



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

FACTSHEET

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UN HUMAN RIGHTS SYSTEM

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Promoting Freedom of Religion or Belief within the United Nations Human Rights System

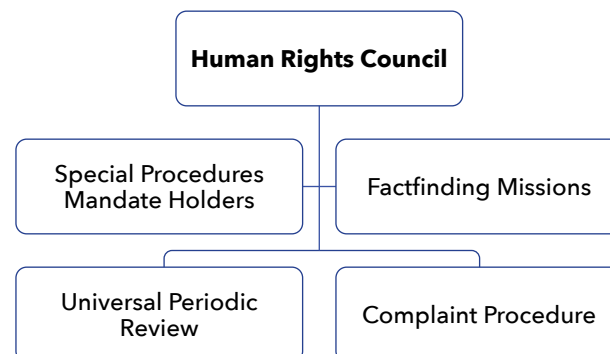
By Kirsten Lavery, Supervisory Policy Analyst

Pursuant to the [International Religious Freedom Act \(IRFA\)](#), the [U.S. Commission on International Religious Freedom \(USCIRF\)](#) monitors freedom of religion or belief abroad using international human rights standards, including the [Universal Declaration of Human Rights \(UDHR\)](#) and the [International Covenant on Civil and Political Rights \(ICCPR\)](#). Within the United Nations (UN) system, there are a variety of charter and treaty-based mechanisms with mandates that address international human rights issues according to the same standards. This factsheet describes those mechanisms, with a particular focus on those most relevant to freedom of religion or belief. Although these bodies have various imperfections and limitations, they nevertheless provide opportunities for advocacy by and collaboration among states and non-governmental organizations (NGOs) working to promote religious freedom internationally.

UN Human Rights Focused Mechanisms

Charter-Based Mechanisms: UN charter-based mechanisms are mandated through resolutions of the principal organs of the UN that were established by the [UN Charter](#). Currently, the charter-based human rights mechanisms are the Human Rights Council (HRC) and its subsidiaries.

- **HRC:** The [HRC](#) is an inter-governmental body of 47 member states that was established in 2006 by [General Assembly Resolution 60/251](#) as a subsidiary body to the UN General Assembly. The HRC replaced the [UN Human Rights Commission](#) that operated from 1946 to 2006.



The HRC's stated mandate is to promote universal respect for the protection of all human rights and fundamental freedoms for all and to address and make recommendations on situations of violations of human rights. In defining these rights, the resolution references the [UDHR](#) and the [ICCPR](#), along with other international human rights treaties.

HRC members are elected by secret ballot by a majority of the General Assembly. Based on an equitable geographic distribution, council seats are allocated to regional groups for staggered three-year terms. In electing HRC members, General Assembly members are supposed to take into account "the contribution of candidates to the promotion and protection of human rights and their [voluntary pledges and commitments](#) made thereto." Yet despite these provisions, countries with poor human rights records have been [HRC members](#), some repeatedly, including egregious religious freedom violators like [China](#), [Cuba](#), [Pakistan](#), [Russia](#), and [Saudi Arabia](#).

Pursuant to Resolution 60/251, HRC members [are supposed to](#) (1) "uphold the highest standards in the promotion and protection of human rights," (2) fully cooperate with the Council, and (3) be reviewed under the universal period review mechanism during their term.

The HRC meets for at least [three sessions](#) each year. During these sessions, the HRC considers human rights situations and debates and passes resolutions on various human rights issues. While the 47 HRC member states are the only countries that can vote on resolutions, all members of the General Assembly can otherwise participate in the work of the HRC, including these sessions. NGOs with consultative status at the UN also can participate in HRC sessions, and governments and NGOs can hold side events on the sessions' margins to highlight particular countries and issues.

Religious Freedom Spotlight – HRC resolution 16/18 of 2011: Human Rights Council [resolution 16/18](#) on 'combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons based on religion or belief' was adopted by consensus in 2011. This resolution commits states to addressing religious intolerance through promoting the interrelated rights of freedom of religion or belief, expression, and non-discrimination and provides action steps to achieve this objective. HRC Resolution 16/18 [replaced](#) resolutions on the "[defamation of religions](#)" that promoted blasphemy laws and undermined universal human rights norms.

