***RockMUN 2022***

***Background Guide***

Agenda: *Deliberation on upholding the human rights of intersectionally marginalized people based upon gender, religious beliefs, or economic situation.*

**Letter from the Executive Board**

Dear Delegates!

We are very pleased to welcome you to the simulation of the UNHRC at Rockwell MUN 2022. It will be an honour to serve on your Executive Board for the duration of the conference. This Background Guide is designed to give you an insight into the case at hand. Please refer to it carefully. Remember, a thorough understanding of the problem is the first step to solving it.

However, remember that this Background Guide is in no way exhaustive and is only meant to provide you with enough background information to establish a platform for beginning the research. Delegates are highly recommended to do a good amount of research beyond what is covered in the Guide. The guide cannot be used as proof during the committee proceedings under any circumstances.

Finally, we would like to wish you luck in your preparation. In case you have any questions, procedural or otherwise, please feel free to direct them to any member of the Executive Board and we will get back to you as soon as possible. Please do not hesitate to contact us with any queries or concerns. We expect all delegates to be well-versed with the various nuances of the agenda and geared up for an intense debate, deliberations, and great fun.

We are looking forward to meeting you at the conference!

Regards,

Eswar Chava Rama Krishna

Chairperson Vice-Chairperson

UNHRC UNHRC

**Points to Remember**

A few aspects that delegates should keep in mind while preparing:

1. **Procedure**: The purpose of putting in procedural rules in any committee is to ensure a more organized and efficient debate. The committee will follow the UNA-USA Rules of Procedure. Although the Executive Board shall be fairly strict with the Rules of Procedure, the discussion of the agenda will be the main priority. So, delegates are advised not to restrict their statements due to hesitation regarding the procedure.

2. **Foreign Policy**: Following the foreign policy of one’s country is the most important aspect of a Model UN Conference. This is what essentially differentiates a Model UN from other debating formats. To violate one’s foreign policy without adequate reason is one of the worst mistakes a delegate can make.

3. **Role of the Executive Board:** The Executive Board is appointed to facilitate debate. The committee shall decide the direction and flow of the debate. The delegates are the ones who constitute the committee and hence must be uninhibited while presenting their opinions/stance on any issue. However, the Executive Board may put forward questions and/or ask for clarifications at all points in time to further debate and test participants.

4. **Nature of Source/Evidence:** This Background Guide is meant solely for research purposes and must not be cited as evidence to substantiate statements made during the conference. Evidence or proof for substantiating statements made during the formal debate is acceptable from the following sources:

1. United Nations: Documents and findings by the United Nations or any related UN body are held as credible proof to support a claim or argument. Multilateral Organizations: Documents from international organizations like OIC, NAFTA, SAARC, BRICS, EU, ASEAN, the International Criminal Court, etc. may also be presented as credible sources of information.

2. Government Reports: These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country.

3. News Sources:

1. Reuters: Any Reuters article that clearly makes mention of the fact or is in contradiction of the fact being stated by a delegate in the council.

2. State operated News Agencies: These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any country as such but in that situation, may be denied by any other country in the council. Some examples are – RIA Novosti (Russian Federation), Xinhua News Agency (People’s Republic of China), etc.

***\*\*\*Please Note: Reports from NGOs working with UNESCO, UNICEF, and other UN bodies will be accepted. Under no circumstances will sources like Wikipedia, or newspapers like the Guardian, Times of India, etc. be accepted. However, notwithstanding the criteria for acceptance of sources and evidence, delegates are still free to quote/cite from any source as they deem fit as a part of their statements.***

**Mandate of the Committee**

Recognizing the need to preserve and build on the Commission’s achievements and to redress its shortcomings, the HRC was created to ensure stronger systemwide coherence and preserve the value of human life “in larger freedom.” The Council was charged with, inter alia, assuming the roles and responsibilities of the Commission, promoting the full implementation of human rights obligations, responding to human rights emergencies, undertaking a universal periodic review, and making recommendations to States and the General Assembly (GA). The United Nations Human Rights Council (UNHRC) is a United Nations System inter-governmental body whose 47 member states are responsible for promoting and protecting human rights around the world.

The UNHRC is the successor to the UN Commission on Human Rights (UNCHR, herein CHR), and is a subsidiary body of the UN General Assembly. The council works closely with the Office of the High Commissioner for Human Rights (OHCHR) and engages the United Nations' special procedures. The General Assembly established the UNHRC by adopting a resolution (A/RES/60/251) on 15 March 2006, in order to replace the previous CHR, which had been heavily criticized for allowing countries with poor human rights records to be members.

