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United Nations Human Rights Council (UNHRC)

BACKGROUND GUIDE

Agenda:

Discussing the impingement of the right to religious belief in China with reference to the increasing persecution of religious observance

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Letter from the executive Board

Dear delegates,

We are thrilled to welcome you to the Human Rights council! We are extremely excited to meet you this August and we promise you two truly enjoyable days of interesting debate, novel experience and fun.

Our agenda, the discussion of the right to religious belief in the face of growing religious persecution and observance is not only a problem in China but all over the world. With religious intolerance rising and the resurgence of anti semitism and an increase in Islamophobia, the topic at hand is undoubtedly a hot issue and one that should be carefully discussed.

It is our duty to make sure our discussion is nuanced, culturally sensitive, and grounded in global case studies that illustrate both the challenges faced by government oppressed religions and the difficulty of crafting policies to protect them. We hope to discuss the topic's application to China in particular, and that all delegates can find a way to relate to this issue, whether it be through personal connection or policy research.

We hope that this committee will be a dynamic, collaborative, and challenging one and that HRC will allow delegates - veterans and newbies alike - to push themselves while thinking about this topic. Please do not hesitate to reach out to us with any questions or concerns, or just to introduce yourself!

Looking forward to a productive conference,

R V Vrinda Gopal
(Chair, HRC)
Nishka Srivastava
(Vice Chair, HRC)

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About the United Nations Human Rights Council

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year.

The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly through ballot. Members of council serve for a period of three years.

History

The Council was created by the United Nations General Assembly to replace its former body, the United Nations Commission on Human Rights, due to criticism regarding the latter's membership structure, bias and lack of efficacy. This took place on 15 March 2006. One year later, the Council adopted its "Institution-building package" to guide its work and set up its procedures and mechanisms.

Among them were the Universal Periodic Review mechanism which serves to assess the human rights situations in all United Nations Member States, the Advisory Committee which serves as the Council's "think tank" providing it with expertise and advice on thematic human rights issues and the Complaint Procedure which allows individuals and organizations to bring human rights violations to the attention of the Council.

The Human Rights Council also works with the UN Special Procedures established by the former Commission on Human Rights and assumed by the Council. These are made up of special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries.

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A Clarification on the Nature of Human Rights

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Universal human rights are often expressed and guaranteed by law, in the form of treaties, customary international law, general principles and other sources of international law. International human rights law lays down 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. ALL human rights are:

1. Universal and inalienable

The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations.

Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

2. Interdependent and indivisible

All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

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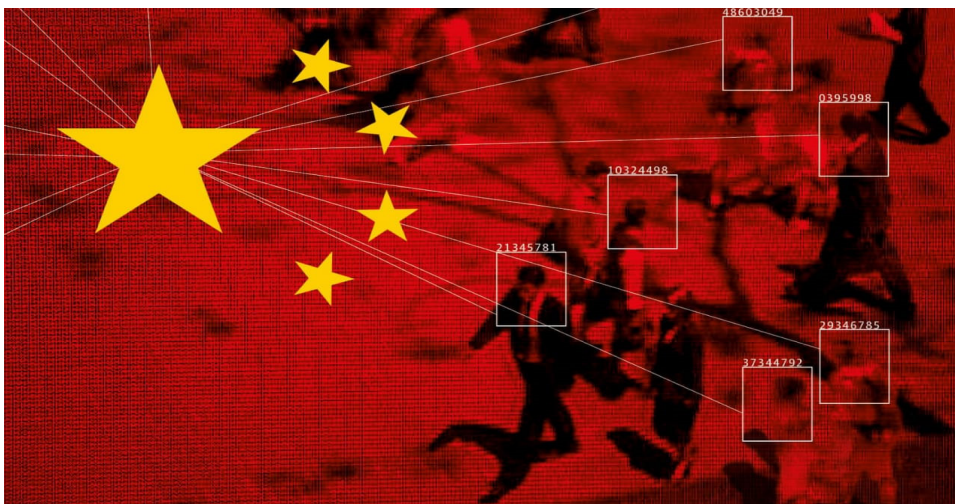
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3. Equal and non-discriminatory

Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article I of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights."

4. Both Rights and Obligations

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.



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Introduction to the Agenda

China's persecution of religious groups has been making headlines as of late. While officially identifying as an atheist state, Chinese citizens are permitted to practice religion. (Religious observance has been on the rise in China.)

The government restricts religious practice to five officially recognized religions in officially approved premises. Authorities retain control over religious bodies' personnel appointments, publications, finances, and seminary applications. The government classifies many religious groups outside its control as "evil cults," and subjects members to police harassment, torture, arbitrary detention, and imprisonment.

However, they have recently revised their regulations on religious practices which took effect on February 1st, 2018.

Given below is a short summary of the new legislature:

The regulation was formulated with the goal of protecting citizens' freedom of religious belief, maintaining religious and social harmony and regulating the management of religious affairs.

It specified that citizens are entitled to the right of freedom of religion.

It stated that the management of religious affairs should adhere to the principle of protecting legitimate religious activities while curbing and preventing illegal and extreme practices. It encouraged Governments at all levels to strengthen religious work, with efforts to improve the mechanism of religious affairs.

