote the protection of human rights around the world. The committee primarily serves to preserve and uphold the fundamental rights accorded to all human beings that are enumerated in the Universal Declaration of Human Rights (UDHR), a document drafted by the UNGA in 1948. In 2007, the Council passed an ‘institution-building package’ to outline its procedures and functioning subsidiary bodies, the most notable of which is the Universal Periodic Review (UPR), a process under which the human rights records of all UN member-states are reviewed in an effort to address and minimize any violations.

The 33rd session of the Human Rights Council (13 to 30 September, 2016) held panel discussions on such topics as the implementation of the UN Declaration on Human Rights Education and Training, the rights of indigenous peoples (including the causes and consequences of violence against indigenous women and girls), and gender integration in the resolutions and recommendations of the HRC.

Topic I - Rights of Religious Minorities in the Middle East

Overview:

In 2011, the Human Rights Council passed Resolution 16/18, pursuant to Article 18 of the UDHR, in the interest of ‘Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence and Violence Against, Persons
Based on Religion or Belief’. According to the Berkeley Center for Religion, Peace and World Affairs, the resolution “highlights barriers to religiously tolerant societies and provides recommendations on how these barriers can be overcome. The resolution calls upon all member states to foster religious freedom and pluralism, to ensure religious minorities are properly represented, and to consider adopting measures to criminalize incitement to imminent violence based on religion or belief.”

In another effort to combat violations of minority rights, the Council created the Forum on Minority Issues through Resolution 6/15 to aid in the implementation of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities. The forum serves to foster discussion about the rights of minorities and advise the Special Rapporteur on Minority Issues.

Today, conflicts in several states of the Middle East have lead to increased persecution of religious minorities. The primary perpetrators of violence against minorities in the region are members of The Islamic State in Iraq and the Levant/Syria (ISIL/ISIS), or Da’esh. For HAMUN 42, the Human Rights Council will seek to find a way to reduce the violence related to the persecution of religious minorities and encourage religious tolerance in the region.

Background:

In the seventh session of the Forum on Minority Issues, on ‘preventing and addressing violence and atrocity crimes targeted against minorities’, among the issues discussed was the violence against minorities in Iraq and other states with developing regimes and strong a presence of terrorist organizations. Under the discussion of

‘understanding the root causes of violence and atrocity crimes’, it was noted that a deficit in effective governance and rule of law can breed human rights violations that perpetuate patterns of discrimination. Once these patterns are set, the systemic violations of rights evolve into abuse and ultimately violence and atrocity crimes.

During the session, the representative for the UN Assistance Mission for Iraq (UNAMI) emphasized the danger of extremist doctrine (like that of takfiri perpetuated by ISIS) in perpetuating human rights violations that can lead to mass violence and even genocide. It was stressed that to combat such phenomena, minority representation in politics and the media is crucial. Another representative of an Iraq-based human rights organization discussed measures of protection and security for after violence breaks out, explaining how institutions traditionally meant to protect minorities often don’t and thus further foster systemic corruption. Such institutions include developing regimes with no real oversight and security forces that are not adequately controlled, as a lack of accountability becomes a foundation for human rights violations.

In an article for Human Rights Quarterly titled “Human Rights of Religious Minorities and of Women in the Middle East”\(^2\), Nazila Ghanea highlights the human rights violations against religious minorities in the region based on reports from the UN Special Rapporteur on Freedom of Religion or Belief from 1995 to 2003. In her discussion on the politics of the region, she distinguishes between violations of minority individuals’ rights and those of minority communities, listing examples of each:

<table>
<thead>
<tr>
<th>Individuals</th>
<th>Communities</th>
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<td>• violations of physical integrity, right to life</td>
<td>• denial of recognition of religious community</td>
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• denial of citizenship and certain civil rights
• discrimination in the judiciary
• exclusion from employment in certain government sectors
• restrictions on freedom of movement (leaving the country)
• restrictions on marriage
• severe restrictions on missionary activities
• denial of political representation
• denial of education
• restrictions on freedom of worship or other religious activities
• interference with election of leaders/representatives
• denial of freedom of expression

Ghanea also notes that oppression of religious minorities in the Middle East is most likely to occur during times of social, economic, and political unrest and that violations of minority rights can be perpetrated by individuals, mobs unchecked by the government, or even direct government action.

