

Forum: General Assembly 6
Issue: Takin Legal Measures to Ensure that the Fundamental Human Right, Freedom of Religion, is Upheld
Student Officers: Max Vermeij, Pien Adank



RESEARCH REPORT

General Assembly 6



2 FEBRUARI 2019
KOPPELMUN 2019

Table of contents:

Introduction of the chairs.....p. 2
Background.....p. 2
Definition of key terms.....p. 4
Previous attempts to solve the issue.....p. 4
Possible solutions.....p. 5
Sources.....p. 5

Introduction of the chairs:

Welcome to the General Assembly! Our names are Pien Adank and Max Vermeij and we will be your chairs at KOPPELMUN 2019. We are 18 and 19 years old and both Dutch. We're both studying at an university, here, in the Netherlands. Pien is studying BS Architecture at TU Delft. Max is studying BA European Studies at Maastricht University. We are both experienced as Modal United Nations participants. For the past 4 years, we have participated in multiple MUN's in the Netherlands and Spain. After all these years of participating as delegates, we thought it was time to finally lead the debate. Therefore, we applied as chairs at this year's edition of KOPPELMUN 2019. We would like to give the possibilities for a fruitful debate in which everyone has an opportunity to speak on behalf of their country. We are really looking forward to meeting you all!

In this research report, we will give you some information about the current situation and the previous attempts to solve the issue. Please note the notes directed at the delegates. These are important as they will influence the debate. Read them carefully and take them into account when reading this RR and during the debate itself. See you on the 2nd of February!



Your chairs,
Max Vermeij en Pien Adank

Background:

GA6 is found to develop international public law. Therefore, the assembly is often called the Legal Committee. However, the UN has multiple committees in which there is negotiated on international law, the sixth committee focuses itself on general international legislation. For example, the Statute of Rome of 1998 created the International Criminal Court of the Hague. The Sixth Committee is legally bound by the General Assembly of the UN, but the Committee does not have binding powers. Instead of legal powers, the Committee is allowed to make non-binding recommendations.

Religion plays a significant role in history. Many conflicts were started based on a religious struggle. Religion helped people to bind together and free themselves from domination, but on the other side, religion was also the cause of many deaths. For example, the reconquering of Spain by the Christian people resulted in the deaths of many Islamic people. Peter Berger explains that Europe is the exception when looking at religion. Europe has secularised and religion does not play an active role, on the contrary, the rest of the world knows many forms of active religion. (in: *Religion and the west*; 2005). In modern times, religion still is an important factor for many people.

Position of Human Rights in the UN

International human rights law lays down the obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

One of the great achievements of the United Nations is the creation of a comprehensive body of human rights law—a universal and internationally protected code to which all nations can subscribe and all people aspire. The United Nations has defined a broad range of internationally accepted rights, including civil, cultural, economic, political and social rights. It has also established mechanisms to promote and protect these rights and to assist states in carrying out their responsibilities.

The foundations of this body of law are the Charter of the United Nations and the Universal Declaration of Human Rights, adopted by the General Assembly in 1945 and 1948, respectively. Since then, the United Nations has gradually expanded human rights law to encompass specific standards for women, children, persons with disabilities, minorities and other vulnerable groups, who now possess rights that protect them from discrimination that had long been common in many societies.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 by General Assembly resolution 217 A (III) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected. Since its adoption in 1948, the UDHR has been translated into more than 501 languages – it's the most translated document in the world - and has inspired the constitutions of many newly independent states and new democracies. The UDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols (on the complaints procedure and on the death penalty) and the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, form the so-called International Bill of Human Rights.



A series of international human rights treaties and other instruments adopted since 1945 have expanded the body of international human rights law. They include the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989) and the Convention on the Rights of Persons with Disabilities (2006), among others.

Human Rights Council

The Human Rights Council, established on the 15th of March 2006 by the General Assembly and reporting directly to it, replaced the 60-year-old UN Commission on Human Rights as the key UN intergovernmental body responsible for human rights. The Council is made up of 47 State representatives and is tasked with strengthening the promotion and protection of human rights around the globe by addressing situations of human rights violations and making recommendations on them, including responding to human rights emergencies.

The most innovative feature of the Human Rights Council is the Universal Periodic Review. This unique mechanism involves a review of the human rights records of all 192 UN member states once every four years. The Review is a cooperative, state-driven process, under the auspices of the Council, which provides the opportunity for each state to present measures taken and challenges to be met to improve the human rights situation in their country and to meet their international obligations. The Review is designed to ensure universality and equality of treatment for every country.

Note delegates: Please make sure you are aware of the outcome of your own country and the outcome of your fellow delegates' countries. The documents can be found on the following website, organized by country.

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

Human right is a cross-cutting theme in all UN policies and programmes in the key areas of peace and security, development, humanitarian assistance, and economic and social affairs. As a result, virtually every UN body and the specialized agency is involved to some degree in the protection of human rights, including GA6.

Definition of key terms:

Note delegates: These key terms are non-negotiable during the debate. They are from the UN itself and by defining them we won't waste time during the debate. A lot of definitions are given in the text itself. The terms that need a clearer definition are mentioned here.

Human Rights

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

Freedom of Religion

Article 18 of the Universal Declaration of Human Rights by the United Nations states that: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." (1948)

GA6

The Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly. All of the United Nations Member States are entitled to representation on the Sixth Committee as one of the main committees of the General Assembly.

Previous attempts to solve the issue

The UN Human Rights Council has submitted multiple resolutions on the topic. In this section, the previous resolutions on the freedom of religion are explained shortly. We encourage you to keep these solutions in mind during the debate. The delegates are not

supposed to copy these resolutions, but they need to find other solutions to the topic or to expand previous solutions significantly.

In 2007, resolution 6/37 has been submitted. The resolution calls upon Member-states to ensure that their legal system provides adequate guarantees of the religious freedom.

In 2010, resolution 14/11 introduces the Special Rapporteur on freedom of religion or belief. It also adds a nuance to the discussion. The resolution states that restriction on the manifestation of religion is permitted when prescribed by national law. The conditions are that the restrictions do not interfere with the freedom of religion and only allowed by the interest of the national wealth and security.

In 2013, resolution 22/20 stresses the fact that the Member States need to take more initiative to promote and protect the freedom of religion.

Possible solutions:

- Education
- Prohibiting attacks on freedom of religion by international law
- Preventing states to interfere with the freedom of religion

Sources:

All information is directly from the UN itself. All the information can be found on their websites.

Resources for delegates:

<http://www.un.org/en/sections/issues-depth/human-rights/>

Note: remind yourself during the debate that the committee is not allowed to create laws