

OIC Independent Permanent Human Rights Commission concludes its 11th Regular Session held in Jeddah from 07-11 May 2017

Jeddah 11 May 2017: The OIC Independent Permanent Human Rights Commission (IPHRC) held its 11th Regular Session in Jeddah, Kingdom of Saudi Arabia (KSA) from 07-11 May 2017. Besides Commission Members, the Session was attended by H.E. Dr. Zuhtu Arsalan, President of the Constitutional Court of Republic of Turkey, representatives of the OIC Secretary General, International Islamic Fiqh Academy and relevant international human rights experts from UN Counter-Terrorism Implementation Task Force and Jordanian National Centre for Human Rights. Representatives of OIC Member and Observer States, their National Human Rights Institutions (NHRIs) and media also attended and actively participated in the open proceedings of the Session.

The traditional thematic debate of the Session was held on 9 May 2017 on the subject of '*Protecting Human Rights while Countering Terrorism*'. An outcome document on the subject was also adopted by the Commission and is issued separately.

In his opening remarks, IPHRC Chairperson, Mr. Med S.K. Kagawa, while announcing the commencement of the IPHRC Secretariat operations from its new Headquarters building, expressed gratitude to the Government of the KSA and all the OIC Member States for their steadfast support to the work and activities of the Commission and its Secretariat. He also thanked the OIC Secretary General and his able predecessors, whose unwavering commitment to the cause of human rights and steadfast support to the Commission had contributed immensely towards this seamless transition.

Referring to the thematic debate, the Chairperson highlighted that the 'war on terror', unleashed in the aftermath of 9/11 attacks, laid emphasis on the security and military means alone. The review of such counterterrorism measures has highlighted potential weaknesses and flaws vis-à-vis their effectiveness. He urged that protection of human rights while countering terrorism is both an obligation of States and a pre-condition for an effective counter-terrorism strategy. To this end, he reaffirmed the purposes and principles of the United Nations Global Counter-Terrorism Strategy and OIC's firm and principled position against terrorism in all its forms and manifestations, committed by whomsoever and wherever and accordingly underlined the need to devise comprehensive human rights compliant strategies for addressing the root causes of and conditions conducive to terrorism.

Dr. Yousef Al Othaimen, Secretary General of the OIC, in his message delivered by his representative, highlighted that terrorism not only poses serious threat to the peoples' enjoyment of the right to life and liberty but also portends a perpetual danger to the existence of human civilization, progress, welfare and global stability. While national and global counter terrorism strategies are developed, States are responsible to ensure peace and security within their jurisdiction. However, at the same time, they are under obligation that their counter terrorism strategies are compliant with the international human rights, refugee and humanitarian laws. He emphasized the need for transparency, information sharing and meaningful participation of civil society and NHRIs in securing human rights. He urged the international community to agree on the universal definition of what constitutes a terrorist offence within national criminal law to protect against arbitrary or discriminatory application of laws.

The Commission Members, panelists and representatives of Member States had an exhaustive and fruitful discussion that underlined the threats to and infringements of basic human rights in the counter terrorism policies and practices. They rejected that terrorism can be associated with any nationality or religion and highlighted the necessity of addressing the conditions that foster terrorism by promoting human rights, tolerance and multiculturalism and tackling negative socio-economic factors. While making valid observations on the context of on-going international, regional and OIC's counter terrorism initiatives, the discussion reviewed the prevailing best practices and identified gaps within the existing initiatives and mechanisms to suggest the way forward. The outcome document of the debate reflects the summary of key points and recommendations made in the meeting.

During the five days session, the Commission had in depth discussion on all items on its agenda including human rights violations in the Occupied Palestinian Territories; civil, political, economic, social and cultural rights in OIC Member States as well as specific mandates given to it by the OIC Council of Foreign Ministers (CFM) such as Islamophobia and incitement to hatred; Standing Mechanism for monitoring human rights situation in the Indian Occupied Kashmir (IoK), as well as human rights situation of Muslim minorities in Myanmar and Central African Republic. The Commission also received briefings and inputs from OIC General Secretariat and experts on these subjects, which were instrumental in making informed and comprehensive decisions and recommendations on these subjects.

Based on the mandate given by the 42nd Session of the OIC CFM, the Commission, in its present Session, accomplished a monumental task of adopting the revised draft of the Cairo Declaration of Human Rights in Islam (CDHRI) titled '*The OIC Declaration of Human Rights*'. As mandated, IPHRC reviewed the CDHRI against existing universal and regional human rights instruments and accordingly has adopted a revised draft which will be presented to the 44th CFM in July 2017. The corresponding IPHRC resolution to the CFM requests the OIC Secretary General to form, on priority, an Intergovernmental Working Group to discuss and finalize the draft of the revised declaration and present its outcome report to the 45th CFM.

H.E. Dr. Riyad al Maliki, Foreign Affairs Minister of Palestine, also participated in the Session and updated the Commission on latest developments on the situation in Palestine, in particular, ongoing hunger strike of Palestinian prisoners. He informed that, over 1500 Palestinian prisoners, were on hunger strike in Israeli jails due to ill treatment and were protesting for their basic rights such as family visits, medical care, and to bring an end to arbitrary solitary confinement and administrative detentions. International Committee of the Red Cross has also urged Israel, the occupying power, to stop the "systematic suspension" of family visits for the hunger strikers. While stressing upon the urgency of the current crisis, he urged the Commission to come up with practical ideas in support of the Palestinian prisoners.

