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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity**

### **Report of the Special Rapporteur on freedom of religion or belief\***

#### *Summary*

In this report, the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, maps diverse experiences of religious or belief minorities during situations of conflict or insecurity. It explores the specific needs and vulnerabilities experienced by minorities in conflict and examines why and how these vulnerabilities arise through contextual analysis. Evidence gathered for the report questions narratives that overestimate the relationship between religion and conflict and fail to recognize the multiplicity of factors (political, social and economic) that contribute towards violence and insecurity, which overshadow and undermine prospects for peacebuilding. It further challenges prevailing discursive binaries that depict religion as either a source of violence or peacebuilding.<sup>1</sup> The report proposes recommendations to protect and promote religious or belief minorities' rights during crises and to lay the groundwork for inclusive peacebuilding efforts.

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\* The present report was submitted after the deadline to include the most recent information. The Special Rapporteur is grateful for the excellent research undertaken for the report by Rose Richter, Christine Ryan, Jennifer Tridgell, Mathilde Renaud and Ben Greenacre. He is also grateful to Damianos Serefidis/OHCHR for his contributions. He further thanks his Junior Researchers and Research Fellows for their contributions.

<sup>1</sup> [https://www.thebritishacademy.ac.uk/documents/325/Role-of-religion-in-conflict-peacebuilding\\_0\\_0.pdf](https://www.thebritishacademy.ac.uk/documents/325/Role-of-religion-in-conflict-peacebuilding_0_0.pdf).

## I. Introduction

1. Conflict, violence, and insecurity have driven forced displacement to historic levels this past decade, affecting 82.4 million persons worldwide in 2020.<sup>2</sup> Humanitarian crises are increasing in complexity and duration, now lasting over nine years on average,<sup>3</sup> with the COVID-19 pandemic threatening to further amplify fragilities across the globe. In recent years, the rise in situations of conflict<sup>4</sup> and insecurity<sup>5</sup> has impacted communities of every religion or belief system, subverting their enjoyment of fundamental human rights, including freedom of religion or belief. A number of these crises and conflicts have a religious dimension, sometimes involving adherents of diverse faiths or adversaries within the same religious tradition. However, it is essential not to unduly overestimate the role of religion in either conflict or peace-making to the exclusion of other factors and motivations involved.<sup>6</sup> This approach is often reductive, concealing the complexities affecting the lives of peoples affected by conflict and crises, including members of religious or belief minorities.

2. Some invoke religion as a mobilizing tool, to rationalize violent behaviour, or as a source of values on which to base reconciliation and peacebuilding efforts. Religion or belief may also serve as an identity marker - typically intersecting with other identifiers such as ethnicity, gender, race and political affiliation - for targeting minority communities with hostility, discrimination, and violence during crises, which may compel them to flee. Violence against people or property, including religious sites, may be sporadic or systematic and may even amount to atrocity crimes. State and non-state actors may target minorities because they are in a strategic area, with actors attempting to drive them out or eliminate them. In some cases, armed groups may be recruited from a minority community to push a particular agenda where they feel disenfranchised, disadvantaged or vulnerable and might, therefore, be a party to a conflict. By committing genocide, perpetrators threaten the very existence of a certain community. More broadly, however, religious or belief minorities may be affected along with others because of ongoing conflict or insecurity rather than because of their faith identity.

3. There is a nascent discussion on the nexus between freedom of religion or belief and security within the United Nations (“U.N.”) system and beyond, including the 2019 U.N. Security Council’s Arria-formula meeting on advancing the safety and security of religious minorities in armed conflict. Policymakers should avoid broad generalizations about the role of faith in either contributing to or preventing conflict, and not assume causal relationships between violations of freedom of religion or belief and violent conflict.<sup>7</sup> Nonetheless, policymakers should be concerned about the significant effects of conflict on religious or belief minorities – including where they are directly targeted, at least partly because of their identity.

4. Intolerance against one religious or belief community also harms all of society and undermines universal values of equality and human dignity. This report contains evidence-based analysis to inform policy and practical efforts, alongside recommendations for advancing a human rights approach that better protects and promotes minorities’ rights and

<sup>2</sup> <https://www.unhcr.org/flagship-reports/globaltrends/>.

<sup>3</sup> <https://ec.europa.eu/jrc/en/news/humanitarian-crisis-around-world-are-becoming-longer-and-more-complex>.

<sup>4</sup> Non-international armed conflicts and international armed conflicts, as generally defined in international law. See e.g. <https://www.icrc.org/en/doc/assets/files/other/opinion-paper-armed-conflict.pdf>.

<sup>5</sup> “Insecurity emerges when a government, faced with conflict and violence (...), cannot or will not ensure the protection of its citizens, organizations and institutions against threats to their well-being and the prosperity of their communities. Such threats may come from the State itself or from non-State actors. In several countries, organized crime, trafficking, civil unrest and terrorism have supplanted armed conflict as the main sources of violence and insecurity.”

[https://www2.ohchr.org/english/ohchrreport2012/web\\_en/allegati/7\\_Violence.pdf](https://www2.ohchr.org/english/ohchrreport2012/web_en/allegati/7_Violence.pdf), p.64.

<sup>6</sup> [https://www.thebritishacademy.ac.uk/documents/325/Role-of-religion-in-conflict-peacebuilding\\_0\\_0.pdf](https://www.thebritishacademy.ac.uk/documents/325/Role-of-religion-in-conflict-peacebuilding_0_0.pdf).

<sup>7</sup> <https://www.stimson.org/2021/violence-based-on-religion-or-belief-taking-action-at-the-united-nations/>.

laying the groundwork for inclusive transitions from conflict and insecurity towards peace. Consistent with his mandate, the Special Rapporteur has adopted a gender lens in identifying gender-specific abuses and making recommendations.

## II. Activities of the Special Rapporteur

5. The Special Rapporteur convened a two-day symposium to explore conditions of increasing insecurity that Baha'i communities experience in four States. Participants included representatives of the Baha'i community, civil society, Governments, international organizations, and U.N. experts. The outcome document of this symposium contains recommendations of the Special Rapporteur for various stakeholders.<sup>8</sup>

6. He collaborated with civil society in a two-day expert consultation<sup>9</sup> to survey trends in combating antisemitism including positive developments and enduring challenges faced by Jewish communities in combating antisemitism. Building on this assessment, he will work with various stakeholders to advance the implementation of the recommendations contained in his report to the 74<sup>th</sup> session of the U.N. General Assembly.<sup>10</sup>

7. The Special Rapporteur has engaged in follow-up work to his 2021 report on countering Islamophobia/anti-Muslim hatred,<sup>11</sup> including participation in European Commission against Racism and Intolerance's consultations for their General Policy Recommendation No. 5 on Preventing and Combating Anti-Muslim Racism and Discrimination.

8. He has engaged with Member States, U.N. Office on Genocide Prevention and the Responsibility to Protect, Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe, and a number of civil society organisations to advance the recommendations contained in his reports.

9. The Special Rapporteur continues to monitor, through engagement with civil society, a number of situations of serious concern raised in his reports and Communications and where requests for a country visit have not been accepted.

10. His report to the General Assembly in September 2022 will examine the obstacles faced by Indigenous peoples in the exercise and enjoyment of their right to freedom of religion or belief.

## III. Methodology

11. To inform the present report, the Special Rapporteur held 37 consultations and 16 bilateral meetings, online, between November 2021 and January 2022 with stakeholders from all five geographical regions. Participants included victims of rights violations, human rights defenders; faith leaders and influencers; policymakers; academics, lawyers, representatives of U.N. offices, and officials from other intergovernmental and international organizations. In response to his call for submissions, he received and reviewed 64 total submissions from States, civil society, and individuals. He extends his deepest gratitude to all who provided their time and insight.

12. When preparing this report, a critical methodological challenge was the widely acknowledged lack of comprehensive or disaggregated data recording experiences of religious or belief minorities during conflict and insecurity globally, as the Special Rapporteur on minority issues has also highlighted.<sup>12</sup> Researchers and rights monitors have cited security risks as a primary challenge for gathering data in conflict zones, along with the reluctance of minorities to engage for fear of ramifications. Moreover, researchers may overlook faith identity or be biased when gathering demographic information. This report

<sup>8</sup> <https://www.ohchr.org/Documents/Issues/Religion/Annex-Bahai-minority.docx>.

<sup>9</sup> <https://www.jbi-humanrights.org/JBI%20SR%20FORB%20Antisemitism%20Consultation.pdf>.

<sup>10</sup> A/74/358.

<sup>11</sup> A/HRC/46/30.

<sup>12</sup> A/71/254, para.16

does not seek to analyze every situation of conflict or insecurity involving religious or belief minorities – but rather to map key themes in their experiences and provide illustrative examples drawn from affected communities.

#### IV. Legal Framework

13. The right to freedom of religion or belief, enshrined in Article 18 of the International Covenant on Civil and Political Rights (“ICCPR”) and Article 18 of the Universal Declaration of Human Rights and elaborated in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (“1981 Declaration”), protects people of all faiths and none<sup>13</sup> to hold and manifest a religion or belief of one’s choice, either individually or in community with others, in public or in private. Persons belonging to religious or belief minorities are entitled not only to enjoy all rights in the ICCPR and other human rights instruments as individuals, but they also enjoy particular group rights as a minority under Article 27 ICCPR and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (“1992 Declaration”) encompassing their right to “profess and practise their own religion.” Whether during conflict or peacetime, State parties must protect religious or belief minorities’ existence, identity, and right to equality and non-discrimination; and ensure their right to participate effectively in cultural, religious, social, economic and public life, as well as in decisions affecting them.<sup>14</sup> Since human rights are interdependent, indivisible and inalienable, freedom of religion or belief is interwoven with core principles of equality, non-discrimination and non-coercion and overlaps with other rights, including rights to freedom of opinion and expression, peaceful assembly and association, and education. Yet this report documents many concerning instances of discrimination and violence against religious or belief minorities contrary to these obligations.