The UNHRC has addressed conflicts including the Israeli-Palestinian conflict and also addresses rights-related situations in countries such as in Burma, Guinea, North Korea, Côte d'Ivoire, Kyrgyzstan, Syria, Libya, Iran, and Sri Lanka. The UNHRC also addresses important thematic human rights issues such as freedom of association and assembly, freedom of expression, freedom of belief and religion, women's rights, LGBT rights, and the rights of racial and ethnic minorities.

**Agenda**

***Deliberation on upholding the human rights of intersectionally marginalized people based upon gender, religious beliefs, or economic situation.***

**What is intersectionality?**

It is a theory that explains the overlapping of various social identities, that include Religion, Race, Ethnicity, Economic Class, Gender, Caste, and Age that contribute to oppression and discrimination experienced by an individual.

Originally coined by American scholar and lawyer Kimberle Crenshaw, who drew inspiration from Black feminist movements in the US, the term highlights how race, gender, class, and other factors are interconnected.

**Who are Minorities?**

While the exact interpretation of the term minority is varied worldwide and subjected to change based on geopolitical conditions, there is some consensus in defining the same with a broader perspective, as "a group of individuals who are numerically smaller in number in that given area". Under International law, in accordance with Article 1 of the United Nations Minority Declaration, the term is broadly based on nationalistic, cultural, religious, gender and linguistic identity and rightfully proclaims that it is the fundamental duty of the state to preserve their existence and protect them from exploitation.

The difficulty in coming up with a unanimous definition for the same, lies in the complexity of the different methods under which one can be categorized as a minority. For instance, the 1977 definition for minorities given by Francesco Capotorti, Special Rapporteur of the United Nations is as follows : *"a group numerically inferior in terms of population and in a non-dominant position whose ideology differs from the majority of the population in that area".*

Thus, while varied definitions narrow mindedly put sections of society into boxes of preconceived notions, the most globally acceptable explanation which encompasses people from all walks of life is on a numerical basis alone.

**1. Minority based on religion:**

In a particular geographical location, if the members of a certain religion are numerically inferior, they would constitute religious minorities. Religion divides people fundamentally, based on their ideologies and beliefs, and hence form a volatile part of any society if not addressed properly. Religious divisions can be traced back to the anti-Semitic views of the Nazis during World War II, where the intensity of the hatred and bigotry resulted in consequences that can even be felt today.

**2. Minority based on Race:**

The discrimination of people on the basis of race is time old and while its existence has been curbed in the recent times, it is still rampant in many areas resulting in widespread violence. For instance, the discrimination of the blacks in the United States or the Apartheid is a prime example of undermining minority rights in a society. 7

**3. Minority based on Gender:**

The discrimination of humans on their gender has been globally observed for many decades now and is of concern to us. Recent trends however show that there is an improvement in human rights of women, but in many part of the world, this has yet to change. With the rising importance of feminism and involvement of women in all walks of life, it is only a matter of time that their existence as a minority is overturned. Some countries that follow the Sharia law, still continue to discriminate women and deny them even their fundamental rights. Such atrocities have been debated repeatedly in the Human Rights Council, but no conclusive action has been taken towards the same.

**4. Minority based on Culture :**

While people are discriminated based on their religion, certain sects of these religion might be oppressed further than the others. The divide between Shia and Sunni Muslims or Roman Catholics and Protestants produces disparity in provision of rights for these sects of society. Such individuals who are culturally different and numerically inferior are also minorities, and their rights are often violated.

**5. Minority based on Sexual Orientation and Gender Identity**:

This classification based on sexual orientation and gender identity is relatively newer, and their inclusion has been debated for long by people all over the world. 8 Members of the LGBT community fall under this category and their discrimination is rampant as seen in society today. While in some parts of the world such as the Scandinavian countries, there is no discrimination against members of this community, in most other nations including India, same sex relationships are considered illegitimate. They are seen as objectionable by culture and religion and even punishable by law. Thus, it is only natural that discrimination follows suit and they constitute some of the most oppressed parts of our society.

**What is discrimimation based on Religion?**

Racism and xenophobia are attitudes or beliefs, based upon stereotypes or irrational fears of "the other". A dictionary defines racism as "a belief that race is the primary determinant of human traits and capacities and those racial differences produce an inherent superiority of a particular race. Similarly, xenophobia is "fear and hatred of strangers or foreigners or of anything that is strange or foreign. Together, the two concepts are part of a more general phenomenon of heterophobia, fear of those that are different.

