

Summary Report of the 16th Regular Session of the OIC Independent Permanent Human Rights Commission held in Jeddah, KSA from 24 to 28 November 2019

Jeddah 28 November 2019: The OIC Independent Permanent Human Rights Commission (IPHRC) held its 16th Regular Session in Jeddah, Kingdom of Saudi Arabia (KSA) from 24 to 28 November 2019. The traditional thematic debate of the Session was held on 26 November 2019 on the subject of '*Climate Change and Environmental Protection: A Human Rights Perspective*'. An outcome document on the subject was also adopted by the Commission and is issued separately.

Besides Commission Members, the Session was attended by Member of the UN Committee on Economic, Social and Cultural rights and the representatives of the OIC Secretary General, United Nations Environment Program (UNEP), SESRIC¹ and ISESCO². OIC Member and Observer States including their National Human Rights Institutions (NHRIs), also attended the debate and actively participated in the open proceedings of the Session.

In his opening remarks, IPHRC Acting Chairperson, Mr. Adama Nana, thanked all the OIC Member States, including the host country, KSA, for their overwhelming participation and interest in various activities of the Commission. He also welcomed the newly elected Members of the Commission and hoped that, based on their outstanding credentials and experience in the field of human rights, they will add value to the work of the Commission.

Mr. Nana, while highlighting the work of the Commission, updated the participants on the implementation status of CFM mandates and progress made by the Commission during various activities. He informed that the Commission has reviewed and revised the OIC instruments on human rights such as the Cairo Declaration on Human Rights in Islam (CDHRI) and the OIC Convention on the Rights of Child in Islam and brought these in conformity with the universal human rights standards. Both the documents will be presented to the 47th CFM for consideration and adoption. He also apprised about the outcome of the 6th IPHRC International Seminar held in collaboration with the Government of Uzbekistan and the Office of the UN High Commissioner for Human Rights (OHCHR) in Tashkent, which proposed ways and means to improve the existing legal, administrative and political frameworks to promote youth rights including crafting of a new international convention on the rights of youth.

Referring to the topic of this Session's thematic debate, IPHRC Chairperson highlighted that climate change is one of the greatest human rights challenges and its consequences have an adverse impact on the full and effective enjoyment of the human rights such as the rights to life, health, food, water, housing, and an adequate standard of living. He appealed for international cooperation including financial, technological and capacity-building support, to realize low-carbon, climate-resilient sustainable development strategies applying a rights-based approach. Further, he urged the States to embrace the concept of 'Climate Justice', to mitigate and adapt to the impacts of climate change to benefit people who have contributed least to cause environmental damage especially future generations.

¹ Statistical, Economic and Social Research and Training Centre for Islamic Countries

² Islamic Educational, Scientific and Cultural Organization

Dr. Abdalla Mosa Altayer, representing the OIC Secretary General, hailed the contribution of the Commission in promoting and protecting the human rights within the Muslim world and beyond. He also welcomed the topic of thematic debate and highlighted that the OIC Member States are highly vulnerable to environmental changes, especially low income and least developed member countries due to their technological and financial limitations, low adaptive capacities and high dependence on climate sensitive natural resources. He urged to adopt an integrated adaptation policy for the OIC to raise the level of awareness, interaction and cooperation on environmental issues among OIC Member States and with international stakeholders to cover dimensions, including capacity building, disaster risk management, research, environmental impact assessment and economic diversification. He also stressed the need to reinforce the capacity of NHRIs, youth, women, religious leaders, civil society organizations and media for sharing of experiences, expertise and best practices on environmental protection within the framework of Sustainable Development Goals 2030.

The Commission Members, panelists and representatives of Member States had a comprehensive and fruitful discussion to identify the linkage between environmental degradation and its effects on full realization of all human rights. The debate suggested administrative, legislative and policy measures to mitigate the impact of climate change and ensure environmental protection through policy coherence, technology-based solutions, institutional capacity building and engagement of civil society, as well as to enhance collaboration with relevant partners in accordance with their obligations under respective international and regional human rights instruments. Based on the comprehensive discussion, the Commission adopted the Outcome Document of this thematic debate which is issued separately.