- **Universal Periodic Review (UPR) Working Group:** Resolution 60/251 mandates that the HRC "undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States."

To fulfill this mandate, the HRC established the [UPR](#) mechanism, a state-driven process that reviews the human rights situation of 48 of the 193 UN member states each year. Assessments are conducted through an interactive dialogue between the country under review and other UN member states. The UPR Working Group, which consists of the 47 members of the HRC, conducts the review, but any UN Member State can participate. The assessment also includes the consideration of a range of documents, including information provided by the state under review, information from other UN human rights mechanisms, and information from other stakeholders, such as NGOs. Three HRC member states are chosen at random to lead each review and produce an "outcome report" that includes recommendations for the country.

Religious Freedom Spotlight - Eritrea: Eritrea, which has one of the worst religious freedom records in the world as [reported by USCIRF](#), has been assessed three times by the [UPR](#): in 2009, 2014, and most recently in 2019. During the 2019 UPR process, more than a [dozen countries](#) raised religious freedom concerns in their statements, and specifically highlighted the need for Eritrea to allow conscientious objection and to release prisoners held on account of their beliefs. This included the U.S. government, which further [called](#) on Eritrea to implement constitutional provisions and international obligations that protect rights, including freedom of religion or belief.

The UPR process includes the assessed country’s record on freedom of religion or belief, and a number of countries have received [recommendations](#) through this process on this right. The UPR process also has received [criticism](#) for not affording sufficient attention to freedom

of religion or belief and failing to consistently provide specific and actionable recommendations to improve religious freedom conditions in countries where such action is needed.

- **Special Procedures mandate holders:** The HRC has created and appointed a number of [Special Procedure mandate holders](#), including special rapporteurs, independent experts, and working groups, to focus on specific thematic or country issues related to human rights. The mandate holders are [independent experts](#) appointed by the Consultative Group, which consists of five HRC member states and the HRC President. While each mandate varies, most of these mandate holders receive information regarding human rights violations, send communications to governments, investigate human rights conditions in countries, and issue reports.

There are 44 thematic and 12 country mandates; many of which touch on issues related to the freedom of religion or belief.

Select UN HRC Special Procedures Relevant to Religious Freedom

Country Specific Mandates		
Independent Expert on the situation of human rights in Central African Republic	Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea	Special Rapporteur on the situation of human rights in Eritrea
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran	Special Rapporteur on the situation of human rights in Myanmar	Independent Expert on the situation of human rights in the Sudan
Thematic Mandates		
Working Group on Arbitrary Detention	Working Group on Enforced or Involuntary Disappearances	Special Rapporteur on extrajudicial, summary or arbitrary executions
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	Special Rapporteur on the rights to freedom of peaceful assembly and of association	Special Rapporteur in the field of cultural rights
Special Rapporteur on the human rights of internally displaced persons	Special Rapporteur on minority issues	Special Rapporteur on freedom of religion or belief
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence	Special Rapporteur on violence against women, its causes and consequences

Religious Freedom Spotlight – UN Special Rapporteur on freedom of religion or belief: The HRC created the special mandate for an independent expert to focus on [freedom of religion or belief](#) in 1986, originally called the Special Rapporteur on religious intolerance. The mandate title was changed to Special Rapporteur on freedom of religion or belief (FoRB) in 2000.

The current mandate holder is Dr. Ahmed Shaheed. In recent years, the UN Special Rapporteur on FoRB has issued reports on issues including [gender equality](#), [combating antisemitism](#), [restrictions imposed on expression](#), [national security](#), and [state-religion relationships](#). He has completed several [country visits](#), including to [Sri Lanka](#), [the Netherlands](#), and [Tunisia](#). Following the Special Rapporteur's visit to Uzbekistan in late 2017, the Parliament of [Uzbekistan](#) adopted a roadmap to address religious freedom. While the roadmap is still being implemented, it has resulted in [tangible improvements](#) in religious freedom conditions in the country. The Special Rapporteur on FoRB also receives individual complaints about violations and [communicates](#) his concerns to states, including recent communications regarding the freedom of religion or belief and the treatment of religious communities in [China](#), [Cuba](#), [India](#), [Pakistan](#), and [Russia](#).