Current Situation:

The most prominent example of human rights violations in religious minority groups today is the reign of terror that Da’esh has inflicted upon much of the Middle East. In March of last year, a meeting of the UN Security Council (UNSC) heard several speakers condemn the crimes of terrorist organizations in the Middle East and call for immediate action to help stabilize the region. Secretary-General Ban Ki-moon noted that in states like Syria, Iraq, Libya, and Yemen, the presence of ISIS militants threatens to eliminate the historic diversity of culture and religion that has endured in the Middle East for centuries. He emphasized the acts of genocide, crimes against humanity, and war crimes perpetrated in Iraq and stressed that a lack of accountability in the Syrian regime has allowed for an increase in such crimes.
Representatives from several member-states and other organizations noted the persecution of religious and ethnic minorities such as Christians, Yazidis, Kurds, Turkmen and Shabaks, and called for an end to the violence that includes mass beheadings, forced conversions, abductions, and torture.

In an article about ISIS presence in Iraq, Human Rights Watch stressed the extent of the crimes committed by the terrorist organization through discussion of international laws and standards:

“The laws of war ban all parties to a conflict from targeting, intentionally damaging, seizing or destroying religious, cultural and historic properties, provided they are not used for military purposes. Freedom of belief and religion itself is a fundamental human right, and under international law there can be no derogation, or partial suspension or repeal of the right, in times of conflict or state of emergency. Under the laws of war the convictions and religious practices of civilians and all detainees must be respected. Discrimination on the grounds of religion is strictly prohibited. Murder of civilians, taking hostages, and the torture or killing of detainees, including captured combatants, as well as pillaging, constitute war crimes.”

While there have been no real action-oriented resolutions by the Council on the topic as of yet — though there have been several “noting and condemning” violence and discrimination against religious and ethnic minorities — the Independent International Commission of Inquiry on Syria, established by the Human Rights Council in the wake of the Arab Spring, recently released a report pertaining to Da’esh titled “They Came to Destroy: ISIS Crimes against the Yazidis”. The report determined that the crimes committed by the terrorist organization, specifically those against the Yazidi population in the region, amount to genocide. With this new finding, the Council may have enough investigative material to

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draw some preliminary conclusions on possible resolutions to the issue and conceivably make recommendations to the Security Council.

 Blocs:

 Membership of Human Rights Council is based on equitable geographical distribution, meaning that the 47 members must adequately represent the five designated geographical regions: Africa (13 seats), Asia-Pacific (13 seats), Eastern Europe (6 seats), Latin America and the Caribbean (8 seats), and Western Europe and other states (7 seats). Other groups within the Council membership include the Organization of Islamic Cooperation (OIC) and the Non-Aligned Movement (NAM).

 Because member states are not allowed more than two consecutive three-year terms serving on the Council, voting blocs can vary. In the most recent election, the only groups with contested elections were Asia-Pacific and Eastern Europe, and the most noteworthy result was the Russian Federation’s loss to Croatia. A campaign to vote Russia out of the Council gained momentum in light of the state’s alleged human rights violations — particularly in Syria. Another campaign to vote out the Kingdom of Saudi Arabia was unsuccessful, but it still brought attention to its alleged human rights violations in Yemen.

 The absence of a Russian presence on the Council may change the dynamics of future decisions regarding the Middle East, as the state tends to vote ‘No’ on most engagements in state- or region-specific situations. With respect to Res. 16/18, some critics consider it an effort to implement ‘Islamic blasphemy laws’ on a global scale and criminalize the criticism of religion, but the fact that the OIC sponsored the resolution seems to adequately reflect a common position within the international community.
Discussion Questions:

1. How and to what extent should the international community address the problem of Da’esh? Which, if any, responsibilities should be assumed only by member-states within the region rather than on a global scale?

2. How should the United Nations address allegations that certain member-states privately fund terrorist organizations like Da’esh while publicly condemning their actions?

3. Where, if at all, should the allocation of UN funds be directed in aiding religious minorities in the Middle East? What relief efforts would be most beneficial or practical?

Other Sources:

2. Resolution 60/251 - http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf
7. SC Meetings Coverage, March 2015 -

8. “Who are the religious and ethnic groups under threat from ISIS?” (CNN) -

9. UN human rights panel concludes ISIL is committing genocide against Yazidis (article) -

10. Statement of the Special Rapporteur on minority issues on conclusion of her official visit to Iraq, 27 February to 7 March 2016 -