14. The Special Rapporteur recalls that rights of religious or belief minorities are not dependent on State or theological recognition of minority or other status.<sup>15</sup> They enjoy these group rights regardless of whether the State recognizes minorities or not. Yet in practice, there is little consistency in understanding who is a “minority” in international human rights law (“IHRL”), forming a “stumbling block” to realizing their rights.<sup>16</sup> For the purposes of this report, the Special Rapporteur uses the Special Rapporteur on minority issues’ working definition of “minority.”<sup>17</sup>

15. IHRL always applies, whether in situations of armed conflict - where international humanitarian law (“IHL”) also applies - or situations falling below that threshold, including insecurity or peacetime.<sup>18</sup> However, while States can never restrict the right to have or adopt a religion or belief, they may limit the right to manifest freedom of religion or belief in exceptionally rare cases as defined in Article 18(3) ICCPR, including where prescribed by law and necessary to protect public order and safety, provided that such limitation meets the tests of legality, legitimacy and proportionality, and is non-discriminatory in intent or effect.<sup>19</sup> Recalling that violating rights of religious or belief minorities may constitute atrocity crimes, the Special Rapporteur notes that the fact that one group is targeted based on their religious identity could form an element of the crime,<sup>20</sup> and that intentionally attacking religious sites

<sup>13</sup> CCPR/C/21/Rev.1/Add.11, paras.1-2.

<sup>14</sup> 1992 Declaration, arts.1-4; Convention on the Rights of the Child, art.30; Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”). See also 1981 Declaration, art.2; [https://www.ohchr.org/Documents/Publications/MinorityRights\\_en.pdf](https://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf).

<sup>15</sup> A/HRC/22/51, para.19; A/75/385, para.11.

<sup>16</sup> A/74/160, para.21.

<sup>17</sup> A/74/160, para.53.

<sup>18</sup> A/HRC/28/66 paras.47, 56-57, CCPR/C/GC/36, para.64.

<sup>19</sup> ICCPR, art.18(3). See also A/73/362 para.51.

<sup>20</sup> Rome Statute of the International Criminal Court (“Rome Statute”), arts. 6 and 7(1)(h).

during conflict may violate international criminal law<sup>21</sup> and IHL,<sup>22</sup> except in highly limited circumstances.<sup>23</sup>

## V. Key Findings

### A. Instrumentalising religious or belief identities

16. Many conflict analysts, human rights defenders, and faith communities contend that actors often instrumentalize religious identities to further their agendas during situations of conflict and insecurity, even when religion is not a factor. While ethno-religious tensions are not a primary feature of conflict in Nigeria, for example, different groups exploit these tensions for “political purposes” or to “mobilize people to their cause.”<sup>24</sup> Some interlocutors warn against overemphasizing the role of religion during crises, since it may prove strategically divisive and diversionary.<sup>25</sup> Some human right experts from Israel and the Occupied Palestinian Territory (“OPT”) have asserted that a focus on religious minorities may seek to strategically divide the Palestinian people along faith lines, while diverting attention from issues driving conflict. In Afghanistan, conflict-affected communities have expressed their concerns that the Taliban will emphasize religious differences to divide communities and undermine prospects of unified resistance.

17. The Special Rapporteur notes the power of hateful rhetoric to worsen or create harmful realities for minorities in fragile settings.<sup>26</sup> In India, the spread of derogatory slurs against Christians and Muslims, such as “rice bag converts”<sup>27</sup> and conspiracy theories that Muslim men marry Hindu women to convert them (“love jihad”),<sup>28</sup> foster an environment where discrimination is not just tolerated but sanctioned by political leaders. Various authorities in the country have adopted anti-conversion bills that target Christians and Muslims in recent years.<sup>29</sup>

18. The casting of religious or belief communities as “foreigners” or having foreign allegiances is a source of mobilization against them, entrenches suspicion, fear, and discrimination, and leaves religious or belief minorities more fearful and exposed to violence. In Afghanistan, authority figures and some civilians have portrayed Sikhs and Hindus as loyal to India despite being Indigenous peoples.<sup>30</sup> A Houthi leader in Yemen has described Baha'is as Israeli spies, effectively making the community targets for harm.<sup>31</sup> In the Ukrainian regions of Donetsk and Luhansk, de facto authorities regularly accuse “non-traditional” Christian denominations like the Church of Latter-Day Saints and Jehovah Witnesses of being spies for Ukraine and “Western interests.”<sup>32</sup>

19. State and non-State actors frequently mobilize *against* religious or belief minorities during conflict or insecurity. In some cases, however, they also *mobilize* some members of minorities to participate in hostilities. Regardless of whether those members are seeking to expand, protect themselves or satisfy grievances, their involvement greatly aggravates the risk to all those belonging to that minority group. In Central African Republic, the Séléka has capitalized on longstanding political, socio-economic, and cultural grievances to recruit Muslim and ethnic minorities. Decades of social exclusion and economic underdevelopment

<sup>21</sup> Ibid., art.8(2)(b)(ix).

<sup>22</sup> Protocols Additional to the Geneva Conventions of 12 August 1949: Protocol I, arts.53, 85 (4)(d); and Protocol II, art.16.

<sup>23</sup> Namely, when religious sites are transformed into military objectives.

<sup>24</sup> A/HRC/28/64/Add.2, paras.26-31.

<sup>25</sup> Consultations-Israel and OPT; Afghanistan.

<sup>26</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24934&LangID=E>, para.8.

<sup>27</sup> Consultation-India (Jammu and Kashmir).

<sup>28</sup> A/HRC/46/30, para.20.

<sup>29</sup> <https://www.nytimes.com/2021/12/22/world/asia/india-christians-attacked.html>.

<sup>30</sup> Consultation-Afghanistan.

<sup>31</sup> Consultation-Yemen.

<sup>32</sup> Consultation-Ukraine.

have fostered the growth of a Shi'a Zaydi movement in North Yemen, culminating in the Houthis.<sup>33</sup> As insecurity rises, minorities may feel they must "pick sides" to protect themselves, typically with some actors' encouragement. Interlocutors report that the authorities in Syria cultivated relationships with Christian and Druze minority leaders in this vein while also furthering its broader self-legitimizing narrative as "protector of minorities."<sup>34</sup> Foreign States allegedly have picked up such narratives to justify or provide cover for their military intervention.<sup>35</sup>

20. In response to State violence or legislative reforms that further entrench their disadvantage, religious or belief minorities may also take to the streets in protest — sometimes violently clashing with government forces. Stakeholders report that the Indonesian Government's violent repression of a pro-independence movement in the predominantly Christian region of West Papua in Indonesia ("West Papua"),<sup>36</sup> has mobilized protests. Subsequent clashes between protestors and security forces between August and September 2019 have allegedly resulted in at least 40 deaths.<sup>37</sup>

21. Digital platforms are a popular medium for creating and spreading hateful rhetoric that incites actual harm against religious or belief minorities, including mob violence.<sup>38</sup> Online activities can also inflict intersectional harm, such as websites in India that promote mock "auctions" of Muslim women, especially those who are politically outspoken, as a means to compel their withdrawal from public life.<sup>39</sup>

22. Hateful rhetoric against faith minorities has also manifested in educational curricula, influencing future generations. Interlocutors report that leaders in Houthi-held areas of Yemen will amend the school curriculum to solely reflect their understanding of Islam.<sup>40</sup> Likewise, in Pakistan, stakeholders said that the textbooks previously provided to Christian and Hindu students referred to them as "enemies of Islam,"<sup>41</sup> instilling hate rather than tolerance among the future generation.<sup>42</sup> In recent years, attempts to reform the curriculum remain highly politicized.

## **B. Harm that threatens minorities' existence, identity, or ability to manifest their faith**

23. State and non-State actors often seek to realize their goals through extinguishing, expelling, or otherwise displacing entire communities.<sup>43</sup> They frequently target religious or belief identities to inflict harm on minorities, deploying tools (i.e., violence, intimidation, and discriminatory legislation) to restrict their human rights or uproot or eradicate a community. Myanmar is allegedly committing genocide against the Rohingya through a systematic campaign to extinguish or expel their communities from Rakhine State, inflicting widespread and often indiscriminate violence.<sup>44</sup>

24. During conflict, armed actors sometimes violently attack leaders and "influencers" of religious or belief minority communities to weaken the community's morale, resilience, or cohesion. In Yemen, the Houthis coerced Jewish and Baha'i communities into leaving - blackmailing them by arbitrarily detaining religious leaders, influencers and community

<sup>33</sup> [https://carnegieendowment.org/files/war\\_in\\_saada.pdf](https://carnegieendowment.org/files/war_in_saada.pdf).

<sup>34</sup> Bilateral-Syria expert; Consultation-Syria.

<sup>35</sup> Consultation-Syria.

<sup>36</sup> Consultation-West Papua.

<sup>37</sup> <https://www.hrw.org/news/2019/09/07/indonesia-investigate-deaths-papuan-protesters>;  
<https://www.hrw.org/news/2019/10/07/indonesia-investigate-riot-deaths-papua>;  
<https://humanrightspapua.org/wp-content/uploads/2021/12/HumanRightsPapua2021-ICP.pdf>.

<sup>38</sup> [https://www.sfcg.org/wp-content/uploads/2021/07/SearchForCommonGround\\_Handling-harmful-content-online-report\\_April-2021.pdf](https://www.sfcg.org/wp-content/uploads/2021/07/SearchForCommonGround_Handling-harmful-content-online-report_April-2021.pdf).

<sup>39</sup> <https://www.nytimes.com/2022/01/03/world/asia/india-auction-muslim-women.html>.

<sup>40</sup> Consultation-Yemen.

<sup>41</sup> Consultation-Pakistan.

<sup>42</sup> Consultation-Pakistan.

<sup>43</sup> e.g. Myanmar, Yemen, India (Jammu and Kashmir), West Papua and Afghanistan.

<sup>44</sup> A/HRC/49/CRP.1.

members – negatively impacting the Baha'i population and resulting in only one Jew reportedly remaining in the country, from a population of approximately between 1,500-2,000 Jews in 2016.<sup>45</sup> One Yemeni Baha'i, currently living in exile, recounted that he was forced to decide between indefinite prison or leaving his country forever.<sup>46</sup> The Tatmadaw in Myanmar has reportedly arbitrarily detained, tortured, and murdered religious leaders and influencers from ethno-religious minorities.<sup>47</sup> Monitors report that a *muezzin* (a person who calls Muslims to prayer) was reportedly hung inside a mosque to demoralize communities. And a Kachin Christian pastor's body was found handcuffed and beaten.<sup>48</sup> In Afghanistan, the Islamic State of Iraq and the Levant ("ISIL") affiliated group, Islamic State–Khorasan Province, has attacked Sikh and Hindu communities, killing several prominent leaders.<sup>49</sup> In Nigeria, the Central African Republic, West Papua, Sudan, and Yemen, prominent Christian figures reportedly received death threats, intimidation, or threats of being charged with apostasy (which may carry the death penalty).

