



The Organization of Islamic Cooperation's Declaration on Human Rights: Promises and Pitfalls

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The United Nations (U.N.) established the standards of basic human rights when it adopted the Universal Declaration of Human Rights (UDHR) in 1948. Muslim states, under the Organization of Islamic Cooperation (OIC), revisited these concepts on their own in the 1980s to draft the 1990 Cairo Declaration on Human Rights in Islam, which presented a set of rights informed by “Sharia,” or Islamic law. Within the document, the OIC included many of the rights presented in the UDHR, although it neglected gender and non-Muslim rights. Yet, by far, the organization’s great

est fault is that it co-opted the language of Sharia in the Cairo Declaration to empower states at the expense of individuals. After its adoption, most human rights activists in the West and some in the Muslim world claimed that the instrument conflicted with the UDHR.

In the early 2010s, the OIC began revising the Cairo Declaration and introduced the OIC Declaration on Human Rights (ODHR) almost a decade later. While the ODHR still falls short in certain respects, it better reflects the UDHR’s basic standard and offers the international community an opportunity to cooperate with the OIC to better protect human rights in the Muslim world.

KEY RECOMMENDATIONS

- **Implementation:** The OIC should continue to refine its human rights vision, move to implement basic freedoms with binding treaties as well as monitoring, and help member states to build their human rights capacity.
- **Diplomacy:** The U.N., Western governments, and human rights non-governmental organizations should collaborate with OIC states to implement those rights mentioned in both the ODHR and the UDHR. In areas of divergence, the international community should engage in dialogue and diplomacy with the OIC.
- **Civil Society:** The OIC should work with civil society in member states to increase efficacy and guarantee that the ODHR has visibility, legitimacy, and impact.

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INTRODUCTION

The United Nations (U.N.) set the international standard for basic human rights by adopting the Universal Declaration of Human Rights (UDHR) in 1948.² It further elaborated on this document through major conventions such as the 1966 International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social, and Cultural Rights (ICESCR). In addition to these global initiatives, complementary declarations were developed by regional organizations including the Organization of American States, Organization of African Unity, and Council of Europe. Under the umbrella of the Organization of Islamic Cooperation (OIC; formerly the Organization of Islamic Conference), Muslim states revisited these concepts in the 1980s to draft their own instrument.

The culmination of such efforts was the 1990 Cairo Declaration on Human Rights in Islam, which presented a set of rights informed by conservative Islamic values and “Sharia,” or Islamic law.³ Within the instrument, the OIC laid out many of the rights in the UDHR; however, it neglected gender and non-Muslim rights. Not to mention, the organization co-opted the language of Sharia in the document to empower states and ensure national sovereignty. After its adoption, human rights activists in the West and some in the Muslim world claimed that the Cairo Declaration conflicted with the UDHR.

In the early 2010s, the OIC began revising the instrument and introduced the OIC Declaration on Human Rights (ODHR) almost a decade later. The document was scheduled to be approved at the organization’s Council of Foreign Ministers (CFM) meeting in April 2020. However, this was cancelled due to the COVID-19 pandemic. Although the ODHR better reflects principles rooted in international human rights law, it falls short on issues related to family values, freedom of speech, and political participation. The evolution of the Cairo Declaration is encouraging, however,

as it demonstrates the OIC’s willingness to draw closer to the basic human rights standards of the UDHR. The new declaration provides an opportunity for the U.N., Western governments, and human rights non-governmental organizations (NGOs) to engage in dialogue with the OIC over the ODHR and UDHR’s areas of divergence and to collaborate on the points of convergence, such as the prohibition of torture, women’s rights, and the right to education, to ensure that such freedoms are protected in practice.