It also said that Religious groups are entitled to functions that include assisting governments at all levels in the implementation of laws, regulations, rules and policies, protecting the legitimate rights of citizens with religious beliefs, guiding religious affairs, researching religious culture and carrying out religious education and training.

And concluded by saying that only national religious groups or province-level religious groups are entitled to establish religious colleges.

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Case Studies

Case study I

Treatment of Uighur Muslims

In 2015, Beijing criminalised and closely policed Islam, the most conspicuous and sacred identifier of Uighur identity. China restricted Uighur Muslim students, teachers and other civil servants in Xinjiang from observing the fast during the month of Ramadan, which extended beyond the public sphere by way of police intimidation and surveillance within households during the holy month. This ban was accompanied, according to Human Rights Watch, by routine state vetting of Uighur imams, close surveillance of mosques, the removal of religious teachers and students from schools, restrictions placed on Uighur Muslims to communicate with family or friends living overseas, and the screening of literature assigned to students in schools in Xinjiang.

Suppressing the observance of Ramadan sent a clear message to Uighurs during the most emblematic period of Muslim life: that expression of Islam will be punished with impunity.

This leads us to now:

UN ambassadors from 22 states recently joined together to write a letter calling on Beijing to allow freedom of movement for Muslim minorities. The reason? China is reportedly holding more than 1 million muslims captive in 'internment camps' as discovered by a United Nations human rights panel in August. The Chinese government claims these are facilities for transformation through education, and an effort towards rooting out extremism. The detainees themselves have reported inhumane living conditions and torturous practices. Children are separated from their parents for years on end. Electric shock therapy, abusive language, isolation, stress positions, forced labour, and food and sleep deprivation are only some of the atrocities carried out in the camps. Within these overpopulated walls, state agents are commissioned to heal the illness (Islam) through a litany of horrors, including forcing Uighur Muslims to eat pork and drink alcohol (both of which are restricted by Islam), memorise and recite Communist Party songs, forced into gruelling work, enroll in Mandarin language courses and comprehensive trainings devised to extract their religion and culture from out of them. The detainees are supposedly 'terror threats' and have allegedly committed religious and political transgressions, as was found out by tracking their smartphones and online presence.

Local authorities are currently expanding these detention camps, located in Xinjiang - the autonomous region in western China home to approximately 10 million Uighur Muslims.

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CHINA'S STANCE:

China has dramatically changed its stance on the issue, moving from denial of their existence to proudly parading their humane management and care. China's state news agency Xinhua released a lengthy interview with Shohrat Zakir, the governor of Xinjiang... the most any senior official has publicly spoken about the camps. The governor said in addition to vocational training, there were basketball and volleyball courts and arts competitions.

He called this proof of the centre's "humane management and care" and avoided using the term "education," a term that harkens back to China's use of education through labor, a system started in the 1950s and abolished in 2013, after being declared incompatible with China's commitment to rule by law. However, they continue to run these camps and show no signs of stopping.

However, in 2015, Beijing criminalised and closely policed Islam, the most conspicuous and sacred identifier of Uighur identity. China restricted Uighur Muslim students, teachers and other civil servants in Xinjiang from observing the fast during the month of Ramadan, which extended beyond the public sphere by way of police intimidation and surveillance within households during the holy month. This ban was accompanied, according to Human Rights Watch, by routine state vetting of Uighur imams, close surveillance of mosques, the removal of religious teachers and students from schools, restrictions placed on Uighur Muslims to communicate with family or friends living overseas, and the screening of literature assigned to students in schools in Xinjiang.

INTERNATIONAL COMMUNITY:

As mentioned earlier, UN officials from 22 countries spoke up against this oppression in a letter. The letter expresses concern "about credible reports of arbitrary detention... as well as widespread surveillance and restrictions, particularly targeting Uighurs and other minorities in Xinjiang."

It calls on China to stop arbitrary detention and allow "freedom of movement of Uighurs and other Muslim and minority communities in Xinjiang."

The authors, who include ambassadors from across the EU as well as Switzerland, requested that the letter becomes an official document of the Human Rights Council, which ends its 41st session in Geneva on Friday.

Diplomats rarely send open letters to the 47-member council to criticise a country's record, but the move may have been the only available option to spotlight Xinjiang, with China likely having enough support to vote down a formal resolution.

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The USA in particular has been very vocal about their disapproval of these camps, terming them 'concentration camps.' In March, China proposed a resolution at the Human Rights Council, focusing on its vision for "win-win cooperation" while omitting any role for independent civil society, any mention of accountability, and other core parts of the council's mandate. The resolution was adopted by a comfortable margin with the US as the only no vote. Throughout the year, members of the US Congress and the administration called for sanctions and export controls.

Case Study 2

Tibet

Authorities in Tibetan areas continue to severely restrict religious freedom, speech, movement, and assembly, and fail to redress popular concerns about mining and land grabs by local officials, which often involve intimidation and arbitrary violence by security forces and intensified surveillance of online and phone communications.