25. During conflict or insecurity, actors often destroy, desecrate, occupy or raid religious sites to destroy sacred objects and literature, conscious of their significance to minority religious communities and impeding their ability to manifest their religion or belief.<sup>50</sup> Destruction of these sites is often part of a strategy to erase "whatever does not accord with their vision," frequently affecting minorities and dissenters within majorities.<sup>51</sup> In Myanmar, thirty-four Christian churches and three Islamic religious sites were reportedly destroyed or damaged between 1 February and 30 November 2021.<sup>52</sup> In Sudan, assailants allegedly attacked one church four times in two months.<sup>53</sup> In Yemen, armed forces reportedly targeted Houthi Shi'a religious sites, destroying or overtaking them, sometimes deploying hateful rhetoric in the process. Perpetrators also reportedly killed worshippers and committed sexual violence (including against religious influencers) while attacking sacred sites. In October 2021, an ISIL suicide bomber struck a Shi'a Muslim Mosque in northern Afghanistan, killing 46 people.

26. The Special Rapporteur received reports of forced conversions to compel assimilation and abandonment of faith identities. Evidence suggests that forced conversions of minorities have occurred in Nigeria, Myanmar, Afghanistan, Pakistan, and Sudan.<sup>54</sup> In 2018, twelve Christian men in Sudan were reportedly accused of apostasy, arrested, severely tortured, and pressured to recant their Christian faith.<sup>55</sup> Between March and April 2020, seven Christian women were allegedly kidnapped in Northern Nigeria and forcibly converted to Islam. In Myanmar, the military forcibly married and converted Christian Kachin women to Buddhism,<sup>56</sup> while members of the Arakan Rohingya Salvation Army has forcibly married and converted Hindu women to Islam (in a rare instance of one religious minority targeting another in this manner).<sup>57</sup> Furthermore, in Pakistan, people emboldened by an environment of impunity, discrimination, and violence against minorities abducted and forcibly married minority faith women after coercing their conversion to Islam.<sup>58</sup>

<sup>45</sup> <https://www.refworld.org/docid/56a145d6754.html>, p.10; Consultation-Yemen.

<sup>46</sup> Consultation-Yemen.

<sup>47</sup> Submission-Alliance Defending Freedom.

<sup>48</sup> Submission-International Commission of Jurists ("ICJ").

<sup>49</sup> Submissions-Bundesamt für Migration und Flüchtlinge; and Coordination des Associations et des Particuliers pour la Liberté de Conscience-United Sikhs.

<sup>50</sup> e.g. Myanmar (Submission-ICJ); Sudan (A/HRC/WG.6/39/SDN/2, p.5); Yemen; OPT; Libya; Nigeria; Afghanistan.

<sup>51</sup> A/71/317, paras.35-36.

<sup>52</sup> Submission-ICJ.

<sup>53</sup> <https://www.csw.org.uk/2020/03/18/press/4585/article.htm>. See also A/HRC/WG.6/39/SDN/2, p.5.

<sup>54</sup> Eg <https://undocs.org/A/74/342>, para.26.

<sup>55</sup> <https://www.csw.org.uk/2018/11/02/press/4157/article.htm>.

<sup>56</sup> <https://undocs.org/A/74/342>, para.26.

<sup>57</sup> <https://www.amnesty.org/en/latest/news/2018/05/myanmar-new-evidence-reveals-rohingya-armed-group-massacred-scores-in-rakhine-state/>.

<sup>58</sup> Consultation - Pakistan (Christian); <https://thesouthasiacollective.org/wp-content/uploads/2022/01/SASM2021.pdf>

27. Armed actors regularly inflict sexual and gender-based violence ("SGBV") as a devastating tool to destroy the fabric of minority communities.<sup>59</sup> Experiences of Yazidi women in Iraq, sexually assaulted and enslaved at the hands of ISIL fighters, Rohingya Muslim women in Myanmar, and Christian women in Northern Nigeria provide three such harrowing examples. The Special Rapporteur also recalls reports that authorities have raped, sexually abused and sterilized Uighur women in "re-education" camps in China.<sup>60</sup> While women are often disproportionately targeted with gender-based violence, such assaults are not limited to them. For instance, amongst the Rohingya Muslim population, the military also targeted male heads of the household and Imams with torture and sexual violence.<sup>61</sup>

28. Deliberately making the situation for faith minorities more precarious during crises, some authorities introduced restrictive measures on their manifestation of religion or belief, including by restricting religious rites and access to places of worship.<sup>62</sup> Amid increasing hostilities, Sri Lanka's Eastern Heritage Task Force reportedly designated minority archaeological and holy sites as "Buddhist sites" to limit minority access to religious sites.<sup>63</sup>

29. Indian authorities have closed mosques across Kashmir (ostensibly viewing them as a focal point for unrest) and imposed restrictions that frustrate the celebration of Islamic holidays, such as barring public processions during Muharram and Eid.<sup>64</sup> In Jerusalem, Israeli authorities reportedly restricted Christians and Muslims from accessing certain places of worship, including the Church of the Holy Sepulchre and Al Aqsa mosque during religious rites, often using its rigorous system of permits and checkpoints.<sup>65</sup> States also reportedly (i) impose rigid and mandatory registration requirements;<sup>66</sup> (ii) compel practices that contravene minorities' beliefs;<sup>67</sup> or (iii) criminalize religious conduct, such as preaching or conversion.

30. Armed actors have targeted religious or belief minorities with seizure of property and land grabs, severing access to resources, and often compounding their economic disenfranchisement.<sup>68</sup> For instance, in the Donetsk and Luhansk regions of Ukraine, armed separatist groups have allegedly seized property belonging to Christians and Jehovah's Witnesses.<sup>69</sup> In September 2021, the Taliban reportedly took the homes, livestock, and crops of approximately 700 Shi'a Hazara families.<sup>70</sup> To promote an ethnically unitary and religiously non-pluralistic state, the Taliban has allegedly sought to force the ethno-religious non-Pashtun minorities to leave. Meanwhile, the Pakistan Supreme Court found that most blasphemy cases are "based on false accusations stemming from property issues or other personal vendettas [...], and they inevitably lead to mob violence against the entire community."<sup>71</sup>

31. Conscientious objectors from religious or belief minorities, frequently those with pacifist tenets, have faced compulsory conscription, at times violating their right to conscientious objection to military service.<sup>72</sup> Rights monitors report cases of prosecutions and arbitrary detentions of Druze by Israeli authorities<sup>73</sup> and Jehovah's Witnesses, including

<sup>59</sup> Consultation-Myanmar.

<sup>60</sup> A/HRC/46/30, para.45.

<sup>61</sup> <https://www.thenewhumanitarian.org/news-feature/2019/09/04/Rohingya-men-raped-Myanmar-Bangladesh-refugee-camps-GBV>

<sup>62</sup> Myanmar; Sri Lanka; Nigeria; OPT; India (Jammu and Kashmir).

<sup>63</sup> Consultation-Sri Lanka. See also A/HRC/43/48/Add.2, para.39.

<sup>64</sup> Consultation-India (Jammu and Kashmir).

<sup>65</sup> <https://www.alhaq.org/publications/15212.html>, pp.8-9, 31-34;

<https://www.ochaopt.org/content/longstanding-access-restrictions-continue-undermine-living-conditions-west-bank--palestinians>

<sup>66</sup> <https://www.ohchr.org/Documents/Countries/UA/UkraineCivicSpace2021-EN.pdf>, para.56

<sup>67</sup> e.g. Consultation-Afghanistan.

<sup>68</sup> e.g. Central African Republic; West Papua; Yemen; Sri Lanka.

<sup>69</sup> Consultation-Ukraine.

<sup>70</sup> <https://www.hrw.org/news/2021/10/22/afghanistan-taliban-forcibly-evict-minority-shia>; Consultation-Afghanistan.

<sup>71</sup> <https://www.amnesty.org/en/documents/asa33/5136/2016/en/>.

<sup>72</sup> e.g. CCPR/C/112/D/2179/2012.

<sup>73</sup> <https://www.amnesty.org/ar/wp-content/uploads/2021/06/mde150082014en.pdf>; <https://wri-irg.org/en/node/15237>.

in Armenia, Azerbaijan, and Eritrea, when they rejected military service as conscientious objectors.

### C. Instrumentalizing conflict or insecurity to justify or ignore human rights violations

32. Several State authorities have invoked situations of conflict or insecurity as either politically convenient justifications for their failure to fulfil their human rights obligations or to instrumentalize fragility of certain communities to further their political goals. In many cases, States use oppressive counterterrorism measures to infringe on the rights of religious or belief minorities in the name of combating “extremism” and insecurity. The Tatmadaw in Myanmar, Syrian authorities, and de facto authorities in Donetsk, Ukraine have reportedly depicted or conflated entire religious minority communities<sup>74</sup> with terrorists to justify violence against them and sow public distrust. Monitors note that acts perpetrated against communities of some 10 million Uighurs in China are committed in the name of combating violent extremism and that Chinese authorities often label peaceful manifestations of faith (e.g., praying and religious ceremonies) as “suspicious behaviour.”<sup>75</sup> In October 2021, Israel banned six Palestinian human rights organizations – including groups advocating for freedom of religion or belief – alleging terrorist affiliations.<sup>76</sup> Sri Lanka’s sweeping counterterrorism measures reportedly translate to over-policing and intimidation of minority religious communities, especially Muslims, with some organizations receiving Islamic *zakat* donations fearing police interrogation and arrest.<sup>77</sup>

33. Some States have invoked the need to restore or maintain public order to rationalize targeting minorities. According to one Nigerian interlocutor, prominent Humanist and human rights defender Mubarak Bala was detained, in part, to avert public unrest in Nigeria,<sup>78</sup> further noting “our persecution is a [tool for] managing insecurity.”<sup>79</sup> During conflict and insecurity, States also ignore their obligations to protect the rights of displaced religious or belief minorities in the name of political expediency. U.N. experts have called upon 57 governments to repatriate their nationals from refugee camps in northeast Syria - home to over 64,000 people, primarily Sunni-Muslim women and children, where they frequently experience violence and abuse. Yet many States have failed to implement this recommendation, citing security concerns and fearing domestic political backlash due to perceptions that these refugees are affiliated with ISIL.