Like its predecessor, the ODHR is a non-binding document whose value is mostly symbolic. However, it is worth discussing for four reasons. Firstly, the evolution of the Cairo Declaration provides a useful lens to understand human rights debates, intellectual currents, and political changes in the Muslim world. Secondly, non-binding human rights declarations often become binding conventions and treaties. This was the case with the UDHR, which informed the ICCPR and ICESCR. Moreover, non-binding declarations may also create norms. In this case, by championing some ideas over others and mobilizing civil society organizations (CSOs), the ODHR will define acceptable human rights behavior. Finally, the OIC is a significant actor in international diplomacy and has been active on issues such as freedom of speech, hate speech, family values, and sexual orientation and gender identity (SOGI) rights in the halls of the U.N. in New York and Geneva. The ODHR articulates the organization’s vision of universal freedoms and helps us to understand emerging fault lines in the global politics of human rights.

THE 1990 CAIRO DECLARATION: A PRODUCT OF ITS TIME

The Cairo Declaration was a product of the late 1980s and early ’90s. The collapse of the Soviet bloc and democratic transitions in central and eastern Europe ushered in a period of liberal op-

timism in world politics. Two months after the fall of the Berlin Wall in 1989, the U.N. General Assembly had decided to use this momentum to build a global consensus on basic freedoms at the World Conference on Human Rights, which took place in Vienna in 1993.⁴ However, the international debate on human rights began to shift as the Cold War drew to a close. The cleavage between the West's civil and political rights and the Soviet bloc's economic rights evolved into a dichotomy between traditional Western liberalism and the Global South's demands for a voice in the emerging world order.

The decision to convene the World Conference intensified the Global South's deliberations on human rights.⁵ In 1990, the OIC adopted the Cairo Declaration; in 1992, members of the Non-Aligned Movement formulated the Jakarta Message; and in 1993, Asian states and NGOs issued the Bangkok Declaration. All these statements, while affirming the universality of human rights, elevated non-interference, economic rights, and respect for cultural differences. They asked for a balanced view between rights and duties, individual and community rights, and between a desire for progress and respect for traditional values.⁶

In addition to the above, the Cairo Declaration was a product of the rise of an Islamist perspective. In 1948, Muslim states' representatives were active in the preparation of the UDHR and other international covenants such as the ICCPR and ICESCR.⁷ With the conspicuous abstention of Saudi Arabia, Muslim states joined the UDHR and many also ratified the covenants, albeit frequently with Sharia-based reservations.⁸ Yet in the 1960s and '70s, the tides changed. The politicization of human rights during the Cold War, the failure of international law to deliver on Muslim-priority issues such as Palestine and Kashmir, as well as both U.S. and Soviet support for various authoritarian regimes and interventions in Islamic nations, often in the name of "human rights," fueled the Muslim world's disillusionment with the global discourse on universal freedoms.

This disillusionment was an important contributing factor that allowed political and revolutionary Islam to dominate Muslim perspectives on human rights. Intellectuals, such as Pakistani Abul A'la Maududi (1903–79) and Egyptian Sayyid Qutb (1906–66), urged Muslims to choose Islam over capitalism and socialism as a comprehensive framework of governance to address society's economic, political, and social ills. Scholars formulated a framework for human rights based on Quranic teachings of social justice, the inherent dignity of man as God's vicegerent, and the idea that all are equal under God.⁹ Although rarely at the political helm, Islamists' ideas dominated Muslim intellectual currents in the 1980s and '90s. The Iranian revolution, the Soviet Union's withdrawal from Afghanistan, and the Soviet bloc's subsequent collapse all served to further popularize the Islamist vision.¹⁰

Iran played a crucial role in preparing and promoting the Cairo Declaration.¹¹ The Islamic Republic was the most ideologically driven Muslim country and championed its post-revolutionary political system as ideal for other OIC states. Iran sought to assert its political leadership of the "um-mah," or global Muslim community, and did so by confronting Western states.¹² Human rights were a core component of the Islamic Republic's ideological campaign and in 1984 the country challenged the UDHR. Within the U.N., Iran's representative called the document a collection of secularized ideals informed by Judeo-Christian traditions incompatible with Sharia.¹³ Reintegrated into the OIC after being marginalized during the Iran-Iraq war, the Islamic Republic used the organization to assert its leadership on wedge issues between the Muslim world and the West.