During the five days session, the Commission also had in-depth discussions on all items on its agenda including continued Israeli human rights violations in the Occupied Palestinian Territories (OPT); civil, political, economic, social and cultural rights in OIC Member States as well as specific mandates given to it by the OIC-CFM such as Islamophobia; Rights of Women and Children; Right to Development; 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 (CAR). The Commission also received briefings from relevant departments of the OIC General Secretariat on these subjects, which were instrumental in making informed and comprehensive decisions and recommendations on these subjects.

The Commission, while discussing the deteriorating human rights situation in the OPT, condemned the renewed military aggression carried out by the Israeli occupation forces in the Gaza Strip earlier this month which is regarded as blatant violation of international human rights and humanitarian law. The Commission also expressed deep concern over the ongoing expansion of Israeli settlement activities, and warned that support from any country or quarter, which aims at legitimizing the colonial settlement areas in the West bank are null and void by virtue of international law and in stark violation of relevant UN Resolutions. A separate press statement is issued on the subject.

The Commission received detailed briefing on the worsening human rights situation in the IoK from the OIC General Secretariat and President of the State of Azad Jammu and Kashmir. The

Commission was appalled to note that the Indian Government in an attempt to quell the Kashmiris struggle for the right to self-determination, has resorted to relentless political, economic and communication blockade in IOK, which has completed more than 115 days with no sign of letting up in sight. It extended its full support to the right of self-determination of Kashmiris in accordance with the relevant UNSC resolutions. A separate press statement is issued on this issue.

In its deliberations about Rohingya Muslim minority in Myanmar, the Commission discussed in detail the latest developments on the subject. It expressed serious concern that approximately 600,000 Rohingya in Rakhine State, continue to live in an 'open-air prison' where all aspects of their lives are controlled. Myanmar also continues to renege from its commitments agreed in the bilateral repatriation agreement with Bangladesh, which is adding misery to the humanitarian situation of over 1 Million Rohingya refugees in Bangladesh. It welcomed the pronouncement of the UN Independent International Fact-Finding Mission that Myanmar is failing in its obligations under the Genocide Convention. To this end, the Commission welcomed the significant development whereby Gambia, on behalf of the OIC, has filed a lawsuit in International Court of Justice (ICJ), alleging that Myanmar has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide (1948) for its genocidal actions against the Rohingya people. On 14th November, the ICJ approved a full investigation into Myanmar's alleged crimes against the Rohingya. The IPHRC was part of the investigative and evidence collections phases of the case. While welcoming this development, IPHRC suggested that the OIC may continue to disburse humanitarian and financial assistance to the Rohingyas and render full political and diplomatic support.

During the discussion in its Working Group (WG) on Islamophobia and Muslim minorities, the Commission expressed its disappointment over the growing tide of hatred and discrimination against Muslims in different parts of the world. It expressed serious concerns over the rise of far-rights political narrative that is adversely contributing to menace of hatred, discrimination and violence against Muslim minorities in different countries. The Commission condemned the recent incidents of Burning of Holy Quran in Norway; rise of anti-Muslim and anti-migrant rhetoric in Brazil; religious based discrimination against Muslim refugees and migrants in some of the EU countries; discriminatory treatment against Muslims in the ongoing Registration process (in Assam, India); unexpected decision to hand over a 460-year-old Babri mosque to Hindus to build a temple in Ayodiah, India; increased violence and discrimination against Muslims in Sri Lanka and continuing unresolved conflicts in Southern Thailand and Southern Philippines. The Commission termed these incidents as unfortunate and violative of the fundamental freedoms of minorities to practice their religion freely without any fear.

While discussing the situation of Uyghur Muslims in Xinjiang, China, the Commission stressed that the freedom of religion is a fundamental right, practice of which should not be construed as a source of radicalization. The Commission urged the OIC General Secretariat to continue its constructive engagement with the Chinese authorities to ensure the promotion and protection of human rights of Muslim minorities.

