

## 1. Combating Intolerance and Discrimination against Persons Based on Religion or Belief

A multitude of United Nations' (UN) documents and publications of the last year point to a worldwide rise of Antisemitism, Christianophobia, Islamophobia and forms of intolerance and discrimination against groups such as Ahmadis, Baha'is or Yazidis as well as other persons based on their religion or belief.<sup>1</sup> That development is also quantifiable. According to the Aid to the Church in Need's (ACN) 2023 *Religious Freedom Report* restrictions on freedom of religion or belief currently exist in a third of the world's countries, affecting 62 percent of the world's population directly or indirectly.<sup>2</sup> This is extremely worrying, as the equal right to believe, or not to believe is a fundamental part of the Universal Declaration of Human Rights.<sup>3</sup>

The Secretary-General's report on *Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief* covering the period from 1 July 2022 to 15 July 2023 was published in 2023. It details a multitude of different aspects regarding this issue.<sup>4</sup>

The Human Rights Council's (HRC) Special Rapporteur on freedom of religion or belief released their annual report 52/38 (2023) on the *Landscape of freedom of religion or belief* in January of last year.<sup>5</sup> It details core elements of the UN's understanding on the topic as well as other international and regional standards.<sup>6</sup> Additionally it entails specific efforts completed and planned inside the mandate of the Rapporteur and other methods of diplomacy for the advancements of freedom of religion or belief.<sup>7</sup>

HRC dealt with the issue of combating intolerance and discrimination against persons based on religion or belief also with a large number of resolutions in 2023. HRC resolution 52/6 (2023) titled *Freedom of religion or belief*, emphasizes the obligation to protect freedom of thought, conscience and religion or belief in law as well as practice.<sup>8</sup> It also deals with the protection of minorities and a number of other issues.<sup>9</sup> HRC resolution 52/38 (2023) aims to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence based on religion or belief with a special emphasis on the protection of places of worship and religious sites.<sup>10</sup> *Countering religious hatred constituting incitement to discrimination, hostility or violence* is the name of HRC resolution 53/1 (2023).<sup>11</sup> Its main focus is on the prevention of desecrations of sacred books and

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<sup>1</sup> United Nations, General Assembly. *Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief. Report of the Secretary-General (A/78/241)*. 2023. p. 11.

United Nations, General Assembly. *Freedom of religion or belief (A/RES/78/212)*. 2023. p. 3.

United Nations, General Assembly. *Promoting interreligious and intercultural dialogue and tolerance in countering hate speech (A/RES/77/318)*. 2023. p. 3.

<sup>2</sup> Aid to the Church in Need. *Religious Freedom Report 2023*. 2023.

<sup>3</sup> United Nations, General Assembly. *Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief. Report of the Secretary-General (A/78/241)*. 2023. p. 11.

<sup>4</sup> Ibid.

<sup>5</sup> United Nations, Human Rights Council. *Landscape of freedom of religion or belief. Report of the Special Rapporteur on freedom of religion or belief, Nazila Ghanea (A/HRC/52/38)*. 2023.

<sup>6</sup> Ibid. p. 3.

<sup>7</sup> Ibid. p. 8.

<sup>8</sup> United Nations, Human Rights Council. *Freedom of religion or belief (A/HRC/RES/52/6)*. 2023. p. 2.

<sup>9</sup> Ibid. p. 3.

<sup>10</sup> United Nations, Human Rights Council. *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (A/HRC/RES/52/38)*. 2023. p. 4.