SHARIA, SOVEREIGNTY, AND HUMAN RIGHTS

In the 1990 Cairo Declaration, the OIC laid out many of the rights articulated in the UDHR. Indeed, the organization defended the preservation of human life, the protection of one's honor, fam-

ily, and property; and upheld the human right to education and medical and social care.¹⁴ Yet, it did not commit to individual equality and non-discrimination, especially on issues related to gender and the rights of non-Muslims.

From an international human rights perspective, the OIC stirred controversy because the Cairo Declaration claimed adherence to Sharia. In the preamble, it was stated that “fundamental rights and universal freedoms ... are an integral part of [Islam],” and that such are “binding divine commandments” revealed to the Prophet Muhammad in the Quran. The centrality of Islamic law is clear from the declaration’s articles. Article 22 stated that “Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari’ah.” Article 12 affirmed that “Every man shall have the right, within the framework of Shari’ah, to free movement,” although, nothing is said about every woman. Finally, Article 25 further made Islamic law supreme by declaring it the document’s “only source of reference.”¹⁵

Such shorthand and cursory use of Sharia gave rise to important shortcomings. Firstly, the Cairo Declaration never specified what the term constituted. Given the diversity of opinions on Sharia across time and between and within “madhabs,” schools of Islamic jurisprudence, it is impossible to know what rights are protected by the document. Moreover, limiting rights to a Sharia compatible framework of values would render them meaningless due to the comprehensiveness of Islamic law. For instance, Article 22, mentioned above, guarantees the right to express one’s opinion freely so long as it does not contradict the principles of Sharia. Yet, because Islam is a religion known to govern all parts of a Muslim’s life, this means that free speech would be limited in all spheres. Not to mention, the OIC never clarified exactly what constituted a contradiction. Furthermore, several of the Cairo Declaration’s articles violated international law. Article 10 designated non-Muslims to a subordinate status

and prohibited conversion from Islam. In addition, the declaration did not recognize freedom of assembly and association or protect women from discrimination. Indeed, Article 12 provided the right to freedom of movement solely to men while Article 6 declared them as being the head of the household.¹⁶

Yet, by far, the Cairo Declaration’s greatest shortcoming was its empowerment of states over individuals. In the modern world, the governments of Muslim countries, especially Sunni ones, have increasingly incorporated Sharia into their domestic legal systems and subsumed it under their authority. In the absence of an international body that has the final say over Islamic law’s interpretation, the 1990 declaration relegated human rights to the discretion of states. This was a deliberate choice on the part of the OIC, which sought to co-opt the language of Sharia to protect national sovereignty.

CAIRO DECLARATION: RECEPTION AND IMPACT

In the 2000s, OIC bureaucrats and member states contended that the Cairo Declaration was a complement to the UDHR, rather than a substitute. In an address to the U.N. in 2007, Pakistan’s Ambassador Masood Khan said that the legal instrument “is not an alternative, competing worldview on human rights. It complements the Universal Declaration as it addresses religious and cultural specificity of the Muslim countries.”¹⁷ Yet, because several Muslim states maintained Sharia-based reservations to international treaties, the liberal human rights community, especially in Europe and North America, saw the Cairo Declaration as an intended alternative to the UDHR, which OIC states could use as ideological backing to counter criticism of their poor human rights records. The concerns of liberal NGOs grew in the early 2000s when the OIC began lobbying the U.N. to classify religious defamation as a violation of human rights. Muslim states tried

to frame defamation of religions as a form of hate speech, which was already outlawed by the ICCPR.¹⁸ Yet, liberal groups saw this as an attempt to co-opt Sharia and restrict freedom of expression at the global level.¹⁹

In 2019, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution, which declared that the Cairo Declaration and Sharia in general are incompatible with the European Convention on Human Rights. In addition, the resolution asked three Council of Europe members (Albania, Azerbaijan, and Turkey)—all a part of the OIC—to distance themselves from the Muslim world’s instrument.²⁰ In the proceeding vote, Turkey and Azerbaijan’s delegations rejected the resolution while Albania’s did not participate.²¹