34. Some States claim that human rights measures are politically untenable in contexts of heightened inter-religious tensions, even when such measures may further societal cohesion. In late 2021, Pakistan rejected a bill designed to address forced conversion of Hindu and Christian girls and women, claiming that if passed, the bill would make minorities “more vulnerable”<sup>80</sup> to communal violence. In Sudan, after non-State actors attacked a church in Gezira State, State security reportedly said that rebuilding it would “damage social harmony.”<sup>81</sup> In India, interlocutors report that the Government has tacitly allowed incitement to violence against Muslims, failing to condemn a December 2021 video of Hindu religious leaders calling for a Muslim genocide until India’s Supreme Court took up judicial notice.<sup>82</sup>

<sup>74</sup> e.g. Rohingya, Sunni Muslims, and “non-traditional” Christian denominations like Jehovah Witnesses.

<sup>75</sup> A/HRC/46/30, paras.11-13; <https://www.hrw.org/report/2019/05/01/chinas-algorithms-repression/reverse-engineering-xinjiang-police-mass>.

<sup>76</sup> <https://www.un.org/unispal/document/un-special-rapporteurs-condemn-israels-designation-of-palestinian-human-rights-defenders-as-terrorist-organisations-press-release/>.

<sup>77</sup> Consultation-Sri Lanka; A/HRC/43/48/Add.2, para.74.

<sup>78</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26123&LangID=E>.

<sup>79</sup> Bilateral - Nigerian Atheist representative. See also <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26123&LangID=E>.

<sup>80</sup> <https://www.dawn.com/news/1651813>.

<sup>81</sup> Consultation-Sudan.

<sup>82</sup> Consultation-India (Jammu and Kashmir). See also <https://www.barandbench.com/news/litigation/haridwar-hate-speech-case-live-updates-from-supreme-court>.

35. Moreover, the COVID-19 pandemic and its myriad containment responses have had profound implications worldwide, especially in societies struggling with conflict or insecurity. The pandemic has given rise to states of emergency that States have exploited in these contexts to justify new restrictions on rights of religious or belief minority communities, many of whom face existing rights restrictions and other forms of deprivation. In Sri Lanka, authorities have restricted exercise of funeral and burial rituals of Christian and Muslim minorities, including through mandatory cremation, purportedly as a COVID-19 health measure.<sup>83</sup> During COVID-19, India has increased restrictions on movements of the predominantly Muslim Kashmiri population, already under strict lockdown since the 2019 revocation of Kashmir's special autonomous status, and sent more troops.<sup>84</sup> These measures, combined with Internet shutdowns, have hampered Kashmiris' ability to protect themselves from the virus or receive outside help.<sup>85</sup>

36. In several crisis-affected regions, the State, media, and public have scapegoated faith minorities as a primary source and spreader of the COVID-19, with States deliberately shifting blame for their failures to historically vilified and vulnerable populations.<sup>86</sup> In Pakistan, influencers have referred to COVID-19 as the "Shi'a Virus."<sup>87</sup> In Sri Lanka, India, and Myanmar, State and non-state actors have accused Muslim minorities of importing the virus or increasing infection rates, sometimes with deadly consequences.<sup>88</sup> Social media has proven a dangerous tool for spreading these conspiracy theories, with the "corona jihad" hashtag (#coronajihad) going viral on Twitter in India after the Government announced high infection rates in the Muslim population.

## D. Compounding factors

### (i) Shrinking political and civic space

37. Minority/majority power dynamics are often most stark during conflict and insecurity. The most politically marginalized are particularly susceptible to rising insecurity, with violence and discrimination frequently representing a continuation rather than a break from recent history - and often "compounding" vulnerability. Shrinking of political and civic space may silence minorities, limiting their avenues to advocate and enact change that could mitigate insecurity and its adverse effects. For example, some States deliberately disenfranchise religious or belief minorities by denying citizenship and restricting their electoral rights.<sup>89</sup> Myanmar has denied citizenship to the predominantly Muslim Rohingya minority since 1982. In India, authorities omitted Muslim migrants from citizenship fast-tracking and excluded Bengali-speaking Muslims from the national citizen registry.<sup>90</sup> In Pakistan, minority Ahmadis must renounce their faith to vote in general elections, leading many to forego the right and many political parties not bothering to campaign to Ahmadis or advocate for their concerns.

38. Other political exclusion and disempowerment tools include replacing, arbitrarily detaining, or murdering political leaders that represent minorities or restricting their appointment to prominent positions. For instance, in Afghanistan, the Taliban has replaced Shi'a Hazara officials at the sub-national level with Pashtun Taliban supporters, often from outside of the region - through a policy to replace one ethno-religious minority with another to seize local power.<sup>91</sup> In Israel, Muslim leaders have criticized the Ministry of Interior for appointing non-Muslims - mostly Druze former military officers - to head its Muslim Affairs

<sup>83</sup> AL LKA 8/2020.

<sup>84</sup> <https://freedomhouse.org/country/india/freedom-world/2021>.

<sup>85</sup> <https://minorityrights.org/2020/06/18/kashmir-a-tale-of-two-lockdowns/>.

<sup>86</sup> [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/16502/IDSB52.1\\_10.190881968-2021.111.pdf?sequence=1&isAllowed=y](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/16502/IDSB52.1_10.190881968-2021.111.pdf?sequence=1&isAllowed=y).

<sup>87</sup> [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/16502/IDSB52.1\\_10.190881968-2021.111.pdf?sequence=1&isAllowed=y](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/16502/IDSB52.1_10.190881968-2021.111.pdf?sequence=1&isAllowed=y).

<sup>88</sup> A/HRC/46/30, para.21. See also <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>, <https://minorityrights.org/2020/12/20/hate-speech-myanmar/>.

<sup>89</sup> e.g. Pakistan, Israel, Afghanistan, West Papua.

<sup>90</sup> A/HRC/46/30, para.41.

<sup>91</sup> Consultation-Afghanistan.

Department. In Kashmir, armed forces have arrested local politicians, by invoking the Public Safety Act that permits them to imprison someone for up to two years without a charge or trial, following the forces' dispatch to quell protests and unrest sparked by the Government's introduction of controversial amendments to the Indian Constitution.<sup>92</sup>

39. The Special Rapporteur is concerned at reports of States curtailing civic space by intimidating religious or belief minorities, including through surveillance — making individuals fear repercussions for expressing their faith.<sup>93</sup> In West Papua, security forces have reportedly heightened their physical presence and surveillance of church meetings and services, instilling fear among attendees. Reportedly, the “space for democracy is being shut down” too, with Internet restrictions and strict limits on physical access to West Papua for human rights observers and humanitarian workers limiting the Indigenous population's ability to access advocacy and support.<sup>94</sup> Other States have restricted Internet access, including blackouts, as tools to limit religious or belief minorities' ability to readily seek help within and beyond their community, contrary to freedom of expression.<sup>95</sup>

40. Religious minorities have expressed concern that social media has increasingly become a tool of censorship and surveillance, fearing retaliation from governments or non-State actors for exchanging views on human rights (West Papua) or religious matters (Donetsk, Lugansk and Crimea regions of Ukraine) or sharing religious literature (Pakistan). Religious minorities in Afghanistan and those aforementioned regions of Ukraine also shared experiences of having their phones checked by armed groups and de facto authorities for religious material.<sup>96</sup> Consequently, some avoid these platforms or self-censor, chilling freedom of expression.<sup>97</sup> The Indian state of Karnataka is allegedly attempting to single out Christian organizations, including hospitals and schools, for a census survey, amidst rising regional hostility against that minority group.<sup>98</sup> In Sri Lanka, interlocutors report that the climate of fear facing religious minorities in a post-war context with persistent discrimination and violence has led many to suspect COVID-19 contact tracing is being abused to surveil communities.<sup>99</sup>

41. In keeping with efforts to close civic spaces to religious or belief minorities, State and non-State actors also arbitrarily restrict or violate their rights to freedom of association, assembly, and movement during conflict or insecurity. In West Papua, civil militia allegedly forcibly dispersed and attacked protestors while the police watched.<sup>100</sup>

42. Civic space for minorities further shrinks where States have restricted rights-focused organizations' access to funding and resources,<sup>101</sup> such as in Pakistan where authorities reportedly characterize foreign funding as anti-government and a vehicle for external interference. Consequently, fewer local organizations are able to assist vulnerable minorities to realize and protect their human rights during times of stress.

## (ii) Socio-economic discrimination

43. Vulnerability of religious or belief minorities in situations of conflict or insecurity is often compounded where they experience pre-existing social and economic exclusion, including at least partly based on their religious identity. Their socio-economic marginalization may occur where they disproportionately struggle to secure income due to

<sup>92</sup> <https://www.hrw.org/news/2019/09/16/india-free-kashmiris-arbitrarily-detained>; <https://www.thehindu.com/news/national/about-4000-people-arrested-in-kashmir-since-august-5-govt-sources-to-afp/article61582905.ece>.

<sup>93</sup> West Papua; Yemen; Israel; India; Ukraine; Myanmar; Pakistan.

<sup>94</sup> Consultation-West Papua.

<sup>95</sup> e.g. Myanmar; India (Jammu and Kashmir); Nigeria.

<sup>96</sup> Consultations-Ukraine; and Afghanistan.

<sup>97</sup> Consultations-Pakistan; and Ukraine.

<sup>98</sup> Consultation-India (Jammu and Kashmir). See also <https://countercurrents.org/2021/10/christians-under-attack-in-india/>.

<sup>99</sup> Consultation-Sri Lanka.

<sup>100</sup> [https://humanrightspapua.org/wp-content/uploads/2020/01/images\\_docs\\_HumanRightsPapua2019-ICP.pdf](https://humanrightspapua.org/wp-content/uploads/2020/01/images_docs_HumanRightsPapua2019-ICP.pdf).

<sup>101</sup> A/HRC/20/27, para.67.

systemic discrimination in accessing employment opportunities. The Special Rapporteur received reports that authorities in Nigeria's northern states restrict employment access of Christians — a situation that the U.N. Human Rights Committee considered in 2019 —<sup>102</sup> and that some private sector employers use quotas to limit employment access for Christians.<sup>103</sup> Meanwhile, the Houthis have reportedly discriminated against Baha'i communities in Yemen in seeking financial wellbeing. Authorities allegedly have not only banned banking institutions from making loans to Baha'is and arbitrarily seized their businesses and properties, but also used intimidation to discourage employers from hiring Baha'i individuals.<sup>104</sup>

44. Women from religious or belief minority communities often face additional gendered socio-economic barriers in seeking means of subsistence in times of conflict and insecurity,<sup>105</sup> including discrimination in accessing employment based on their gender and faith where actors may invoke religious precepts to justify such treatment.<sup>106</sup> The Special Rapporteur and other U.N. experts have raised concern at the de facto authority's campaign to "erase women" from Afghanistan's social, economic, and political spheres. While women's workforce participation in Afghanistan was already meagre by global standards, the International Labour Organization estimates that this rate has decreased 16% following the Taliban's takeover in August 2021 and could decrease by 28% in mid-2022.<sup>107</sup> The U.N. experts' concerns are "exacerbated in the cases of women from ethnic, religious or linguistic minorities" including Hazara, Tajik and Hindu communities.<sup>108</sup> Interlocutors also allege that Shi'a Hazara women are facing increased challenges to secure sufficient resources to survive the current humanitarian crisis.