There were clear findings by UN human rights experts that the charges were baseless. Nonetheless, courts sentenced former political prisoner Tsegon Gyal in January to three years in prison and language activist Tashi Wangchuk in May to five years.

Several hundred Tibetans traveling on Chinese passports to India for a January 2018 teaching by the Dalai Lama were forced to return early when officials in Tibetan areas threatened retaliation against those traveling abroad and their family members back home.

Intensified political education has been reported in monasteries and schools, and for the public at large. Tibetan authorities have used a nationwide anti-crime campaign to encourage people to denounce members of their communities on the slightest suspicion of sympathy for the exiled Dalai Lama or opposition to the government.

Several more cases were reported in 2018 of land grabs by local officials for construction projects, both in the Tibet Autonomous Region and other Tibetan areas. In Driru county, 30 villagers were detained in May for allegedly sharing with international media information about the arrest of a village leader who had led popular opposition to a mining project on a sacred mountain.

Tibetans continue to self-immolate to protest Chinese policies; four more such protests took place between November 2017 and July 2018.

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CHINA'S STANCE:

China's religious policy in Tibet is inherently tied to the ethno-religious status of Tibetan Buddhists. To quell dissent, the CCP restricts religious activity in Tibet and Tibetan communities outside of the autonomous region. The state monitors daily operations of major monasteries, and it reserves the right to disapprove any individual's application to take up religious orders; restrictions also extend to lay Tibetan Buddhists, including people who work for the government and teachers. For example, after a period of demolitions of Buddhist institutions and expulsions, officials were given controls in 2018 over Sichuan province's Larung Gar, one of the world's largest Buddhist study centers. Tibetan Buddhists face the highest levels of religious persecution in China, along with Uighur Muslims and Falun Gong members

INTERNATIONAL COMMUNITY:

The United States Commission on International Religious Freedom strongly condemned the Chinese government's crackdown on Tibetan Buddhist monks in the Tibetan regional capital Lhasa. However, no country openly disputes China's claim to sovereignty, and China has blocked all UN Security Council resolutions on Tibet since the People's Republic took over the China seat in the UN in 1971 therefore making it impossible to create change.

Case Study 3

Falun Gong

Falun Gong is an ancient Chinese spiritual discipline in the Buddhist tradition. It consists of moral teachings, meditation, and four gentle exercises that are a truly unique and highly effective way to improve your health and energy levels.

At the core of Falun Gong are the values of Truthfulness, Compassion, and Tolerance (or in Chinese, Zhen, Shan, and Ren). Falun Dafa teaches that these are the most fundamental qualities of the universe, and takes them to be a guide for daily life and practice.

Falun Gong is also commonly known as "Falun Dafa."

By 1999, Falun Gong had grown to become the largest and fastest growing practice of the sort in Chinese if not world history. In just seven years since its 1992 introduction to the public, an estimated 100 million people were practicing Falun Gong.

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CHINA'S STANCE:

"Falun Gong" is an anti-social cult organization as it preaches heretical fallacies that are anti-humanity and anti-science, and exercises extreme mental manipulation on followers. It is a cult that seriously harms the society and violates human rights. It is also a political group that is utterly anti-China and seeks to undermine China-US relations.

To protect human rights and the interests of the public, the Chinese Government outlawed "Falun Gong" cult in accordance with law in 1999.

Supporters outside China claim 2,000 have died in custody since 1999, and the UN alleges that the group's members feature disproportionately among those who have suffered torture and abuse.

Falun Gong followers championed their cause in the Western media as an issue of freedom of religion, until a number of self-immolations by alleged Falun Gong adherents in Tiananmen Square in January 2001 convinced much of the Western media that the group was indeed a "cult" (Falun Gong followers insisted that the immolations were staged by the Chinese government).

INTERNATIONAL COMMUNITY:

Since 1999, numerous Western governments and human rights organizations have expressed condemnation of the Chinese government's suppression of Falun Gong. Since 1999, members of the United States Congress have made public pronouncements and introduced several resolutions in support of Falun Gong.



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Further Research:

<https://www.ohchr.org/en/hrbodies/hrc/pages/aboutcouncil.aspx>

<https://www.un.org/en/universal-declaration-human-rights/>

http://english.gov.cn/policies/latest_releases/2017/09/07/content_281475842719170.htm

<https://www.cfr.org/backgrounder/religion-china#chapter-title-0-5>

<https://www.google.com/amp/s/www.aljazeera.com/amp/indepth/opinion/china-holds-million-ughur-muslims-concentration-camps-180912105738481.html>

<https://www.hrw.org/asia/china-and-tibet>

<https://www.uscirf.gov/news-room/press-releases/china-uscirf-condemns-chinese-government-crackdown-tibetan-buddhist-monks>

<https://savetibet.org/un-asked-to-help-end-human-rights-abuses-in-tibet/>

<http://www.china-embassy.org/eng/xglj/flgzx/>

<https://www.theguardian.com/world/2019/jan/13/china-christians-religious-persecution-translation-bible>

Closing Remarks:

We're very happy to welcome you to this year's HRC. We hope that we can facilitate constructive debate and come up with effective resolutions to make this a truly enriching experience for you, the delegates of APLMUN 2019.

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