Most human rights scholars ignored the Cairo Declaration, and among the minority who studied it, views were varied. Some argued that the declaration contradicted the UDHR,²² while others thought it useful in “[normalizing] the discussion about human rights in Muslim-majority states and societies.”²³ Still, others called it “a dormant document” without “an interpretative or enforcement organ.”²⁴

To say that the Cairo Declaration was a void instrument would be accurate. Not a single piece of domestic legislation in the OIC countries can be attributed to it. Even in the U.N., OIC members hardly refer to it or care to include it in their human rights responses.²⁵ Muslim advocacy groups and even OIC bureaucrats have ignored the instrument. Even so, the value of the Cairo Declaration has been symbolic rather than practical, allowing Muslim states to assert their voice in global human rights debates, which they have felt both excluded from and subjugated by. In turn, the reaction it elicited reflects the international community’s uneasiness about that voice. Some uneasiness is grounded in genuine concern for human rights in the Muslim world and some in Islamophobia.

THE ROAD TO REVISION: THE OIC DECLARATION ON HUMAN RIGHTS

The OIC has paid attention to criticisms of the Cairo Declaration. According to a document released by the organization last year, “it is recognized that there are obvious legal, linguistic and perceptual gaps and inconsistencies in the [Cairo Declaration], which require careful screening and review to make it more practical, representative, broad based and above all implementable.”²⁶ This attitude reflects the process of reform that the organization carried out in the mid-2000s. Pushed by Ekmeleddin İhsanoğlu, who served as secretary-general from 2005 to 2013,²⁷ the OIC adopted its Ten-Year Program of Action in 2005 and revised its charter in 2008, with changes made to reassert a commitment to human rights.²⁸ During this period, the organization started to lessen the mention of Sharia in its human rights documents, referring instead to Islamic values more broadly. For example, in the Covenant on the Rights of the Child in Islam of 2005, the OIC invoked Sharia, yet, Islamic law was framed as a broad set of values that informed the document and was not used to curtail universal freedoms.²⁹ Having taken it one step further, the Plan of Action for the Advancement of Women (OPAAW) of 2016 did not refer to Sharia at all but mentioned “Islamic values” several times. For instance, the introduction stated that “through OPAAW, OIC is taking steps towards eliminating all forms of discrimination against women in order to reduce inequalities between women and men pursuant to Islamic values of social justice and gender equality.”³⁰

More significantly, the OIC established the Independent Permanent Human Rights Commission (IPHRC) in 2011.³¹ The body lacks powers to investigate human rights violations or enforce its decisions; nor does it have the resources for effective human rights monitoring. In an earlier assessment, I concluded that it has become window dressing, more interested in the rights of Muslim minori-

ties in places such as Palestine or Myanmar than the human rights violations of its member states.³² While that is still true, the commission has institutionalized human rights discourse within the OIC and become a focal point for advocacy. During the IPHRC's first meeting in Jakarta in 2012, Secretary-General İhsanoğlu asked the 18-member body in his opening address to “review and update OIC instruments, including the Cairo Declaration.”³³ Moreover, the CFM provided the commission an explicit mandate to revise the document so that it is in harmony with “existing international human rights standards and the relevant Islamic teachings and principles of equality and justice.”³⁴

The IPHRC led the revision process, and like for other OIC documents, this was carried out in an opaque manner.³⁵ A subgroup of IPHRC commissioners drafted the revised version and presented it to the CFM, which created an intergovernmental group to finalize the draft. Once complete, the document was presented before the council for final approval. At each step of the way, little is known about the players involved as the members of both the IPHRC subgroup and intergovernmental group were kept private. Moreover, during the revision process, the OIC never shared a working draft publicly to solicit feedback from CSOs, NGOs, or unions, who are the most progressive voices on Islam and human rights in the Muslim world. The reluctance to work with such groups reflects many member states' hostility toward them and the OIC's strong intergovernmental orientation. Yet, the IPHRC could have used the revision process to cement its independence and strengthen its own relations with civil society.