<sup>11</sup> United Nations, Human Rights Council. *Countering religious hatred constituting incitement to discrimination, hostility or violence (A/HRC/RES/53/1)*. 2023.

religious symbols.<sup>12</sup> The resolution also condemns previous desecrations of the Qur'an.<sup>13</sup> While most resolutions are adopted unanimously this resolution was adopted by a recorded vote of 28 to 12, with 7 abstentions.<sup>14</sup> The Human Rights Council also tackled issues regarding discrimination based on religion or belief through resolution 54/25 (2023): *A world of sports free from racism, racial discrimination, xenophobia and related intolerance*.<sup>15</sup>

The General Assembly also adopted multiple resolutions dealing with freedom of religion or belief in 2023. Resolution 77/318 (2023) deals with the promotion of interreligious and intercultural dialogue in the struggle against hate speech.<sup>16</sup> One of its elements is a request to the Secretary-General to convene a global conference on this topic in 2025.<sup>17</sup> Interreligious and intercultural dialogue is also the topic of resolution 78/129 (2023).<sup>18</sup> Its focus lies on the role of such dialogues in a multitude of worldwide processes towards cooperation and peace.<sup>19</sup> It also calls for a report by the Secretary-General on this issue to be published in 2024.<sup>20</sup>

The United Nations Security Council tackled issues related to religion or belief in the context of conflict and peace in resolution 2686 (2023). This included but was not limited to the encouragement to incorporate lessons learned and best practices on the participation of religious groups, institutions and leaders, in regard to conflict and peace processes in future reporting lessons of the Secretary-General.<sup>21</sup>

As this Background Guide Update has shown there is currently a multitude of issues at hand that can and should be tackled. Delegates should keep in mind the global links and repercussions that can affect intolerance and discrimination against persons based on religion or belief. As was demonstrated this year by the effect of the current situation in the Middle East and the rise of Antisemitism and Islamophobia in different parts of the world directly linked to these developments.

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<sup>12</sup> United Nations, Human Rights Council. *Countering religious hatred constituting incitement to discrimination, hostility or violence (A/HRC/RES/53/1)*. 2023. p. 2.

<sup>13</sup> Ibid. p. 2.

<sup>14</sup> Ibid. p. 3.

<sup>15</sup> United Nations, Human Rights Council. *A world of sports free from racism, racial discrimination, xenophobia and related intolerance (A/HRC/RES/54/25)*. 2023.

<sup>16</sup> United Nations, General Assembly. *Promoting interreligious and intercultural dialogue and tolerance in countering hate speech (A/RES/77/318)*. 2023.

<sup>17</sup> Ibid. p. 5.

<sup>18</sup> United Nations, General Assembly. *Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace (A/RES/78/129)*. 2023.

<sup>19</sup> Ibid.

<sup>20</sup> United Nations, General Assembly. *Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace (A/RES/78/129)*. 2023. p. 6.

<sup>21</sup> United Nations, Security Council. *Resolution 2686 (S/RES/2686)*. 2023. p. 4.

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## 2. Business and Human Rights

Highlighting the concerning trends over the past decade, there has been a noticeable increase in violations of workers' rights globally.<sup>1</sup> The situation is particularly alarming in the Middle East and North Africa, which stands out as the world's worst region for workers' rights.<sup>2</sup> Following closely behind is the Asia-Pacific region, ranking as the second-worst.<sup>3</sup> Examining the state of collective bargaining, 117 out of 148 researched countries face serious restrictions in this regard.<sup>4</sup> Additionally, there has been a troubling 58% increase since 2014 in the number of countries, now totaling 115 out of 148, where the right to establish and join a trade union is denied, which especially affects migrant and domestic workers.<sup>5</sup> Equally worrisome is the state of access to justice for workers.<sup>6</sup> In a significant 79% of the countries reviewed, workers either have no access to justice or face restrictions in this crucial aspect.<sup>7</sup>