45. Where religious or belief minorities already experience poor access to housing, education, and healthcare, these communities are likely to be more vulnerable to the disruption or interruption of these essential services during conflict and insecurity. Rights monitors report that Arab religious minorities living in Israel and Palestinians in the OPT face longstanding and systemic socio-economic discrimination in accessing those services, in addition to securing property and land rights. The Special Rapporteur has also received reports that Pakistani Ahmadi Muslims may need a non-Ahmadi ally to act on their behalf to secure rental housing because of prevailing discrimination.<sup>109</sup>

### (iii) Humanitarian contexts

46. In 2022, the U.N. Office for the Coordination of Humanitarian Affairs asserted that 274 million people globally need humanitarian assistance and protection to meet their survival needs, increasing from 235 million a year ago.<sup>110</sup> Since 2021, humanitarian actors reportedly face "very high constraints" in accessing the Central African Republic and Iraq and "extreme constraints" in Afghanistan, Nigeria, the OPT, Myanmar, Syria, and Yemen.<sup>111</sup> In these regions and beyond, hostilities, sanctions, counterterrorism measures, and administrative impediments are among many obstacles facing humanitarian operations, further exacerbated by COVID-19 related restrictions.<sup>112</sup>

<sup>102</sup> CCPR/C/NGA/CO/2, para.44.

<sup>103</sup> Bilateral-Nigerian Christian representative.

<sup>104</sup> Consultation-Yemen. See also A/HRC/42/CRP.1, paras.816-822, A/HRC/45/CRP.7, paras.307-309; <https://sanaacenter.org/publications/main-publications/14462>.

<sup>105</sup> [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15614/CREID\\_Working\\_Paper\\_2\\_Invisible\\_Targets\\_of\\_Hate.pdf?sequence=1&isAllowed=y](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15614/CREID_Working_Paper_2_Invisible_Targets_of_Hate.pdf?sequence=1&isAllowed=y).

<sup>106</sup> A/HRC/43/48, para.72.

<sup>107</sup> [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms\\_834525.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms_834525.pdf).

<sup>108</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28029&LangID=E>.

<sup>109</sup> Bilateral-Pakistani Ahmadi representative.

<sup>110</sup> <https://hum-insight.info>.

<sup>111</sup> <https://gho.unocha.org/trends/conflict-remains-major-driver-humanitarian-need#footnote-paragraph-16-2>; [https://reliefweb.int/sites/reliefweb.int/files/resources/20210719\\_acaps\\_humanitarian\\_access\\_overview\\_july\\_2021\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/20210719_acaps_humanitarian_access_overview_july_2021_0.pdf).

<sup>112</sup> S/2021/423, paras.39-40.

47. The Special Rapporteur has received evidence that where governments or de facto authorities actively target communities with violence and persecution, they also often seek to prevent them from accessing humanitarian aid. Under the auspices of a nationwide crackdown on political dissent, the Myanmar military is reportedly preventing healthcare delivery to civilian protestors, attacking aid workers and facilities and imposing lockdown measures, travel restrictions, and other bureaucratic hurdles on humanitarian aid delivery to Rakhine and Chin States where most Rohingya Muslims and Chin Christians live or are displaced.<sup>113</sup> Conflict over economic, political, and territorial dominance has undermined humanitarian access for civilian populations and, in some cases, for minorities based on their faith identity. The Syrian authorities have allegedly delayed, denied, and instrumentalized humanitarian assistance, channelling relief to pro-government groups and government-controlled areas.<sup>114</sup> In 2016, the Special Rapporteur on the human rights of internally displaced persons (“IDPs”) noted allegations that the regime was actively preventing IDPs “and those from some ethnic and religious groups, notably Sunnis, from moving to government-controlled areas.”<sup>115</sup>

48. The Special Rapporteur has received evidence that, in a climate of fear and intolerance, religious or belief minorities may avoid seeking humanitarian aid, fearing reprisals if they make themselves visible in this manner. In Afghanistan, the Shi’a Hazara communities reportedly rely on Sunni Pashtun “patrons” to secure humanitarian aid and avoid being identified by the Taliban. Yet having to rely on a third party makes their access to humanitarian assistance conditional on the will or capacity of said party.<sup>116</sup> In Nigeria, Christian communities reportedly avoid government-run IDPs camps where they face discriminatory access to vital relief and violence from camp officials, including SGBV.<sup>117</sup>

49. Studies also show that women in situations of conflict and insecurity may face heightened sexual and reproductive health concerns: increased risks of maternal morbidity, mortality, and SGBV; higher risks of unintended pregnancy and unsafe abortion; and unmet contraceptive needs.<sup>118</sup> The vital need for sexual and reproductive health is often particularly acute for women who suffer from conflict-related SGBV. Displaced women in Nigeria, which Boko-Haram has targeted with such violence, have also suffered from barriers in accessing vital healthcare and sexual exploitation perpetrated by IDPs camp authorities with impunity.<sup>119</sup> Refugee Rohingya women, notably those who experienced sexual violence from the Myanmar military, face significant barriers when seeking menstrual, contraceptive and abortion related services in refugee camps because of provider and community stigma.<sup>120</sup> The Taliban’s newly imposed restrictions on women’s access to work and movement impede engagement of women staff in healthcare and humanitarian activities in Afghanistan.<sup>121</sup> Consequently, women - who rely extensively on other women to create safe spaces for quality

<sup>113</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26842>; <https://extranet.who.int/ssa/Index.aspx>; <https://www.msf.org/all-parties-must-ensure-unimpeded-access-healthcare-myanmar>; <https://www.refugeesinternational.org/reports/2021/10/18/dire-consequences-addressing-the-humanitarian-fallout-from-myanmars-coup>; A/76/312, para.70.

<sup>114</sup> <https://news.un.org/en/story/2021/02/1085062>; <https://syriaaccountability.org/updates/2019/08/01/documents-obtained-by-sjac-show-role-of-syrian-intelligence-in-directing-humanitarian-aid/>; <https://www.hrw.org/report/2019/06/28/rigging-system/government-policies-co-opt-aid-and-reconstruction-funding-syria>.

<sup>115</sup> <https://undocs.org/A/HRC/32/35/Add.2>, para.56.

<sup>116</sup> Bilateral-Afghani Shi’a Hazara representative.

<sup>117</sup> Bilateral-Nigerian Christian representative.

<sup>118</sup> <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/PeaceAndSecurity.aspx>; [https://reproductiverights.org/wp-content/uploads/2020/12/GLP\\_GA\\_SRHR\\_FS\\_0817\\_Final\\_Web.pdf](https://reproductiverights.org/wp-content/uploads/2020/12/GLP_GA_SRHR_FS_0817_Final_Web.pdf). and <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0236316>.

<sup>119</sup> [https://reproductiverights.org/sites/default/files/documents/The%20Conflict%20in%20North%20Nigeria%27s%20Impact%20on%20the%20Sexual%20and%20Reproductive%20Rights%20of%20Women%20and%20Girls\\_1.pdf](https://reproductiverights.org/sites/default/files/documents/The%20Conflict%20in%20North%20Nigeria%27s%20Impact%20on%20the%20Sexual%20and%20Reproductive%20Rights%20of%20Women%20and%20Girls_1.pdf).

<sup>120</sup> <https://www.womensrefugeecommission.org/wp-content/uploads/2020/04/Contraceptive-Service-Delivery-in-the-Refugee-Camps-of-Cox-s-Bazar-Bangladesh-05-2019.pdf>.

<sup>121</sup> <https://www.womensrefugeecommission.org/wp-content/uploads/2021/12/Lifesaving-Humanitarian-Response-for-Women-Girls-in-Afghanistan-12102021.pdf>.

care, including sexual and reproductive healthcare - face further obstacles to obtaining essential services in an already dismal situation.<sup>122</sup>

50. The Special Rapporteur echoes the concerns of humanitarian experts and actors that while “neutrality” is a fundamental pillar of humanitarian aid delivery, it should not mean “religiously blind.”<sup>123</sup> It is essential for humanitarian actors to pay attention to both appropriate treatment of affected communities’ religious beliefs and practices and religious diversity in humanitarian settings.<sup>124</sup> Since humanitarian actors may operate in conflict and insecure contexts driven, at least partly, by marginalization and persecution of communities based on their religious or belief identity, they should consider these identities in programmatic and policy responses. This would help in identifying and addressing minorities’ specific challenges in equally accessing humanitarian aid.<sup>125</sup>

**(iv) Barriers to effective resettlement, reintegration, and remedy**

51. In 2021, UNHCR estimated that 1.4 million of over 30.5 million refugees and asylum seekers need resettlement, and an estimated 15.7 million are in a “protracted refugee situation.”<sup>126</sup> Reportedly, some States have constructed their asylum seeker policy based on notions about which religious or belief communities will successfully “integrate;” characterizing some as a threat while depicting others as “good refugees,” with discriminatory consequences. Following the European Union’s pledge to resettle and relocate additional refugees in need of protection,<sup>127</sup> several Member States, including Hungary, Slovakia, Cyprus, and Czech Republic, reportedly announced that they would favour admitting non-Muslim refugees, particularly Christians, citing concerns about cultural cohesion. In 2015, Australia announced that it would prioritize Christians in its Syrian refugee resettlement program. The U.S. Government made a similar pledge in 2017, with Christian refugees reportedly constituting most of those granted asylum in subsequent years.<sup>128</sup>

52. Other host States may ignore the religious or belief identity of refugees when considering their requests for resettlement for the sake of neutrality, thereby overlooking contextual circumstances where individuals face increased risk of violence and persecution based on this identity.<sup>129</sup> The Special Rapporteur warns that prioritizing religious identity as a factor in resettlement decisions may pose challenges, especially discrimination between minorities, blindness to those most at risk,<sup>130</sup> and reliance on oversimplified understandings of conflict and persecution.