**UNCERD:**

Similarly, the most widely accepted definition of racial discrimination in European law, found in article 1 of the United Nations Convention on the Elimination of All Forms of Racial Discrimination targets behaviour. It governs: any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social cultural or any other field of public life.

Apart from France most states have not attempted their own legislative definition.

**XENOPHOBIA**, describes attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity.

**Racial discrimination is defined in international law as being**:

any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on a equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

**Gender-based discrimination amplified by economic status and religion:**

Side-lining women holds back economies from growing and prospering. The economy cannot operate at its full potential with hurdles for half of the world’s population. Gender parity is not only a fundamental human right but also a critical economic opportunity.

Despite their catalytic impact on achieving gender equality and women’s rights, discriminatory social institutions have been overlooked in development policies and programs. Education, labor, and health outcomes attract the most donor and political interests. However, by focusing only on certain dimensions of women’s rights and empowerment, international and national commitments fail to address the root causes of the issue holistically and, as a result, do not produce sustainable social changes required to leave no one behind.

Gender-based discrimination in social institutions hampers a country’s income by lowering female access to education and jobs and reducing production factor productivity. Higher levels of discrimination in social institutions, measured by the SIGI, are associated with lower levels of national income. This is explained mainly by the negative influence of discriminatory social institutions on the levels of female labor force participation and human capital. In turn, restricted women’s access to education and labor has substantial negative consequences on GDP by reducing production factor accumulation and productivity.

Workplace discrimination contributes to women’s lower socio-economic status. Importantly, when employees interact with organizational decision-makers during HR practices, they may experience personal discrimination in the form of sexist comments. Both the objective disadvantages of lower pay, status, and opportunities at work and the subjective experiences of being stigmatized, affect women’s psychological and physical stress, and mental and physical health.

Indirect discrimination occurs when certain rules or regulations put certain staff members at a disadvantage.

Direct discrimination can also occur when you pay someone less than other employees for no good reason, you [select particular workers for redundancy](https://www.breathehr.com/en-gb/blog/topic/business-process/how-to-select-employees-for-redundancies) based on protected characteristics

For Example [The Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents) brought together a number of pieces of separate legislation under one banner and strengthened the laws around discrimination it protected nine characteristics.

Religious discrimination refers to the treating of someone in a certain way due to their religious practices or beliefs.

Examples Include:

* Refusing a bank loan because you're Jewish.
* Refusing to allow you into a restaurant because you follow Islam.

**Religion-based discrimination amplified by economic status and gender:**

Religion helps to establish moral order for society, legitimating social hierarchies, collective goals, and cultural boundaries. While religious institutions are located in civil society, political actors often seek their support for electoral or policy purposes.

Most religions enforce moral behavior through positive and negative reinforcement by infusing 'god-fearing' elements in scriptures, such as the concept of karma and reincarnation in Hinduism, heaven-hell, and salvation in Christianity, and paradise-hell in Islamism.

Religion affects economic decision-making by establishing social standards and shaping individual personalities. Firms located in communities with higher religiosity tend to adhere to ethical norms that are conducive to a stable economy.

The effects of religious discrimination can be far-reaching, for both the individual discriminated against and the business. It can lead to poor employee engagement, increased absenteeism, the loss of a valued member of staff, and a damaged employer brand.

Discrimination based on socioeconomic status (SES) has become routine. Employers screen applicants by residential address and weed out people who live in notoriously poor neighborhoods. Municipalities enact zoning rules for the purpose of excluding low-income residents. Schools place wealthier students in more advanced classes with more experienced teachers. States require voters to show identification documents that poor people have more difficulty obtaining.

In the United States, discrimination statutes reflect a commitment to the ideals of social mobility and self-determination. Accordingly, they protect traits that are subject to pervasive and illegitimate social bias. The race is the paradigmatic example of such a trait, but legislators have determined the number of other traits that fit this description, including sex, national origin, age, disability, and religion.

Xenophobia is the fear or hatred of anything which is perceived as being foreign or new and an example of this is the lack of jobs for Muslims around the world because of prejudice that the world has against them. Muslims are often considered to be a minority in countries outside the middle east and are subjected to racism based on their religion, dressing style, and economic status. They are usually employed in under or low-paying jobs.

**Discrimination based on the Economic Class:**

The concept of Religion based economic status is such that the religion with a higher population or majority has a higher economic status, and vice versa. For example, the Hindus in Pakistan are a minority, and hence they will be considered a part of a lower economic class.