The Commission also reviewed the worsening human rights situation in the CAR where the Muslim minority continue to face serious violations of their human rights. Despite the gravity of

the situation, the Commission welcomed the signing of the peace agreement between the Government and armed groups and appealed to OIC Member States and Islamic financing institutions to provide financial and humanitarian assistance to the Government for building institutions and peace. The Commission is of the view that the key to resolving the crisis and the success of peace in the CAR is justice. To this end, it welcomed the establishment of the main transitional justice institutions as a follow up to the Peace Agreement. It also expressed its willingness to undertake another field visit, in collaboration with the OIC General Secretariat, to document and report on the ongoing human rights situation faced by Muslims in CAR.

In its interaction with the OIC Observatory on Islamophobia, the Commission expressed concern over the continued rise of Islamophobia in the West. It also noted with deep concern the spread of Islamophobia to other areas in the East i.e. Myanmar, India and Sri Lanka where vigilante mobs carry out unprovoked hate attacks against ethnic and religious minorities. The Commission appreciated the OIC initiative to devise a comprehensive strategy to combat Islamophobia to which it has made a substantive contribution. It welcomed the ‘OIC Plan of Action on Combating Islamophobia, Religious Discrimination, Intolerance and Hatred towards Muslims’ adopted during the Annual Coordination Meeting of OIC Foreign Ministers at the sidelines of the 74th Session of UNGA. The Commission also welcomed different initiatives by Member States to combat Islamophobia including the plan to establish a Television channel. The Commission highlighted the need to pursue a sustained dialogue through mechanisms like Istanbul Process (Res. 16/18) to build consensus towards combating/ criminalizing incitement to hatred and violence based on religion or belief in line with the international human rights law, which clearly prohibit any advocacy of religious hatred. The Commission rejected attempts at justifying hate mongering and incitement to discrimination and violence as freedom of expression.

The Commission’s WG on the Right to Development (RtD) reiterated the call to transform the Declaration into a binding International Convention. The WG discussed the draft of the thematic study presented by Amb. Cheikh Tidiane Thiam, which outlined the conceptual and substantive aspects of RtD with a view to operationalize the concept for sustainable development. The study reaffirms that RtD provides a framework for the consideration of extraterritorial obligations of States, in their collective capacities, including as members of international organizations to address, inter alia, trade and investment, science, technology and innovation, intellectual property, climate change, financing development and development related matters through international cooperation. It provided that the implementation of the 2030 Agenda and other actions in the development sphere should be guided by the RtD, which emphasize international cooperation, mutual accountability and shared responsibilities by all organs of society, including the private sector. The finalized draft of the study will be considered for adoption in the next regular session.

In its deliberations on the rights of women and children, the Commission was delighted to announce that the review process of the OIC Covenant on the Rights of the Child is completed with the adoption of the revised draft, which will now be presented to the 47th CFM for consideration. It was hailed as a monumental achievement.

The Commission noted with satisfaction that 13 Member States have ratified the Statute of OIC Women’s Development Organization and hoped that the process will be completed soon for its

early operationalization. The Commission appreciated collaboration with the OIC General Secretariat to improve the reporting process of the OPAAW for effective implementation and to undertake joint projects for empowerment of women.

Besides the regular proceedings of the 16th Session, the IPHRC Secretariat in collaboration with the OHCHR also organized the 2nd Series of the Workshop on Universal Periodic Review (UPR) on 28 November 2019. The Workshop was attended by Commission Members, Members of the IPHRC and OIC General Secretariat as well as the representatives of the Member and Observer States and their NHRIs. The joint workshop: (a) provided substantive overview of the preparatory processes, follow up and implementation mechanisms of the UPR; (b) provided an opportunity to the OIC countries to share their experiences and best practices of UPR follow up; and (c) identified ways and means to strengthen cooperation and dialogue between OHCHR and the IPHRC including capacity building and technical assistance.

In his concluding remarks, IPHRC Vice Chairperson, Mr. Adama Nana expressed profound gratitude to all Member States including the host country KSA and the OIC Secretary General for their steadfast logistical and moral support in smooth and effective functioning of the Commission. He also affirmed Commission's 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 all Member States.