

OIC Independent Permanent Human Rights Commission concludes its 14th Regular Session held in Jeddah from 02-06 December 2018

Jeddah 02 December 2018: The OIC Independent Permanent Human Rights Commission (IPHRC) held its 14th Regular Session in Jeddah, Kingdom of Saudi Arabia (KSA) from 02-06 December 2018. The traditional thematic debate of the Session was held on 4 December 2018 on the subject of '*Promoting and protecting the rights of refugees and migrants; An Islamic and international human rights obligation*'. An outcome document on the subject was also adopted by the Commission and is issued separately.

Besides Commission Members, the Session was attended by the representative of the OIC Secretary General, International Islamic Fiqh Academy-IIFA and relevant international human rights experts on the subject from the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). A large number of OIC Member and Observer States also attended and actively participated in the open proceedings of the Session.

In his opening remarks, IPHRC Chairperson, Dr. Rashid Al Balushi, expressed gratitude to all the OIC Member States, including the host country, Kingdom of Saudi Arabia (KSA), for their trust and steadfast support to the work and activities of the Commission and its Secretariat. Dr. Balushi added that the Commission has come out of its infancy years and is now contributing at the international level with resolve to protect and promote the human rights causes of the Muslim world. He also provided a snapshot of the salient achievements of the Commission during 2018, which include a fact-finding visit to the Rohingya Refugee Camps in Bangladesh to ascertain the human rights violations committed against the Rohingya Muslims, and completing the monumental work of reviewing the 'Cairo Declaration of Human Rights in Islam' and initiating the review process of the OIC Covenant on the Rights of Child in Islam to bring it in conformity with the international human rights instruments.

Referring to the topic of the thematic debate, IPHRC Chairperson highlighted that the focus of the Commission on this topic comes at the cross roads of the largest movement of migrants and refugees since the Second World War in which women and children constitute more than half. Intensification of various conflicts from Syria to Afghanistan to Rohingya Muslims of Myanmar have compounded the ongoing problem of refugees. Dr. Balushi highlighted that in the context of migration, Islam provides a set of instructions in dealing with refugees and migrants and exalts the stature of those who assist the people in distress and protect refugees. The concepts of *Aman*, which is guaranteed protection to those seeking refuge in "Dar-al-Islam- *House of Islam*, and the principle of *non-refoulement*, which is the basis of international refugee law have a strong grounding in Islamic traditions.

Speaking on behalf of the OIC Secretary General, Ambassador Samir Bakr welcomed the thematic debate of the 14th Session, which is yet another opportunity to discuss a topic of contemporary concern to the OIC both from human rights and humanitarian perspectives. He highlighted that the root causes of forced movement of migrants and refugees extend beyond conflicts and persecution to include extreme poverty, discrimination, violence and exploitation, climate change, environmental degradation and natural disasters, as well as lack of access to basic human rights. To deal with these challenges, Amb Bakr urged all OIC Member States to reaffirm their commitment through actionable measures to uphold the principle of international solidarity, cooperation and burden sharing. He also stressed the need to work towards collective action to resolve conflicts by addressing the root causes of refugee outflows, which may be

followed by a comprehensive voluntary, safe and dignified return and rehabilitation of those who have been uprooted.

The Commission Members, panelists and representatives of Member States had an exhaustive and fruitful discussion that analyzed various challenges relating to the theme in the backdrop of ongoing grave global situation of refugees and migrants, which directly and disproportionately affects the OIC Countries. Panelists and Commission members touched upon major challenges confronting the protection of migrants and refugees, and discussed the on-going international, regional and OIC's initiatives, frameworks and organizational structures related to migrants and refugees. All participants agreed that the primary responsibility for providing protection to migrant and refugees lies with the States, and that the basic human rights of migrants and refugees are to be protected and respected, regardless of their status at the points of departure, arrival or in transit. While recognizing the difficulties that States face in handling migration and refugee issues, various speakers stressed that States must cooperate to develop best ways and means to strengthen national legislations and action plans aimed at promotion of human rights-based policy formulation by involving different stakeholders such as security personnel, local communities, civil society and media in order to deal with trans-border migration/refugees.

During the five days session, the Commission also had in-depth discussions on all items on its agenda including Israeli 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; 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. The Commission also received briefings from relevant department of the OIC General Secretariat on these subjects, which were instrumental in making informed and comprehensive decisions and recommendations on these subjects.

The Commission discussed extensively the recent developments concerning the human rights situation in the Occupied Palestinian Territory and expressed grave concern towards the increasing human rights violations committed by Israel the Occupying Power against Palestinians, including massive attacks on peaceful protests in the besieged Gaza strip and air strikes that resulted in dozens of killings and hundreds of wounded. The Commission also dwelt on and condemned the Israeli discriminatory policies such as the adoption of unprecedented laws, including the Segregationist "Nationality Law" that regulate Judaization of Palestinian lands, legitimize demolition of Palestinian houses, allows for stripping off their residency cards in Jerusalem, as well as restricts their ability to access their lands and private properties. While noting with regret the failure of the international community to address Israeli violations of basic human rights of the Palestinian people, the Commission called for investigation by relevant international mechanisms aiming to hold Israel, the Occupying Power, accountable for its widespread and well-documented violations of international human rights and humanitarian laws. The Commission decided to undertake another visit to Palestine in 2019 (both West Bank and Gaza) and write a factual report on the ongoing human rights situation.