This paints a challenging picture for the protection and enforcement of workers' rights on a global scale.<sup>8</sup> To solve this, the United Nations Human Rights Council (HRC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) focus their work on the implementation of the *United Nations Guiding Principles on Business and Human Rights* (UNGPs).<sup>9</sup> HRC and OHCHR are endeavoring to reduce the problems of human rights violations by companies, with the following five major initiatives in particular.<sup>10</sup> First, the *Accountability and Remedy Project* (ARP) which aims to reinforce the third pillar (Access to Remedy) of the UNGPs, focusing on enhancing access to remedy in cases of business related human rights abuse.<sup>11</sup> Launched in 2019, the *Business and Human Rights in Technology Project* aims to the successful integration of the UNGPs within digital technology companies.<sup>12</sup> Third, the *Business and Human Rights Africa Project* strives to establish strategic and impactful engagement on Business and Human Rights in Africa, aligning with the UNGPs, by building local expertise, capacity, and a collaborative network.<sup>13</sup> Followed by, the *Joint Project on Responsible Business Conduct in Latin America and the Caribbean* tailors its activities to the unique contexts of different countries and regions.<sup>14</sup> It seeks to support the implementation of *National Action Plans* (NAP) and access to remedy, enhance understanding of human rights due diligence, and facilitate the creation of regional platforms in the realm of Business and Human Rights.<sup>15</sup> Finally, the *United Nations Human Rights' Peer Learning Project* focuses on aiding business communities in improving

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<sup>1</sup> International Trade Union Confederation. *The world's worst countries for workers*. 2023. p. 12.

<sup>2</sup> Ibid. p. 15.

<sup>3</sup> Ibid. p. 15.

<sup>4</sup> Ibid. p. 40.

<sup>5</sup> Ibid. pp. 6, 41.

<sup>6</sup> Ibid. pp. 6, 42.

<sup>7</sup> Ibid. pp. 6, 42.

<sup>8</sup> Ibid. p. 4.

<sup>9</sup> Office of the United Nations High Commissioner for Human Rights. *OHCHR and business and human rights*. 2023.

<sup>10</sup> Ibid.

<sup>11</sup> Office of the United Nations High Commissioner for Human Rights. *OHCHR Accountability and Remedy Project: Improving accountability and access to remedy in cases of business involvement in human rights abuses*. 2023.

<sup>12</sup> Office of the United Nations High Commissioner for Human Rights. *B-Tech Project*. 2023.

<sup>13</sup> Office of the United Nations High Commissioner for Human Rights. *Business and Human Rights (BHR) Africa Project*. 2023.

<sup>14</sup> Office of the United Nations High Commissioner for Human Rights. *Joint Project on Responsible Business Conduct in Latin America and the Caribbean*. 2023.

<sup>15</sup> Ibid.

the alignment of corporate practices with the UNGPs.<sup>16</sup> This is achieved through collaborative workshops where companies can share knowledge and insights.<sup>17</sup>

### **Transnational Corporations and Human Rights Violations**

In 2023, the OHCHR report on *Business and Human Rights in Challenging Context* highlighted that corporations face growing risks of being involved in human rights violations in situations of armed conflict or under authoritarian regimes.<sup>18</sup> Even in countries where the rights of people, especially workers, are weaker than international human rights standards, companies risk actively and passively promoting human rights violations through their business activities.<sup>19</sup> An audit by the German government shows that this also applies to countries with a good human rights situation for workers: Only 13% to 17% of the large transnational companies voluntarily comply with the corporate due diligence obligations arising from German NAP.<sup>20</sup> For this reason, Germany has necessarily made compliance with human rights and certain environmental rights mandatory for large companies in their own business operations and along the supply chain.<sup>21</sup> This has now been tightened up and expanded at European Union level by an agreement between the European Council and the European Parliament regarding the *Corporate Sustainability Due Diligence Directive* (Draft).<sup>22</sup> The *Working Group on Business and Human Rights* is pursuing other possible solutions.<sup>23</sup> It proposes that Member States and corporations should establish a global, multi-stakeholder institution or a knowledge hub.<sup>24</sup> This institution or hub and other actions should be financed by a global capacity-building fund.<sup>25</sup> In addition, OHCHR should offer a help desk function to ensure extensive support for the implementation of UNGPs.<sup>26</sup>