53. Rights monitors have raised concern about forced repatriations, including as part of measures in response to COVID-19,<sup>131</sup> that put refugees, including religious or belief minorities, at increased risk of discrimination, harassment, and violence and can violate the principle of non-refoulement.<sup>132</sup> Reportedly, some Syrian refugees forcibly returned from Turkey, Lebanon, and Jordan have faced arbitrary arrests, mistreatment, torture, and enforced disappearances from Syrian authorities upon their return.<sup>133</sup> In 2019, the Danish Government

<sup>122</sup> <https://www.hrw.org/report/2021/05/06/i-would-four-kids-if-we-stay-alive/womens-access-health-care-afghanistan>.

<sup>123</sup> Consultation-Humanitarian aid.

<sup>124</sup> <https://www.unhcr.org/admin/hcspeeches/50c84f5f9/high-commissioners-dialogue-protection-challenges-theme-faith-protection.html>.

<sup>125</sup> [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15718/CREID\\_Working\\_Paper\\_4.pdf?sequence=1&isAllowed=y](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15718/CREID_Working_Paper_4.pdf?sequence=1&isAllowed=y); <https://www.ids.ac.uk/publications/understanding-inclusivity-of-religious-diversity-in-humanitarian-response/>.

<sup>126</sup> <https://www.unhcr.org/60b638e37.pdf>.

<sup>127</sup> [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_15\\_5421](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_15_5421).

<sup>128</sup> <https://www.pewresearch.org/fact-tank/2019/10/07/key-facts-about-refugees-to-the-u-s/>.

<sup>129</sup> HCR/GIP/04/06.

<sup>130</sup> <https://www.unhcr.org/46f7c0ee2.pdf>.

<sup>131</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25882&LangID=E>.

<sup>132</sup> 1951 Refugee Convention, art.33.

<sup>133</sup> <https://www.hrw.org/report/2021/10/20/our-lives-are-death/syrian-refugee-returns-lebanon-and-jordan>; <https://reliefweb.int/sites/reliefweb.int/files/resources/amnesty-youregoingtoyourdeath.pdf>;

officially reclassified Damascus as “safe”<sup>134</sup> and proceeded to revoke residency and work permits of approximately 400 Syrian refugees from the capital.<sup>135</sup> As of February 2022, those deportations have not commenced. In March 2019, U.N. experts raised alarm at reports of Rohingya refugees being forcibly deported from India to Myanmar, where they face potential violence and persecution from the military.<sup>136</sup> Interlocutors also have reported that security forces in India are using arbitrary detention to deter Rohingyas from fleeing to India.<sup>137</sup> In February 2021, Indian Coast Guards allegedly deliberately delayed the rescue of a drifting boat hosting 87 Rohingya refugees. Although eight people had died, Indian authorities prevented the survivors from even disembarking.<sup>138</sup>

54. Over the past decade, up to 4 million refugees and over 32 million IDPs have returned to parts of their own country where armed conflicts have concluded or diminished significantly in intensity.<sup>139</sup> Devastation and neglect in such conflict-affected areas is usually so significant that returnees find it very difficult to establish new livelihoods, access essential services, and benefit from the rule of law. Reintegration of returnees is not a simple reversal of displacement, but a dynamic process involving individuals, households, and communities that have changed because of their experience of displacement, often for protracted periods. However, insufficient trust-building and reconciliation processes and a lack of state capacity to reassume responsibility for the rights of its citizens and the rule of law frequently challenge sustainable reintegration.

55. In societies with historically limited investment in gender equality, including land rights, employment and education, women may face significant obstacles in securing income and livelihood opportunities. Without a sustainable livelihood, returning members of minority communities may need to uproot again.

56. Religious or belief minorities also frequently face barriers when accessing effective remedies in conflict, transition, and post-conflict situations. Under international law, States are obliged to provide an effective remedy to victims of human rights violations.<sup>140</sup> Remedies may differ depending on the victim's wishes and the local context. Some religious or belief minorities prioritize safe return to their homeland, rather than the prosecution of perpetrators. For example, the return of properties and businesses seized forcefully or appropriated in their absence were key to a sense of justice and future security for some Yazidi and Christian communities in Syria.<sup>141</sup> Meanwhile, some minority communities in Iraq believe that effective reconciliation must prioritize truth-finding, searches for the missing (including exhumation of mass graves) and memorialization of the dead and disappeared over criminal justice proceedings.<sup>142</sup> Yet, according to the United Nations Assistance Mission for Iraq, the Government has only made limited progress on respecting victims' rights to truth and reparation, identifying the fate of the disappeared, and holding perpetrators criminally responsible.<sup>143</sup>

57. In several regions, religious or belief minorities have asserted that domestic justice mechanisms are insufficiently independent or empowered to adjudicate cases arising from

<https://www.refugeesinternational.org/reports/2020/1/28/lebanon-crossroads-growing-uncertainty-syrian-refugees>.

<sup>134</sup> <https://ecre.org/denmark-experts-contributing-to-coi-reports-condemn-decision-to-deem-damascus-safe-for-return-as-unhcr-reconfirms-its-position-on-returns-to-syria/>.

<sup>135</sup> <https://www.thenewhumanitarian.org/news-feature/2022/1/11/how-Denmark-hard-line-Syrian-refugees-aid-group-ethical-dilemma>.

<sup>136</sup> <https://www.hrw.org/news/2021/03/10/india-halt-all-forced-returns-myanmar>.

<sup>137</sup> AL IND 5/2019.

<sup>138</sup> UA IND 6/2021.

<sup>139</sup> <https://www.unhcr.org/refugee-statistics/download/?url=Zo8NDs>.

<sup>140</sup> ICCPR, art. 2(3); Convention Against Torture, art. 14; CEDAW, art. 2; International Convention on the Elimination of Racial Discrimination art. 6; Convention on the Rights of Persons with Disabilities, art. 4.

<sup>141</sup> Consultation-Peacebuilding.

<sup>142</sup> Consultation-Iraq; <https://www.ohchr.org/EN/NewsEvents/Pages/IraqMassGraves.aspx>

<sup>143</sup> <https://www.ohchr.org/Documents/Countries/IQ/UNAMI-OHCHR-report-enforced-disappearances.pdf>.

conflict or insecurity effectively.<sup>144</sup> “Informal” justice mechanisms used at the community level also may have broken down during conflict or lack sufficient independence or human rights compliance to satisfy justice needs. Perhaps most critically, States may lack the will to combat impunity, especially where authorities are complicit or responsible for violating the rights of religious or belief minorities. Indian authorities have allegedly failed to address impunity for human rights violations<sup>145</sup> in Kashmir - including extra-judicial killings, enforced disappearances and rape - and have enacted special laws to impede accountability and obstruct victims’ access to remedies.<sup>146</sup> Civil society in Nigeria has asserted that “wilful State negligence, at best, or complicity, at worst” contributes to the growing insecurity facing farmer and herder communities, citing the Government’s failure to protect communities from violence and their “unwillingness” to investigate legitimate allegations.<sup>147</sup>

58. Some religious or belief minorities want perpetrators to face the criminal justice system, yet may become disillusioned with or disempowered by the process. For instance, some victims of ISIL say that they feel invisible in the State’s prosecution of perpetrators under Iraq’s 2005 Anti-Terror Law<sup>148</sup> for crimes like “membership of” or “association with” a terrorist group, rather than the specific crimes committed against them, obscuring their experiences and perpetrators’ patterns of targeting certain communities.

59. Disillusionment may also stem from a Government’s limited or ineffective efforts to provide remedies or an overall breakdown of institutional trust that dissuades religious or belief minorities from pursuing any formal remedies whatsoever. Even if parties may not prevent minorities from seeking justice as part of the peace strategy in Iraq, many are cynical about the overall process.<sup>149</sup> Authorities’ lack of efforts to reconstruct religious and cultural sites that perpetrators co-opted, defaced, or destroyed may further erode minorities’ trust and sense of belonging to their homeland.<sup>150</sup> A sense of civic belonging is also important for peacebuilding. In Nigeria, a Mercy Corps survey found that a decrease in social cohesion - including intergroup trust - was “associated with a 43% to 60% increase in people’s willingness to endorse violence,”<sup>151</sup> further undermining peacebuilding efforts and institutional trust.

60. The role of the police, often the first link in the formal justice chain, is critical for ensuring access to effective remedies. Police officers in Pakistan and Israel have reportedly tried to avoid, ignore or actively discourage complaints from religious or belief minorities to “avoid problems,” including where Government actors are allegedly responsible.<sup>152</sup> According to Minority Rights Group, over 85% of Israeli investigations into settler violence are closed without indictments and less than 2% of complaints submitted by Palestinians against settler attacks result in a conviction.<sup>153</sup>

61. As they seek remedies, religious or belief minority survivors of SGBV may face stigma from within and outside of their community. For instance, in recent cases of alleged rape within the Ahmadi community, it was reported to the Special Rapporteur that women were refused permission to go to the Pakistani police by intra-community rules.<sup>154</sup> If the woman proceeds, she risks exile from her community, including her family. At the police station, she risks structural discrimination against Ahmadis within the justice system, particularly given the present environment of escalating intolerance and insecurity. Separately, interlocutors allege that some pastors and parents of Christian women in Pakistan

<sup>144</sup> e.g. Pakistan, Iraq, Nigeria, West Papua (Indonesia), India, Sri Lanka, the OPT, and Libya.

<sup>145</sup> [https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport\\_8July2019.pdf](https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf).

<sup>146</sup> <https://www.hrw.org/reports/2006/india0906/4.htm>.

<sup>147</sup> <https://www.crisisgroup.org/africa/west-africa/nigeria/262-stopping-nigerias-spiralling-farmer-herder-violence>.

<sup>148</sup> [https://www.ohchr.org/Documents/Countries/IQ/UNAMI\\_Report\\_HRAAdministrationJustice\\_Iraq\\_28January2020.pdf](https://www.ohchr.org/Documents/Countries/IQ/UNAMI_Report_HRAAdministrationJustice_Iraq_28January2020.pdf), p.4.

<sup>149</sup> Bilateral-Iraq expert.

<sup>150</sup> Bilateral-Iraq expert.

<sup>151</sup> <https://www.mercycorps.org/research-resources/religion-identity-conflict-northern-nigeria>.

<sup>152</sup> <https://www.hrw.org/node/294323/printable/print>

<sup>153</sup> <https://minorityrights.org/country/palestine/>.