The Commission also received detailed briefing on the worsening human rights situation in the Indian occupied Kashmir (IoK) from the OIC General Secretariat. While appreciating the holding of the meeting of OIC Contact Group on Jammu and Kashmir at the Ministerial level on the side lines of the 75th UNGA in New York in September 2018, the Commission

condemned the recent wave of violence against the innocent civilians, use of rape as a weapon, mass blinding through pellet guns and indiscriminate extra judicial killings and discovery of mass graves. It was highlighted that these repetitive, systematic and systemic human rights violations in IoK have a well-defined pattern and design of State collusion to silence the voices of reason and freedom. The Commission welcomed the detailed report by the Office of the United Nations High Commissioner for Human Rights (OHCHR) released on 14th June, 2018 which confirmed the atrocities and violence perpetrated by Indian security forces against innocent Kashmiri Muslims in the IoK in total disregard of their human rights obligations. The Commission urged the Indian government to come out of its persistent denial of human rights of the Kashmiri Muslims, amend its repressive policies and ensure the provision of their fundamental rights including the right to self-determination. The Commission also requested the OIC General Secretariat to approach the Indian Government to allow the OIC and IPHRC fact finding mission to visit IoK to objectively report upon the human rights violations.

In its deliberations on the situation of Rohingya Muslim Minority in Myanmar the Commission affirmed that based on all available data, the situation continues to be one of the worst humanitarian crises in the world today, which has clear implications for regional peace and security. It also affirmed the conclusion of many human rights organizations including the United Nations that Myanmar's treatment of its Rohingya population constitutes a serious and blatant violation of all relevant international human rights standards. The Commission stressed the importance of ensuring early yet dignified repatriation of Rohingya refugees to their homeland with guaranteed security and access to their lands and livelihood and urged the Myanmar Government to do the needful, on priority. The Commission also emphasized the importance of raising awareness at all international forums to maintain intensive international pressure on the Myanmar authorities to stop the persecution of Rohingya Muslim minority.

The Commission also reviewed the situation of human rights of Muslims in the Central African Republic (CAR), which continued to worsen with increased violence by the militias and the inability of government to establish order. The humanitarian situation too has not witnessed any significant improvement thus adversely impacting the state of human rights in the country. The Commission expressed serious concerns on the reports that almost all mosques have been wiped out in CAR and Muslims are seeking refuge in churches and UN Camps, in the absence of any protection from the Government. In the light of this serious situation, IPHRC suggested that the OIC may consider appointing a new Special Envoy who can carry forward the job of building relations on ground, help diagnosis based on reliable information and carry forward the reconciliation process. It also expressed willingness to undertake another field visit to CAR in cooperation with the OIC General Secretariat to evaluate the existing human rights situation.

In its interaction with the OIC Observatory on Islamophobia, the Commission stressed that the situation of Islamophobia remains worrying and shows expansion across the globe, which requires concerted and continued efforts on part of the OIC at different levels. Among other situations, the Commission was also briefed on the human rights situation of Uyghur Muslims in China, which shows rising discrimination on the basis of their religion by subjecting them to involuntary conversions in detention camps where they were forced to follow and adopt cultural values and practices contrary to their religious beliefs. The OIC Islamophobia Observatory informed IPHRC that Chinese authorities call these camps as re-education centers to combat violence and extremist ideologies. According to the OIC Islamophobia Observatory, the newly introduced Chinese law namely the Xinjiang Uyghur Autonomous Region De-Radicalization Regulations (in October 2018), was excessive in nature as virtually any activity could fall within the scope of its provisions and enables the authorities to justify the presence

of detention/ re-education camps. The Commission expressed concern on these disturbing reports on the treatment of Uyghur Muslims and expressed hope that China, which has excellent bilateral relations with most OIC countries as well as the Organization of Islamic Cooperation, would do its best to address the legitimate concerns of Muslims around the world. The Commission also recalled that the Constitution of China provides clear and full guarantees for the right to freedom of religion and belief, which makes it obligatory on its authorities to ensure the exercise of these rights by all its nationals. The Commission further emphasized the importance of ensuring promotion and protection of human rights and due process guarantees while countering terrorism.

The Commission had an in-depth discussion on various aspects of the RtD to identify conceptual and implementation gaps including various limiting factors, scope of participation and expected benefits of implementation and suggested ways and means for its full and effective realization both at national and international levels. The Commission reaffirmed the importance of fighting against corruption, which continues to plague countries across all geographical regions and seriously undermines as well as adversely affects people's human rights including the RtD. It also stressed the importance of good governance and active, free and meaningful participation in the development, realization, and the assessment of the RtD policies. The Commission approved the road map delineated by Amb. Thiam to conduct the 2nd part of the draft study on defining the concept/parameters of RtD from IPHRC perspective in consultation with the UN Special Rapporteur on RtD.

In its deliberations on the rights of women, the Commission affirmed the importance of women empowerment as a key factor for the sustainable development of any society, which is also in line with the Islamic teachings and values. The Commission also participated in the 7th OIC Ministerial Conference on the Role of Women held in Burkina Faso and stressed the need to expediting implementation of the Revised OIC Plan of Action for the Advancement of women through: (i) creation of synergies between respective national plans and strategies of the Members States and 2nd OIC Ten-Year Program of Action; (ii) signing and ratification of treaties and agreements by Member States to ensure gender equality and strengthen family well-being; and (iii) Member States to expedite the ratification of Statute of Organization of Women's Development enabling the Organization to become operational at the earliest. IPHRC is also preparing a study to clarify different concepts relating to gender equality.

In its deliberation about Family rights, the Commission affirmed the importance of the Family as the fundamental unit of society and the need for protecting and preserving the institutions of family and marriage, while condemning all moves to redefine the institution of marriage and concept on the basis of legally, morally and socially distorted notions of Sexual Orientation. It also expressed willingness to partner with OIC General Secretariat and specialized institutions to hold workshops in the field of protection of the elderly and people with special needs.

In his concluding remarks, IPHRC Chairperson, Dr. Rashid Al Balushi 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 reaffirmed 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 OIC countries.

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