MOVING AWAY FROM SHARIA

In terms of style and underlying philosophy, the ODHR is more closely aligned with universal human rights norms than was the Cairo Declaration. The OIC changed the title from the Cairo Declaration on Human Rights *in Islam* to solely the OIC Declaration on Human Rights. This change signifies that forces within the organization have moved

it away from claiming to speak on behalf of the religion, emphasizes the OIC's intergovernmental nature, and better aligns the declaration with other regional human rights instruments. The revisions also secularized the document by removing many of the references to Sharia and Islam.

These moves were not simply token changes to appease the Cairo Declaration's critics or an attempt at self-branding. Rather, they reflect ideological shifts in the Muslim world that began to take shape in the early 2000s and intensified after the 2011 Arab Spring. The Cairo Declaration was a product of the broader influence of Islamists who saw “Islam as the solution” and Iran, which saw political confrontation on wedge issues as an opportunity to assert its Muslim leadership. In 2020, however, the tides have turned against them: Islamism has lost its allure in Muslim political thought, and Iran has lost its prominent position in the OIC due to conflict with the organization's current dominant power, Saudi Arabia.³⁶ At the same time, moderate voices in places such as Turkey have gained influence,³⁷ thus steering the organization's human rights philosophy further away from political Islam.

The ODHR reflects an uneasy, at times inconsistent, compromise among three influences. The first is state sovereignty. Authoritarian state bureaucrats emphasize non-interference in domestic affairs, the primacy of national law over human rights, and a disregard for the freedom of association and political participation. The second influence is reactionary resistance to a progressive interpretation of basic freedoms. This is most strongly articulated by conservatives, some of whom demand the protection of Islamic principles, including family values, which they view as threatened by Western cultural imperialism often disguised in the rhetoric of international human rights. In conservative circles, family values are sometimes used as a platform to push back against calls to increase women's and SOGI rights. A third influence stems from moderates wanting to ensure compatibility between universal freedoms and Islamic principles. Like political Islamists who organized around certain key thinkers, moder-

ates have been empowered by contemporary intellectuals such as Egyptian Hassan Hanafi (1935–), Mauritanian Abdullah bin Bayyah (1935–), Iranian Abdolkarim Soroush (1945–), and Tunisian Rachid Ghannouchi (1941–). One popular approach used by some of these intellectuals has been “maqasid,” which entails interpreting the rules of Sharia in a way that protects and promotes the preservation of life, intellect, lineage, property, and religion. This technique of legal understanding, broadly speaking, provides for an interpretation of Islamic law that aligns with universal human rights norms.³⁸

In an effort to reconcile all three influences, the OIC removed the mention of Sharia from operational articles, though keeping it in the preamble, and made further concessions to appease each camp. To ensure that states would still maintain sovereignty, the organization foregrounded domestic law. Moreover, it emphasized traditional values to please conservatives and provided further detail on the ODHR and UDHR’s areas of overlap for the sake of moderates.

CONTENT: CONVERGENCES AND DIVERGENCES

The ODHR reflects a significant departure from the Cairo Declaration and a step closer to the UDHR. Even so, there are still many ways that the document falls short of international norms.

In setting the ODHR apart from the Cairo Declaration, the OIC removed the language of Islamic superiority from the preamble. A historic document, the Medina Charter, sometimes called a constitution, was prepared under the Prophet Muhammad in 622 A.H. and is referred to in the ODHR as the oldest human rights document in Islam to demonstrate the Muslim world’s early recognition of basic freedoms.³⁹ Yet the charter, while ahead of its time in terms of pluralism and tolerance, is in fact not about human rights. Rather than specifying the rights of individuals as in a constitution, it is instead a treaty that focuses on the rights and duties of groups and tribes, including Jewish ones, residing in Medina, and their commitment to col-

lective defense.⁴⁰ Moreover, unlike its predecessor, the ODHR places less importance on Islamic law. Indeed, Sharia is mentioned only three times and is framed solely as a set of principles that inform the instrument. The OIC offset this reduced emphasis on Sharia by frequently referencing to national law, emphasizing the primacy of state sovereignty over universal freedoms. This change, however, renders the document meaningless in authoritarian settings void of strong rule of law and elevates the role of Sharia implicitly, specifically in OIC states that hold Sharia-based legislative systems.