<sup>154</sup> Consultation-Pakistan; and <https://www.samaaenglish.tv/news/2022/01/ahmadi-women-seek-leaderships-explanation-on-rapes-ask-tough-questions/>

have married them to Chinese men who were supposed converts, in what turned out to be a trafficking ring, targeting those women because of their poverty and vulnerability.<sup>155</sup> Moreover, many male survivors of conflict-related sexual violence also face stigma. For men, shame arises from gendered stereotypes of traditional “masculinity” that views victimhood as inconsistent with men as “powerful protectors or perpetrators of violence.”<sup>156</sup>

62. Current remedies for survivors of SGBV during conflict may not account for societal pressures and stigma. While Iraq’s *Law on Yazidi [Female] Survivors* is a significant step towards justice for women survivors of ISIL’s crimes, including women from Yazidi, Turkman, Christian and Shabak minorities, the law does not address the situation of children born of rape.<sup>157</sup> Iraq’s National Identity Card Law stipulates that a child born to one Muslim parent must be registered as Muslim, even if the mother was raped. This may force Yazidi women to choose between staying with their children or community, where the latter often does not accept children of Muslim fathers. Iraqi women from other minorities, such as Turkmen,<sup>158</sup> including those not covered under the Yazidi Survivor law, also face these challenges.

63. Facing a domestic culture of impunity for human rights violations, religious or belief minorities may turn towards international courts, or foreign domestic courts applying the principle of universal jurisdiction. Claims from or relating to the Rohingya’s situation are before the International Court of Justice,<sup>159</sup> International Criminal Court<sup>160</sup> (“ICC”), and foreign courts in Argentina and the USA.<sup>161</sup> The ICC Prosecutor has concluded a preliminary examination into the situation of Nigeria, and may request Pre-Trial Chamber authorisation to conduct an investigation. And in 2021, the U.N. Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL confirmed that ISIL has committed genocide against Yazidi as a religious group.<sup>162</sup> Invoking universal jurisdiction on behalf of victims has proven popular amongst Yazidis and Syrians seeking a measure of justice in Western European States where they have sizeable refugee populations and special war crimes units mandated to conduct such investigations.<sup>163</sup> Seeking remedies before alternative judicial fora where domestic justice is impossible may also be considered good practice.

## VI. Good Practice

64. State and non-State actors have developed policies and projects widely considered as good practices for promoting and protecting religious or belief minorities’ rights, including conflict prevention, humanitarian aid and peacebuilding measures. Where appropriate, practices should be adapted to the local circumstances while upholding a human rights-based approach.

65. Some States have taken steps to address violence, discrimination, and hatred against religious or belief minorities and have pledged to strengthen their efforts. Such undertakings include Italy’s initiative to address discrimination based on religious identity<sup>164</sup> and Mexico’s promotion of interfaith meetings to encourage religious tolerance.<sup>165</sup> Other States have taken

<sup>155</sup> <https://www.bbc.co.uk/news/world-asia-48260397>;  
<https://www.christianitytoday.com/news/2019/december/pakistan-christian-girls-trafficked-brides-china.html>.

<sup>156</sup> <https://www.chathamhouse.org/2019/01/ignoring-male-victims-sexual-violence-conflict-short-sighted-and-wrong>.

<sup>157</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27018&LangID=E>.

<sup>158</sup> <http://eprints.lse.ac.uk/102145/>.

<sup>159</sup> <https://www.icj-cij.org/en/case/178/oral-proceedings>.

<sup>160</sup> ICC-01/19-27.

<sup>161</sup> <https://www.justsecurity.org/78358/qa-on-court-ordering-facebook-to-disclose-content-on-myanmar-genocide/>.

<sup>162</sup> <https://www.un.org/press/en/2021/sc14514.doc.htm>.

<sup>163</sup> <https://syriaaccountability.org/wp-content/uploads/A-Step-towards-Justice1.pdf>.

<sup>164</sup> Submission-Italy.

<sup>165</sup> Submission-Mexico.

steps to combat incitement to violence, intolerance and discrimination against persons based on their religion or belief, as documented through the Istanbul Process<sup>166</sup> and guided through the Rabat Plan of Action. The U.N. Office on Genocide Prevention and the Responsibility to Protect has engaged diverse actors, including faith-based and secular organizations, to develop the “Fez Plan of Action,” proposing concrete steps to prevent incitement to violence that may lead to atrocity crimes.<sup>167</sup> Civil society organizations (e.g. Alliance of Iraqi Minorities) have worked on reforming education curricula to represent and respect ethno-religious diversity.<sup>168</sup>

66. Some religious leaders, influencers and other civil society actors promote reconciliation, peacebuilding and conflict prevention through constructive discourse and other interfaith initiatives: #Faith4Rights is a human rights framework for faith-based actors to exchange practices and engage in interfaith projects, collectively promoting human rights;<sup>169</sup> the Multi-Religious Council of Leaders project examines causes of conflict to further peacebuilding efforts;<sup>170</sup> and the Network for Religious and Traditional Peacemakers gathers grassroots peacemakers and international actors to promote sustainable peace.<sup>171</sup> The Universal Code of Conduct on Holy Sites encourages engagement with faith leaders and communities to improve the protection of holy sites and reduce inter-community tensions.<sup>172</sup> Civil society has collaborated to recognize the important and positive role of women in religious peacebuilding efforts.<sup>173</sup> In Nigeria, Mercy Corps runs grassroots initiatives including communal projects and meetings where religious or belief groups can share their concerns, promoting collaboration and trust. All such constructive efforts need encouragement and support.

67. Several actors - including the U.N., States, and faith-based actors - advocate for effective remedies for religious or belief community members who have survived SGBV during conflict.<sup>174</sup> The Special Representative of the U.N. Secretary-General on Sexual Violence in Conflict has worked to eliminate stigma and ensure successful reintegration of survivors through engagement with faith leaders.<sup>175</sup> Religious influencers have also come together to endorse the UNITAD-led Interfaith Statement on the Victims of ISIL, calling for support of survivors of SGBV and their children.<sup>176</sup>

68. Supporting rehabilitation and integration of religious or belief minority refugees, the Special Rapporteur highlights efforts from civil society organizations, including in collaboration with UNHCR and its Faith Based Organization Task Force.<sup>177</sup> Several organizations partner with psychologists and provide guidance for programming approaches to mental health support for religious or belief minority refugees, which consider their faith identity and experiences.<sup>178</sup> U.N. actors are working to engage faith influencers and

<sup>166</sup> <https://www.istanbulprocess1618.info/impact/>.

<sup>167</sup> <https://www.un.org/en/genocideprevention/documents/Plan%20of%20Action%20Advanced%20Copy.pdf>.

<sup>168</sup> <https://www.usip.org/blog/2021/02/iraq-advocates-aim-reform-education-build-collective-identity>.

<sup>169</sup> <https://www.ohchr.org/EN/Issues/FreedomReligion/faith4rights-toolkit/Pages/Index.aspx>.

<sup>170</sup> <https://www.unhcr.org/multi-religious-council-of-leaders.html>.

<sup>171</sup> <https://www.peacemakersnetwork.org/>.

<sup>172</sup> <https://www.sfcg.org/universal-code-of-conduct-on-holy-sites/>.

<sup>173</sup> <https://www.usip.org/publications/2011/05/women-religious-peacebuilding>;  
<https://www.usip.org/programs/women-religion-and-peace>.

<sup>174</sup> e.g. <https://www.gov.uk/government/publications/declaration-of-humanity-by-leaders-of-faith-and-leaders-of-belief>.

<sup>175</sup> <https://www.un.org/sexualviolenceinconflict/statement/remarks-of-srsg-patten-at-the-conference-of-religious-leaders-on-faith-and-diplomacy-an-intergenerational-dialogue-lindau-germany-4-7-october-2021-special-session-on-emerging-issues-in/>.

<sup>176</sup> <https://www.unitad.un.org/news/iraqi-religious-authorities-adopt-interfaith-statement-victims-isil>.

<sup>177</sup> <https://globalcompactrefugees.org/article/faith-action-children-move>;

<https://globalcompactrefugees.org/article/interreligious-committee-refugee-self-sufficiency-peru>.

<sup>178</sup> [https://interagencystandingcommittee.org/system/files/faith-sensitive\\_humanitarian\\_response\\_2018.pdf](https://interagencystandingcommittee.org/system/files/faith-sensitive_humanitarian_response_2018.pdf);

[https://www.hi-us.org/news\\_b\\_psychological\\_support\\_for\\_rohingya\\_refugees](https://www.hi-us.org/news_b_psychological_support_for_rohingya_refugees);

<https://www.hias.org/what/psychosocial-care>.

communities to address specific needs of faith minorities during humanitarian responses.<sup>179</sup> The Coalition for Religious Equality and Inclusive Development also encourages humanitarian actors to rethink the “neutrality” principle and to adopt responses that are both sensitive to religious inequalities and do not exacerbate discrimination and marginalization patterns of displaced religious or belief minorities.<sup>180</sup>

69. The Special Rapporteur notes that some digital technology companies have taken limited steps to address the spread of online speech that incites violence or discrimination against religious or belief groups. Search for Common Ground, in partnership with Facebook, has carried out a project to tackle such speech and misinformation in the Central African Republic.<sup>181</sup>

70. U.N. agencies have also collaboratively developed guidelines on responsible data gathering, storing and sharing, to ensure that it does not harm those in need of humanitarian assistance, including minorities.<sup>182</sup> Yet in June 2021, UNHCR reportedly failed to uphold its own data protection safeguards in conducting full data impact assessments and receiving informed consent before it shared Rohingya refugees’ biometric data with the Bangladesh Government, which subsequently shared them with Myanmar.<sup>183</sup> The International Committee of the Red Cross (“ICRC”) also has data protection guidelines to safely gather information about vulnerable communities in humanitarian situations.<sup>184</sup> Despite these well-intentioned efforts, ICRC’s data servers were compromised by a cyber security attack in January 2022, potentially jeopardizing personal information of over 500,000 crisis-affected people and forcing the ICRC to temporarily halt a program that reunites families.<sup>185</sup>

## VII. Conclusions

71. In marking the 30<sup>th</sup> anniversary of the 1992 Declaration this year, it is vital to focus on the significant human rights challenges facing many religious or belief minorities during conflict and insecurity worldwide. The Special Rapporteur is deeply concerned at the scale, severity and systematic nature of human rights violations against minorities, often partly based on their faith identity at least, that may amount to atrocity crimes. Conflict and insecurity undermine enjoyment of many universal human rights, including the right to freedom of religion or belief, and can also affect religious or belief minorities alongside others by virtue of living in these fragile settings, facing challenges such as indiscriminate violence, rather than necessarily because of their faith identity. When State or non-State actors have stigmatized, scapegoated and discriminated against minorities during crises, they may compound pre-existing inequalities based on religion or belief and other identifiers, such as ethnicity, race and gender.