Similarly, the Jews and the Arabs or Muslims in Israel and this is further fueled by the concept of gender where men are considered to be in a higher position than women in the social structure and are hence paid or earn more than women.

**Case Studies:**

1. **Abuse of legal system in trafficking of girls:**

The National Human Rights Commission of India has taken suo-motu cognizance of a complaint filed by the NGO, International Law Affiliates on the plight of poor girls and minorities in Nepal and India being trafficked and forced into prostitution in various red light areas. The complainant, while requesting the Commission to consider taking action, had forwarded a copy of his petition addressed to the Chief Justice of India dated 27 December 2004 as well as a news article captioned "The Girl Breakers of Delhi" published in a national daily on 19 December 2004.

The news article is a gory narration of trafficking and exploitation of girls belonging to lower strata of the community. It makes a reference to the collusion between the pimps, brothel owners and police officials to force poor gullible girls into the prostitution racket. As an example the news article highlighted one of the modus operandi as :-

"The farce follows set stages: a trumped-up case is registered against these minor girls falsely alleging that they were trying to solicit clients in a public place. The minor girls are then arrested and kept in lock-up while the police prepare a challan wherein the minor girls age is entered as 21. This entry is apparently sufficient to transform overnight the minor girl into an adult for all subsequent court proceedings. After this, these minor girls are produced before a magistrate and released on bail."

The Commission observed that the contents of the article, if true, portray a dismal picture of exploitation and trafficking of girls by the abuse of legal system in connivance with the authorities who are supposed to provide protection against such exploitation. The article points towards an organized racket in trafficking of girls and raises a serious human rights issue, which needs to be addressed with all seriousness.

It has directed that a copy of the petition along with a copy of the news article referred to above be forwarded to the Commissioner of Police, Delhi with a request to inquire into the matter and submit his report within four weeks.

1. **Roma children in the education system:**

The treatment of Roma children in schools across Europe is another example of intersectional discrimination, combining aspects of race/ethnicity, socio-economic status/background and disability. The term “Roma” is an umbrella term for a range of diverse groups and communities that share origins from the Indian subcontinent and who migrated to Europe several centuries ago.

The Roma people are currently one of Europe’s largest ethnic minorities, despite the tremendous losses suffered by Roma communities during the Genocide of World War II. Roma communities have been subjected to persecution, discrimination, oppression, prejudice and state violence for as long as they have been in Europe. One specific aspect that makes the discrimination faced by Roma so distinct is the social work angle from which their situation is approached. Roma issues are rarely framed as discrimination, but instead as social issues.

The Roma are represented as a people who need to be educated through social inclusion measures, integrated and assimilated to the dominant culture. Roma people have been subjected to aggressive integration strategies that involved the forced removal of Roma children from their families or assimilation policies delivered through the schooling system for at least two centuries in Europe. In the 20th century, anti-Roma pogroms existed across Eastern Europe, and Roma and Sinti populations were murdered by the National Socialist government during World War II. The consequences of historical discrimination against Roma people is evident and widespread across modern Europe, but is particularly blatant in the school system. A 1998 report by the European Roma Rights Centre (ERRC) showed that Roma children were routinely subjected to physical, verbal and emotional abuse at the hands of peers and teachers, leading to absences from school that are subject to punishment, and ultimately drop-out.

1. **Doha in a nutshell:**

Qatar’s discriminatory male guardianship system denies women the right to make many key decisions about their lives, Human Rights Watch said in a report released today.

The 94-page report,[“‘Everything I Have to Do is Tied to a Man’: Women and Qatar’s Male Guardianship Rules,”](https://www.hrw.org/node/378307) analyzes official male guardianship rules and practices. Human Rights Watch found that women in Qatar must obtain permission from their male guardians to marry, study abroad on government scholarships, work in many government jobs, travel abroad until certain ages, and receive some forms of reproductive health care. The discriminatory system also denies women the authority to act as their children’s primary guardian, even when they are divorced and have legal custody. These restrictions violate Qatar’s constitution and international law.

Male guardianship reinforces the power and control that men have over women’s lives and choices and may foster or fuel violence, leaving women few viable options to escape abuse from their families and husbands.”

The Human Rights Watch findings are based on a review of 27 laws, as well as regulations, policies, forms, written communications with the government, and 73 interviews, including 50 in-depth interviews with women affected by this system. In written communications sent in February and March 2021, government representatives confirmed many of these findings and disputed others, despite Human Rights Watch evidence to the contrary.

