

DRAFT CONCEPT NOTE

Study by the Independent Expert on minority issues:

Beyond Belief: The rights and security of religious minorities

In all regions religious minorities face violations of their rights and challenges to their security. The nature of rights violations vary, but in many cases violations are not limited to issues of freedom of religion and the right to worship, establish places of worship or manifest religion. Many rights violations against persons belonging to religious minorities also take place in other fields of civil and political rights while others exist in the realm of economic, social and cultural rights. Indeed while religious minorities may often be accorded their rights in respect to their faith and religion, it is in these other fields of human rights that they may face particular challenges, discrimination and exclusion on the basis of their belonging to a particular faith. Frequently such issues are relatively neglected and greater attention is required to ensuring non-discrimination, integration and equality for religious minorities in all aspects of society and public life. Those affected by violations of their rights include persons belonging to both traditional and non-traditional faith groups.

For example, persons belonging to a religious minority may face discrimination in respect to their full participation in economic or political life. They may be excluded from public or private labour markets and institutions because of their faith or the requirements of their faith. Some political bodies may restrict membership of those who do not belong to the dominant faith or give priority to those who do. In education, those belonging to minority faiths may find that no accommodation is given to their children's faith in public schools and religious teaching is only available in the dominant faith. Religious minorities may be disproportionately likely to live in poor housing or poor localities and suffer relatively poor access to services, partly due to economic marginalization which leaves them with relatively low income levels compared to those belonging to the dominant group or faith. Portrayals of religious minorities by the media or public and political figures may be largely negative, establishing and perpetuating unfair and untrue stereotypes of them.

Religious minorities report vandalism and destruction targeted against their places of worship and violence against individuals or groups of those belonging to minority faiths. Such violence may be manifested in aggression or harassment by individuals or law enforcement officials, raids upon their offices, institutions or places of worship and seizure of their computers, files or literature. In some cases, religious minorities are prevented from peacefully associating or protesting against violation of their rights. Other manifestations exist in physical attacks on individuals or groups as they peacefully conduct their affairs or worship. In a worrying number of cases, gun or bomb attacks have been targeted at religious sites as those of a minority faith gather to worship together. Many such attacks are perpetrated by non-State actors or militant faith-based groups who oppose the religions or beliefs of minorities. In such cases measures to improve the security of religious minorities are urgently required, as are broader efforts to address underlying problems and the root causes of violence and promote inter-faith and inter-community dialogue.

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities establishes the responsibility of States to ensure the protection of religious identity and recognizes in Article 1.1 that States “shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” However the Declaration also recognizes a wider need for protection of the rights of minorities to include guarantees of equality, non-discrimination in all walks of life, participation in public life and protection of existence. For States to achieve such goals it calls for positive measures, the adoption of legislation and other measures and favourable conditions to ensure protection and promotion of all minority rights.

The Independent Expert, recognizing that the issues of freedom of religion of religious minorities also fall within the scope of the Special Rapporteur on freedom of religion, will undertake work to address issues relating to the wider minority rights and security of religious minorities beyond attention to freedom of religion issues. Such work will aim to complement and supplement work undertaken and reports produced to-date by the Special Rapporteur to address the challenges to freedom of religion experienced by persons belonging to religious minorities.

Components of the work

Three key components of the work of the Independent Expert on the rights and security of religious minorities will be a) an expert consultation; b) a questionnaire based survey and; c) a thematic report to the General Assembly in 2013.

A) Expert Consultation

An expert consultation will be convened by the Independent Expert to address the challenges and rights violations experienced by religious minorities. To be held in Geneva in June 2013, a one day consultation will focus on challenges and appropriate responses to protect the rights and security of religious minorities in all regions. *Participants* will include representatives of UN Member States, identified experts, the Special Rapporteur on freedom of religion and other relevant Special Procedures mandate holders, representatives of civil society organizations and religious minorities. *Objectives* will be aimed at identifying approaches, national and regional policies, programmes and other initiatives and positive practices for the protection of the rights and security of religious minorities.

B) Questionnaire based survey

The Independent Expert will develop a questionnaire survey to be sent to United Nations Member States, national human rights institutions and civil society in order to gather information on the rights and security of religious minorities, with a particular focus placed upon identification of challenges and positive practices for the protection and promotion of the rights of religious minorities. Specific attention will be given to identifying initiatives in the area of inter-faith dialogue and promoting understanding and harmonious relations between those of different faith groups.

C) Report to the General Assembly

Based on research undertaken and the outcomes of the Expert Consultation and questionnaire survey, the Independent Expert will produce a thematic report on the rights and security of religious minorities to be presented to the General Assembly at its 68th session in October 2013. The report will contain an analysis of global issues and trends and provide examples of positive practices. The report will contain a series of recommendation to Member States and other stakeholders.

Further Links:

A/HRC/22/51, Report of the Special Rapporteur on freedom of religion or belief addressing 'Protecting the freedom of religion or belief of persons belonging to religious minorities', Heiner Bielefeldt, 24 December 2012, pp. 5-18

Minority Rights Group International, Press Release, 1 July 2010 'Religious intolerance now driving persecution of minorities across the world – new report', available at <http://www.minorityrights.org/?lid=10071>

Nazila Ghanea, 'Are Religious Minorities Really Minorities?' 1.1 *Oxford Journal of Law and Religion* (2012), 57-79, available at <http://ojlr.oxfordjournals.org/content/1/1/57>