72. Given the global lack of comprehensive and disaggregated data on the specific needs and vulnerabilities of religious or belief minorities during crises, this report maps their diverse experiences using examples from a number of affected communities. The report cautions against homogenizing their experiences and “religionizing” conflicts, which may make conflict resolution more elusive and intractable, instead encouraging contextual analysis.

<sup>179</sup> <https://www.unhcr.org/539ef28b9.pdf>.

<sup>180</sup> e.g. <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/15718>, [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15120/CREID\\_Working\\_Paper\\_1\\_Online.pdf?sequence=194&isAllowed=y](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15120/CREID_Working_Paper_1_Online.pdf?sequence=194&isAllowed=y)

<sup>181</sup> <http://sfcg.org/central-african-republic/>.

<sup>182</sup> <https://interagencystandingcommittee.org/system/files/2021-02/IASC%20Operational%20Guidance%20on%20Data%20Responsibility%20in%20Humanitarian%20Action-%20February%202021.pdf>. See also [https://unsceb.org/sites/default/files/imported\\_files/UN-Principles-on-Personal-Data-Protection-Privacy-2018\\_0.pdf](https://unsceb.org/sites/default/files/imported_files/UN-Principles-on-Personal-Data-Protection-Privacy-2018_0.pdf).

<sup>183</sup> <https://www.hrw.org/news/2021/06/15/un-shared-rohingya-data-without-informed-consent>.

<sup>184</sup> <https://www.icrc.org/en/document/icrc-data-protection-framework>.

<sup>185</sup> <https://www.icrc.org/en/document/cyber-attack-icrc-what-we-know>.

73. The right to freedom of religion or belief does not give anyone the power to marginalize, suppress or carry out human rights violations against others.<sup>186</sup> Equally, the exercise of minority rights can never justify discrimination against persons within minority communities or beyond.<sup>187</sup> The notion that States, rebels, or terrorists are primarily motivated by their religious precepts to behave violently reinforces harmful tropes about some religions being “violent” in nature and to be countered – even with force.

74. As the Secretary General articulates, “[j]ustice and peace are not contradictory forces” but can “promote and sustain one another.”<sup>188</sup> In this report, the Special Rapporteur provides both evidence-based analysis and practical recommendations to States and other relevant stakeholders in the hope that they can better protect and promote religious or belief minorities’ rights during crises and lay the groundwork for inclusive conflict resolution and peacebuilding efforts, consistent with a human rights-based approach.

75. In 1981, the U.N. General Assembly observed that “disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of [religion or belief], have brought, directly or indirectly, wars and great suffering to mankind.”<sup>189</sup> Amidst situations of conflict and insecurity, religious or belief minority identity may mobilize a group to take up arms or generate fear that it increases their vulnerability where their community is targeted with discrimination, hostility or violence. Yet this same identity can also be a significant source of strength and solidarity with their community and society at large as they navigate the major upheaval to their livelihoods and displacement that often accompanies conflict.

76. A risk to the human rights of one community is a risk to all society. Recalling that “societies flourish when all voices are heard, when all opinions are considered; [and] when all citizens participate,”<sup>190</sup> the Special Rapporteur calls upon both State and non-State actors to uphold human rights and to respect, promote and protect diverse religious or belief systems, including of minorities, whether during war or peacetime.

## VIII. Recommendations

77. To address pressing concerns over alleged rights violations of persons belonging to religious or belief minorities in conflict and insecurity, the Special Rapporteur makes the following recommendations.

78. **States should:**

(a) Promote and protect freedom of religion or belief for minorities by repealing anti-conversion and anti-blasphemy laws, revoking restrictions on manifestations of their religion or beliefs, and adopting comprehensive anti-discrimination laws with input from all disadvantaged groups.<sup>191</sup>

(b) Fulfil obligations to prohibit incitement (online and offline) to discrimination, hostility, or violence based on religion or belief, consistent with IHRL and standards,<sup>192</sup> and condemn and prosecute violations. This includes the weaponization of crises like the COVID-19 pandemic against religious or belief minorities.

(c) Implement a human rights-based approach to preventing violent extremism, including supporting, financially or with other means, religious leaders, actors, and institutions that actively prevent and counter violent extremism and incitement to violence.

<sup>186</sup> ICCPR art.5(1).

<sup>187</sup> [A/75/385](#), para.11.

<sup>188</sup> [S/2004/616](#), para.21.

<sup>189</sup> 1981 Declaration, preamble.

<sup>190</sup> [A/HRC/16/45](#), para.44.

<sup>191</sup> OHCHR/Equal Rights Trust, *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation* (forthcoming 2022).

<sup>192</sup> [A/HRC/RES/16/18](#); [Rabat Plan of Action](#); [Beirut Declaration and its 18 Commitments on Faith for Rights](#).

(d) Ensure the effective participation of minorities, including religious or belief minorities, in peace-making, peacebuilding, and transitional justice processes, recognizing that this should be mainstreamed in moving beyond a negative peace to a sustainable, positive peace. Recalling U.N. Security Council Resolution 1325 (2000), women must have a role in promoting and maintaining peace and security.

(e) Guarantee full and unconditional access for humanitarian actors to all populations requiring assistance, without discrimination and with due attention given to religious or belief minority groups.

(f) Ensure effective access to remedies and reparations for victims of human rights violations, consistent with international principles and guidelines,<sup>193</sup> and protection in doing so, including by prosecuting violence against minorities during conflict or insecurity perpetrated by State officials or other parties. Measures must be sensitive to how deliberate targeting of people based on their faith identity cause distinctive harms.

(g) Ensure that the repatriation of religious or belief minorities displaced by conflict and insecurity, either internally or internationally, is always voluntary, safe, and sustainable. States should pay particular attention to community integration of returnees or refugees and ensure that victims of violence have adequate financial and psychological assistance available.

(h) Consider diverse structural causes of harm, including exploitation of political, economic, social, and civic governance failures to incite violence, in order to inform actionable pathways to peace and security, while tracking progress publicly. Such efforts flow from Agenda 2030 commitments and ensuring that States “leave no one behind.”<sup>194</sup>

(i) Facilitate early warning and response systems through violence prevention strategies encompassing the most at-risk communities, including gendering of early warning systems to protect at-risk women.<sup>195</sup>

(j) Provide fair, non-discriminatory, and transparent processes for accessing citizenship; establish collaborative, consultative mechanisms at the national and local level for members of minorities so they can effectively influence decision-making on issues that directly affect them; and ensure a fair gender representation through special measures.

(k) Establish frameworks that allow individuals and groups to hold, change or determine their own religious or belief identities; recognizing and protecting those that exist.

(l) Implement educational programs, peer-to-peer learning and awareness-raising campaigns - including through the media - to promote mutual respect, religious diversity and human rights, with built-in feedback loops measuring impact.

**79. *United Nations, multilaterals and the donor community should:***

(a) Avoid broad generalizations about the relationship between religion and conflict. Policymakers should be aware of the risks of “religionizing” situations and inadvertently perpetuating the preferred narrative of a conflict party.

(b) Increase support for local civil society organizations advocating for human rights, including of religious or belief minorities. Local organizations may supply grounded solutions, document violations and build capacity of at-risk groups, helping to break cycles of hate that State or non-State actors direct towards religious or belief minorities.

(c) Ensure relevant field-based U.N. entities have sufficient dedicated expertise on minority rights, including religious or belief minorities, and understand their integral relationship and links with broader U.N. priorities including conflict prevention and the Sustainable Development Goals.

(d) Be aware of and mitigate risks associated with collection, storage and use of attributable data sets, which may be used to discriminate against or otherwise harm religious

<sup>193</sup> A/RES/60/147.

<sup>194</sup> <https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind>.

<sup>195</sup> CEDAW/C/GC/30, para.33.

or belief minorities. Program indicators and reporting requirements should be designed to avoid gathering unnecessary sensitive information; and relevant staff should be trained on digital security.

(e) Where it is safe to do so, support comprehensive, consensual collection and sharing of disaggregated data on minority groups in humanitarian contexts, thereby facilitating identification of problems otherwise hidden due to the marginalized nature of these communities.

**80. *Civil society actors (including faith-based actors) should:***

(a) Promote interfaith engagement (including through the #Faith4Rights framework), oppose essentializing narratives about religious or belief communities and refrain from and publicly denounce hatred and incites discrimination, hostility, or violence against persons based on religion or belief. Faith-based leaders and influencers should use their authority to promote inclusive, peaceful and just conflict resolutions and to prevent tensions arising, particularly where conducted in the name of religion or belief.

**81. *Humanitarian actors should:***

(a) Systematically include a needs and capacity-based assessment of affected communities, including religious or belief minorities. Humanitarian interventions must avoid leading to or reinforcing discrimination against religious or belief minorities.

(b) Ensure that every displaced person has the right to challenge the cessation of refugee status, and States should ensure that procedures are in place, with oversight of UNHCR, to critically evaluate governmental claims that it is safe to return.

**82. *Digital technology companies and the media more broadly should:***

(a) As digital technology companies, including social media, undertake content moderation practices, they should:

(i) apply relevant international human rights norms and standards to combat incitement to discrimination, hostility and violence, including the Rabat Plan of Action's six-part threshold test;

(ii) consider local linguistic, social, and political contexts to astutely assess the risk of incitement; and;

(iii) avoid marginalizing or erasing the narratives and protected speech of religious or belief minorities.

(b) Adopt media guidelines for reporting on religious or belief communities, including minorities, embedding good practices for avoiding stereotypes and generalizations, portraying diversity and explaining context.<sup>196</sup> Journalists and other content producers should be trained accordingly.

**83. *Private enterprises should:***

(a) Promote and respect human rights in line with the U.N. Guiding Principles on Business and Human Rights. Businesses should avoid action that creates or furthers tensions between groups or leads to violence targeting religious or belief minorities. They should seek to provide opportunities for suitable members of religious or belief minorities who face disadvantage and discrimination in wider society.

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<sup>196</sup> [www.fundacionalfanar.org/islamandjournalism/](http://www.fundacionalfanar.org/islamandjournalism/).