- **Communications mechanisms (complaint procedure):** The HRC's complaint procedure was [established](#) in 2007 to "address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances." Two working groups composed of countries appointed by the HRC are responsible for examining written communications and bringing situations to the attention of the HRC.
- **Factfinding missions/independent investigations:** The HRC can [authorize factfinding missions and other investigations](#). Such bodies are increasingly being used to respond to serious violations of international humanitarian law and international human rights and promote accountability. The Security Council and General Assembly are also empowered to create these types of mechanisms.

Religious Freedom Spotlight – The Fact-Finding Mission (FFM) and Independent Investigative Mechanism for Myanmar (IIMM): In 2017, in response to Burmese military campaigns that resulted in mass atrocities and displaced hundreds of thousands of Rohingya and other minorities, the HRC created the [FFM](#) to establish the facts and circumstances of the alleged human rights violations. The FFM's September 2018 [report](#) found "reasonable grounds" to conclude that Burmese security forces acted with "genocidal intent," which helped mobilize international efforts to hold the Burmese government accountable.

The HRC established the [IIMM](#) in 2018 to collect evidence of the most serious international crimes and violations of international law and prepare files for criminal prosecutions. In building its case files, the IIMM uses evidence received from the previous FFM, along with other sources. Both efforts have collected and preserved information and evidence regarding alleged international crimes, which laid the foundation for [ongoing legal cases and prosecutions](#), including the pending lawsuit against the Burmese government in the International Court of Justice.

Treaty-Based Mechanisms: Ten human rights treaty bodies monitor implementation of the core human rights treaties. Unlike the HRC and its subsidiary bodies, which are composed of states and created by the General Assembly and UN Charter, these bodies are established by specific treaties and consist of independent experts. The treaty-based mechanisms issue General Comments that provide authoritative guidance on interpreting rights, conduct reviews of State conduct, and sometimes receive individual complaints.

Select UN Treaty Based Mechanisms Relevant to Religious Freedom

Body	Treaty
Human Rights Committee	International Covenant on Civil and Political Rights
Committee on the Elimination of Discrimination Against Women (CEDAW)	Convention on the Elimination of All Forms of Discrimination against Women
Committee Against Torture (CAT)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Committee on Enforced Disappearances	International Convention for the Protection of All Persons from Enforced Disappearance

Religious Freedom Spotlight – The Human Rights Committee (HRCtee): The HRCtee is a body of 18 experts who monitor implementation of the International Covenant on Civil and Political Rights (ICCPR). Article 18 of this Covenant protects freedom of religion or belief. The [First Optional Protocol](#) empowers the HRCtee to examine individual complaints of alleged violations of the ICCPR by state parties. Through this mechanism, the HRCtee has issued numerous [decisions](#) focused on freedom of religion or belief. The HRCtee has also released [General Comment 22](#), which provides guidance on the scope of religious freedom under the ICCPR.

Conclusion

While acknowledging the imperfections and limitations of the UN human rights system, it provides an opportunity for governments and NGOs to advance and collectively promote religious freedom internationally. Although the Trump Administration [withdrew](#) from the HRC in 2018, the U.S. government can continue to actively promote religious freedom within the UN human rights system. Such efforts by the U.S. government, in conjunction with U.S. partners including those in the [International Religious Freedom or Belief Alliance](#), can help to reinforce the United States’ leadership and commitment to advance freedom of religion or belief worldwide.

Religious Freedom Spotlight – The Committee on the Elimination of Racial Discrimination (CERD): CERD is a body of independent experts tasked with monitoring the implementation of the [Convention on the Elimination of Racial Discrimination](#). In August 2018, as part of its periodic review process, the committee issued a report criticizing the Chinese government’s “detention of large numbers of ethnic Uighurs and other Muslim minorities held incommunicado.” Although CERD was not the first organization to [report](#) on this issue, the attention by a UN committee raised awareness of the situation and received considerable [media attention](#).



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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on threats to religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.