Qatar’s laws require women to have a male guardian’s permission to marry, regardless of age or former marital status. Once married, she can be deemed “disobedient” if she does not obtain her husband’s permission before working, traveling, or if she leaves her home or refuses to have sex with him, without a “legitimate” reason. Men can marry up to four women, at a time, without needing permission from a guardian or even from their current wife or wives.

**IMPORTANT CONVENTIONS, TREATIES AND DOCUMENTS:**

Following is the list of documents that could be used by all delegates for their preparation or in committee with respect to the agenda at hand. It is not required to go through and/or download each and every document and read it clause by clause, but a simple understanding of its purpose and maybe figure out which ones hold more weightage than others in your perspective is all that is required. Please do note that you would need to know the following aspects regarding the mentioned documents:

The reason why this document exists (for e.g. the Geneva Conventions were enacted to lay down. The areas where the document can be applied or has jurisdiction on international terms.

You need not memorize any articles or rules of any convention or treaty, but should know what the document has to say in various situations that may arise in the committee.

Note: The following documents hold the international framework on human rights. Feel free to read the ones which you feel is relevant to the agenda:

* Universal Declaration of Human Rights
* International Covenant on Economic, Social and Cultural Rights
* International Covenant on Civil and Political Rights

**Key Conventions /documentation in regards to minority rights:**

* Universal Declaration of Human Rights
* Rights of persons belonging to ethnic, religious and linguistic minorities
* Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
* Promotion of Declaration on Rights of Minorities
* Convention on the Elimination of All Forms of Discrimination Against Women
* Beijing Platform for Action
* Indigenous and Tribal People's convention (1989)

**Universal Human Rights Instruments:**

In addition to the International Bill of Rights and the core human rights treaties, there are many other universal instruments relating to human rights. A non-exhaustive selection is listed below. (**Search this up verbatim on Google you will end up In the respective documents**)

1)World Conference on Human Rights And Millennium Assembly

2)Vienna Declaration and Programme of Action

3)United Nations Millennium Declaration

4)Rights of Indigenous Peoples and Minorities:

* Declaration on the Rights of Indigenous Peoples
* Indigenous and Tribal Peoples Convention, 1989 (No. 169)
* Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

4) Prevention of Discrimination

* Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
* Declaration on Race and Racial Prejudice o Convention against Discrimination in Education
* Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education o World Conference against Racism, 2001 (Durban Declaration and Programme of Action)

5) Rights of Women:

* Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
* Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP)
* Declaration on the Protection of Women and Children in Emergency and Armed Conflict
* Declaration on the Elimination of Violence against Women 14

6) Rights of the Child:

* Convention on the Rights of the Child (CRC)
* Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OPSC)
* Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OPAC)

**Humanitarian Law:**

* Geneva Convention relative to the Treatment of Prisoners of War.
* Geneva Convention relative to the Protection of Civilian Persons in Time of War.
* Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I).
* Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of NonInternational Armed Conflicts (Protocol II)

**UDHR, ICCPR AND THE OTHER TREATIES:**

The primary sources of law underpinning the mandate of the Special Rapporteur on freedom of religion or belief are article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

The functions of the mandate is also guided by the relevant articles of the

1. 1.International Covenant on Economic, Social and Cultural Rights
2. The International Convention on the Elimination of All Forms of Racial Discrimination,
3. The Convention on the Rights of the Child
4. The Convention on the Elimination of All Forms of Discrimination against Women,
5. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
6. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
7. The Convention on the Prevention and Punishment of the Crime of Genocide and the Convention relating to the Status of Refugees.

**Conclusion**

The United Nations recognizes the importance of a holistic approach and political will in securing safety of minorities. Increased cooperation in awareness-raising, legal and institutional reform, capacity- building, and cementing the norm that minorities (in terms on Religion, Economic status and Gender) and ethnic groups should be protected is crucial in fostering a safe and enabling media environment worldwide. Freedom of expression and freedom of information are essential in achieving the Sustainable Development Goals and a more equal and safer world.

The Agenda in itself is quite specific and needs patient reading to understand the essence of the modalities involved. As you would have understood by now, we have tried our best to detail all the aspects of the agenda at hand in a lucid manner. There are few areas which have been missed at convenience, as they are much contested in nature. Kindly keep in your mind, the background guide at no point of time can be referred to as a source of evidence during the formal committee sessions. With that being said, we strongly advocate thorough research and deductive analysis on such a broad agenda and this

***Background Guide only serves the purpose of aiding in your research and to ease the process of it. In case of any doubt or queries feel free to contact on us***

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