These criticisms aside, however, the OIC drafted the ODHR so that it draws closer to international human rights norms. For instance, the document increases women’s rights, specifically through Article 5, which declares that “State and the society shall take all necessary measures to eliminate difficulties that impede the empowerment of women, their access to quality education, basic health care, employment and job protection and the right to receive equal remuneration for equal work as well as their full and effective participation in all spheres of life.” The article adds that “Women and the girl child shall also be protected against all forms of discrimination, violence, abuse and harmful traditional practices.” Moreover, the ODHR does not establish husbands as the head of the family.⁴¹

Despite such advancements, the OIC still failed to comply with various international norms. For example, the ODHR, like its predecessor, omits many rights including the freedom of peaceful assembly and association and universal suffrage. This, unsurprisingly, reflects the predominance of authoritarian political systems among member states, rather than Sharia morality or jurisprudence. The document also defines marriage between a man and a woman, and asks member states to protect family and marriage, thus demonstrating the conservative influences described above.

The ODHR also falls short in the area of LGBTQ rights. In the U.N., the OIC has actively argued that

the LGBTQ community is not entitled to equality or protection from discrimination and, moreover, that LGBTQ claims undermine family values, and perpetuate the Western liberal cultural assault on Islamic principles more broadly.⁴² With its emphasis on family and the traditional definition of marriage, the new declaration builds on this stance and will only strengthen the OIC's resolve in international fora. Not to mention, it will empower anti-LGBTQ groups in member states.

Furthermore, freedom of expression is not included in the ODHR. The preamble states the need to "protect the rights of communities and preserve their dignity and religious and cultural identity." This language in part reflects the OIC's concerns over Islamophobia in the West and its decade-long push to combat religious defamation at the U.N.⁴³ Yet, the organization introduces restrictions to freedom of expression that surpass hate speech, stating that this right "should not be used to violate sanctities of the dignity of prophets, religions, religious symbols or to undermine moral and ethical values of society."

A final distinction between the UDHR and ODHR is that unlike the former, which requires states to protect human rights, the latter is filled with references to the responsibility of "the State and society." This combination blurs a central theme in modern human rights, as covenants and treaties assign full responsibility to states in order to ensure that people in their territory and under their jurisdiction enjoy universal freedoms.⁴⁴

THE QUESTION OF IMPLEMENTATION

The ODHR will be significant because it demonstrates the willingness of Muslim states to move away from rejecting the UDHR and using Sharia to limit universal freedoms. The instrument offers a more developed and contemporary formulation of OIC members states' views on human rights, compared to the Cairo Declaration, by articulating differences on issues such as women and fam-

ily, freedom of speech, and SOGI rights. These issues are heavily contested in the global public sphere, not to mention, U.N. fora. The ODHR offers a clear formulation of the OIC's positions on these matters, strengthens the organization's resolve, and provides an opportunity for member states to defend their practices against Western criticism. However, moving forward, the most important question will be the document's relevance to human rights on the ground. Like the 1990 Cairo Declaration, the ODHR is non-binding. And while there were some attempts to create a binding convention of human rights, that project seems to have been all but shelved.

What effect will the ODHR have on the protection and promotion of human rights in member states? If member states legislate human rights, they will likely use U.N. instruments over those of the OIC, to signal their compliance to such conventions and appease Western nations as well as human rights communities. Yet at the same time, member states and conservative groups may invoke the ODHR to strengthen their positions on free speech restrictions, including blasphemy laws, combat LGBTQ demands, or promote family values.