### **Accountability and Access to Remedy**

The Right of Remedy, a fundamental aspect of the international human rights framework, requires urgent attention due to a lack of accountability and remedy in business and human rights cases.<sup>27</sup> Addressing this challenge, ARP was established in 2014 with the aim of enhancing the realization of the right to an effective remedy through both judicial and non-judicial remedial systems for long-term improvement.<sup>28</sup> After completing the first three project phases, HRC called with resolution 44/15 (2020), OHCHR to continue its work in the areas of improving accountability and access to remedy for victims, thus emphasizing the relevance of this area.<sup>29</sup> In phase four, the main objectives include

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<sup>16</sup> Office of the United Nations High Commissioner for Human Rights. *Peer Learning Project: Translating standards into corporate practice*. 2023.

<sup>17</sup> Ibid.

<sup>18</sup> Office of the United Nations High Commissioner for Human Rights. *Business and Human Rights in Challenging Contexts*. 2023. p. 5.

<sup>19</sup> Ibid. p. 6.

<sup>20</sup> Federal Ministry of Labour and Social Affairs. Federal Foreign Office. *Interim Report: Survey phase 2019*. 2020. p. 4; International Trade Union Confederation. *The world's worst countries for workers*. 2023. p. 17.

<sup>21</sup> Federal Ministry of Labour and Social Affairs. *National Action Plan: Monitoring*. 2021.

<sup>22</sup> European Council. *Corporate sustainability due diligence: Council and Parliament strike deal to protect environment and human rights*. 2023.

<sup>23</sup> United Nations, Human Rights Council. *Building capacity for the implementation of the Guiding Principles on Business and Human Rights: Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/HRC/53/24)*. 2023. p. 18.

<sup>24</sup> Ibid. p. 18.

<sup>25</sup> Ibid. p. 18.

<sup>26</sup> Ibid. p. 18.

<sup>27</sup> United Nations, Human Rights Council. *Enhancing the accessibility, dissemination and implementation of the Accountability and Remedy Project (A/HRC/50/45)*. 2022. pp. 3-4.

<sup>28</sup> Ibid. pp. 3-4.

<sup>29</sup> Office of the United Nations High Commissioner for Human Rights. *OHCHR Accountability and Remedy Project: Improving accountability and access to remedy in cases of business involvement in*

transforming ARP materials into accessible formats in various languages, crafting interpretive and operational guides, and producing training materials for diverse stakeholders.<sup>30</sup> Collaborations with civil society organizations, business groups, academic networks, and more aim to enhance the implementation of ARP findings.<sup>31</sup>

In conclusion, aligning National Human Rights Due Diligence laws with UNGPs and international human rights standards is crucial to ensure their effectiveness and meaningful impact.<sup>32</sup> Companies should heed the advice on establishing an effective Human Rights Due Diligence framework, incorporating best practices to uphold human rights throughout their operations.<sup>33</sup> Furthermore, it is imperative for states to exhibit strength and commitment in enforcing Due Diligence regulations, especially in cross-border cases.<sup>34</sup> By doing so, they contribute to fostering a global business environment that prioritizes and safeguards human rights, ultimately fostering a more just and responsible corporate landscape.<sup>35</sup>

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<sup>30</sup> Office of the United Nations High Commissioner for Human Rights. *OHCHR Accountability and Remedy Project: Improving accountability and access to remedy in cases of business involvement in human rights abuses*. 2023.

<sup>31</sup> Ibid.

<sup>32</sup> United Nations, Human Rights Council. *Summary of consultations on enhancing access to remedy in the technology sector and on the enforcement of human rights due diligence: Report of the United Nations High Commissioner for Human Rights (A/HRC/50/45/Add.1)*. 2022. pp. 11-12.

<sup>33</sup> Ibid. p. 12.

<sup>34</sup> Ibid. p. 12.

<sup>35</sup> Ibid. p. 12.

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