The Commission, while condemning the deteriorating human rights situation and extrajudicial killings in Palestine at the hands of the Israeli occupation forces, and establishment and expansion of illegal settlements, expressed serious concerns over the plight of the Palestinian prisoners. It was also decided that the IPHRC delegation shall visit Gaza strip, which continues to suffer some of the worst human rights violations. A detailed press release on the subject is issued separately.

The “Standing Mechanism for monitoring the human rights situation in the IoK” briefed the Commission about the successful conduct of the fact finding visit of the IPHRC delegation to Pakistan and the State of Azad Jammu and Kashmir which took place from 27-29 March 2017. The Commission appreciated the unfettered, open and transparent access provided by the Governments of Pakistan and the State of AJK to undertake its mandated task with objectivity and neutrality. The visiting delegation also presented the findings and recommendations of their visit in the form of a report which was adopted by the Commission. It will be presented to the 44th CFM for its consideration and later would will also be widely shared with all the Member States and international human rights entities. The Commission regretted Government of India’s persistent refusal to allow the IPHRC fact-finding mission to IoK but decided to continue to pursue them to allow a fact-finding visit to IoK in order to have an independent and objective assessment of the prevalent human rights abuses, which have been widely reported by national and international human rights organizations and independent media.

In its deliberations on the situation of Rohingya Muslims, the Commission noted with deep concern that the new Myanmar leadership, despite early euphoria, had failed to meet the hopes and expectations of the international community in bringing peace and security to the most persecuted Rohingyas. In fact, the Myanmar military has employed disproportionate force and failed to adequately distinguish attackers from civilians. Also, there were reports of arbitrary arrest, detention, torture, mass rapes and reprisal killings. Despite these ongoing hostilities, disappointingly, the lack of consensus among OIC member States to work on the issue as a unified front is palpable. The Commission, in an effort to raise awareness and gather firsthand information on the human rights situation, agreed to continue to actively pursue its plans to visit Myanmar, or alternatively visit one of the neighboring countries to meet with the Rohingya refugees.

The Commission noted with concern the alarming rise in Islamophobia and increase in hate crimes against Muslims. The Commission inferred that, at the global level, the threat of Islamophobia is very real and the causes of Islamophobia are not limited to the misinformation about Islam. It is also based on extremist political ideologies which use fear as a tool to gain popularity among the populations in the West at times when refugees are crossing the borders to escape persecution and bloody armed conflicts. The Commission expressed willingness to continue to work with OIC to lobby to criminalize all forms of hate speech, including Islamophobia and pursue vigorous diplomatic efforts to sensitize the international community on the dangerous implications of this phenomenon in the regional as well as the global context. The Commission also agreed to prepare and discussed the initial draft of a comprehensive study on Islamophobia and Counter terrorism during the present Session.

IPHRC Working Group (WG) on Right to Development (RtD) carried out a follow up review of its Abu Dhabi Declaration on RtD and presented the first draft of a study defining the concept/parameters of RtD from IPHRC perspective identifying challenges faced and proposing way forward. The Commission, while discussing the draft study, urged the OIC Member States to pursue discussions within the framework of UN Intergovernmental Working Group on RtD and focus on the implementation of the UN Sustainable Development Goals with special focus on North- South Cooperation, global partnerships and equitable and comprehensive development for all with targeted actions both at the national/regional and international levels.

The Working Group on Women and Child Rights, while welcoming the decisions taken for women empowerment during the 6th Ministerial Conference on Women's rights, held in Istanbul, urged the Member States to institutionalize and implement the OIC Plan of Action for the Advancement of Women (OPAAW) through concrete actions in their national policies at the earliest. It also called upon Member States, which have not yet done so, to expedite the process of the ratification of the Statute of the Organization of Women's Development so that the statute may enter into force, and the Organization becomes operational. It welcomed the selection of members of the Women Advisory Council and hoped that the upcoming first meeting of the Council on 18th May 2017 would devise ways and means to activate the OPAAW and implement the decisions of the Sixth Ministerial Meeting. The Working Group was also briefed on IPHRC's participation and contributions to the first OIC Ministerial Meeting on Protection of Family in Jeddah held in February 2017.

As mandated by the CFM, the Commission also discussed and adopted a comprehensive study on 'Sexual orientation and gender identity in the light of Islamic interpretations and International human rights framework', which will be presented to the 44th CFM for its consideration. The Study comprehensively addresses the issues from its historical, religious, social, scientific and human rights perspectives and makes concrete recommendations for the OIC Member States.

The Commission also adopted '*IPHRC's Working Arrangements with Member States-accredited Institutions dealing with Human Rights*' with a view to utilizing their expertise in constructive and result-oriented manner to advance knowledge in the field of human rights.

All the Commission Members appreciated the generous support of the Government of the KSA in providing an independent Headquarters building for the IPHRC Secretariat which reflects the commitment of the Government of KSA to further the cause of human rights.

In his concluding remarks, IPHRC Chairperson, Mr. Med S.K. Kaggwa expressed profound gratitude to all Member States including the Government of KSA, which hosts the Commission's Headquarters, and the OIC Secretary General for their steadfast logistical and moral support in smooth and effective functioning of the Commission. He also reaffirmed Commission's firm resolve to working in tandem with the OIC General Secretariat and other specialized institutions for further developing and strengthening of human rights respecting and protecting societies in OIC countries.

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