The ODHR may face a similar fate among human rights advocacy groups as the Cairo Declaration. Advocacy groups in OIC states, many of which subscribe to the UDHR, will likely ignore the declaration because they were excluded from the revision process and because the document, like its predecessor, does not protect the freedom of association and assembly. Needless to say, this is quite unfortunate. As the OIC has developed its human rights agenda throughout its reform process, there were hopes that it would have collaborated with CSOs and possibly granted them "consultative status."⁴⁵ The IPHRC's own statute encourages the commission to collaborate with, promote, and support human rights civil society.⁴⁶

Integrating CSOs into the OIC can advance human rights by strengthening the freedom of association, and encourage political participation by

increasing their visibility and providing them the opportunity to become involved in global politics. Civil society can also help to expand the organization's human rights capacity and push member states toward a more rights-enhancing direction.⁴⁷ Indeed, it would be helpful to include CSOs, which possess the most progressive voice on Islam and human rights in the Muslim world, so that they could encourage the organization to close the ODHR and UDHR's gaps, and better protect those rights mentioned in both declarations.

The OIC has not yet collaborated with human rights civil society due to the skepticism and even hostility that member states hold toward it. The organization does, however, work with humanitarian groups that are apolitical, service oriented, and of a conservative Islamic bent,⁴⁸ as well as Muslim NGOs outside of its member states.⁴⁹ On their part, some human rights CSOs have shown strong interest in working with the IPHRC in particular. When the commission was first established in 2011, more than 230 such organizations from 24 OIC states, under the leadership of MAZLUMDER, a Turkish-Islamic human rights NGO, appealed to the organization to "ensure space for civil society participation in the Commission and follow a process that is consultative and inclusive of civil society at all levels."⁵⁰ Their plea went unanswered, however, and CSOs remain an untapped resource in the community of OIC states. Indeed, the exclusion of civil society in the ODHR drafting process was a missed opportunity.

A final way for the OIC to work on the declaration's implementation is to engage government-funded administrative bodies responsible for the protection and promotion of human rights, known as national human rights institutions (NHRIs). Out of 57 member states, 34 have NHRIs. The IPHRC has long sought to establish closer relations with such bodies and an OIC network for them. If realized, this network would facilitate the monitoring and implementation of the ODHR. However, for this to happen, the OIC would need to expand the IPHRC's mandate so that it has the power to enforce decisions and the resources to improve monitoring.

CONCLUSION AND RECOMMENDATIONS

The ODHR marks an improvement from the 1990 Cairo Declaration as it aligns more closely with the UDHR, and offers a contemporary formulation of Muslim state positions on human rights. Though some may fear that the revised instrument is simply its predecessor rebranded, this deflects attention away from the OIC's great progress. Indeed, the revision of the ODHR demonstrates the organization's engagement with international human rights, responsiveness to criticism, and its willingness to move away from rejecting the UDHR or co-opting Sharia to limit basic freedoms.

Moving forward, if the OIC and international community seek to further human rights in the Muslim world, they should focus on implementation, diplomacy, and involving civil society. Regarding implementation, the OIC should continue to refine its human rights vision and, more importantly, move to implement basic freedoms with binding treaties and monitoring. It should also help member states build their human rights capacity. On the part of the international community, it can and should collaborate with member states, and their NHRIs more specifically, to realize ODHR principles that already align with those of the UDHR. On areas of divergence, the U.N., Western governments, and human rights NGOs should engage in diplomacy and dialogue with the OIC. Carrying out tactful discourse will be of the utmost importance. If the international community attacks the ODHR through caricaturing, belittling, and shaming, this will empower OIC conservatives at the expense of moderates. Finally, CSOs must be brought to the table. Indeed, the OIC should engage with CSOs, NGOs, and unions in member states if it wants to increase efficacy. And though civil society was excluded from the Cairo Declaration's revision process, its involvement is key to guarantee that the ODHR has visibility, legitimacy, and impact.

APPENDIX

The tables below provide a comparison of the Universal Declaration of Human Rights (UDHR), Cairo Declaration on Human Rights in Islam, and OIC Declaration on Human Rights (ODHR).⁵¹ The source of each right is indicated by document and article number.

Key for Tables 1–3

- U:** Universal Declaration of Human Rights
- C:** Cairo Declaration on Human Rights in Islam
- O:** OIC Declaration on Human Rights

Table 1: The following rights are listed in the UDHR. The Cairo Declaration and/or ODHR have corresponding articles.

| Right | U | C | O |
|-------------------------------------------------------------|--------|---------------------|-----|
| Equality of rights without discrimination | U1, U2 | C1 | O1 |
| Life | U3 | C2 | O2 |
| Liberty and security of person | U3 | C18 | O21 |
| Protection against slavery | U4 | C11 | O1 |
| Protection against torture and cruel and inhuman punishment | U5 | C20 | O21 |
| Recognition as a person before the law | U6 | C8 | O7 |
| Equal protection of the law | U7 | C19 | O20 |
| Protection against arbitrary arrest or detention | U9 | C20 | O21 |
| Hearing before an independent and impartial judiciary | U10 | C19 | O20 |
| Presumption of innocence | U11 | C19 | O20 |
| Protection of privacy, family, and home | U12 | C5, C18 | O17 |
| Freedom of movement and residence | U13 | C12 <i>Men only</i> | O10 |
| Seek asylum from persecution | U14 | C12 <i>Men only</i> | O10 |
| Nationality | U15 | — | O11 |
| Marry and found a family | U16 | C5 | O4 |
| Own property | U17 | C15 | O14 |
| Freedom of thought, conscience, and religion | U18 | — | O18 |
| Freedom of opinion, expression, and the press | U19 | C22 | O19 |
| Political participation | U21 | C23 | O22 |
| Work, under favorable conditions | U23 | C13 | O12 |
| Free trade unions | U23 | — | O12 |
| Rest and leisure | U24 | C13 | O12 |
| Food, clothing, and housing | U25 | C17 | O16 |
| Health care and social services | U25 | C17 | O16 |
| Special protections for children | U25 | C7 | O6 |
| Education | U26 | C7, C9 | O8 |

Table 2: The following rights are listed in the UDHR. Neither the Cairo Declaration nor the ODHR have corresponding articles.

| Right | U | C | O |
|-----------------------------------------------------------|----------|----------|----------|
| Access to legal remedies for rights violations | U8 | — | — |
| Protection against ex post facto laws | U11 | — | — |
| Freedom of assembly and association | U20 | — | — |
| Social security | U22 | — | — |
| Participation in cultural life | U27 | — | — |
| A social and international order needed to realize rights | U28 | — | — |

Table 3: The following rights are listed in either the Cairo Declaration or ODHR, but are not in the UDHR.

| Right | U | C | O |
|--------------------------------------------------------------------------------------------------------|----------|----------|----------|
| Protection during war and armed conflict | — | C3 | O23 |
| Protection of honor | — | C4 | O3 |
| Protection of cemeteries | — | C4 | O3 |
| Women's right to financial independence and to retain their names | — | C6 | O5 |
| Right to self-determination, national sovereignty, and territorial integrity | — | C11 | O9 |
| Protection against occupation and colonialism | — | C11 | O9 |
| Prohibition of usury ("riba") | — | C14 | O13 |
| Intellectual property rights | — | C16 | O15 |
| Men as head of the household ("The husband is responsible for the support and welfare of the family.") | — | C6 | — |
| Protection from conversion away from Islam | — | C10 | — |
| Prohibition of hostage taking | — | C21 | — |
| Limits to the death sentence | — | — | O2 |
| Protection of marriage (between men and women) | — | — | O4 |
| Eliminating the difficulties and discrimination that women face | — | — | O5 |

ENDNOTES

- 1 Turan Kayaoglu is a visiting fellow at the Brookings Doha Center (BDC) and a professor of international relations at the University of Washington, Tacoma. He would like to thank Mary Hanneman, Sally Zeiger Hanson, Mohammad Hossein Mozaffari, and Yasser Salimi for their comments on earlier drafts of this policy brief. Finally, a special thank you to Salma Hassan for her outstanding research support and to the BDC research and communications teams.
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