

HUMAN RIGHTS STANDARDS AND INSTITUTIONS IN OIC MEMBER STATES



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Contents

ACRONYMS.....	iii
FOREWORD	iv
FOREWORD	v
ACKNOWLEDGEMENTS	vi
EXECUTIVE SUMMARY.....	1
OIC’s Human Rights Architecture from Past to Present.....	4
Human Rights’ Norms and Standards in the OIC Member States.....	10
OIC’s Position on Women’s Rights	13
OIC’s Position on Children’s Rights.....	18
OIC’s Position on Freedom of Opinion and Expression.....	21
OIC’s Position on Rights of Refugees and IDPs.....	24
Human Rights Institutions and Mechanisms in the OIC Member States	29
The Independent Permanent Human Rights Commission	31
The OIC Humanitarian Affairs Department (ICHAD)	36
The Peace, Security and Conflict Resolution Unit	38
Women’s Development Organization	39
OIC Islamophobia Observatory	39
Proposed International Islamic Court of Justice.....	39
National Human Rights Institutions	40
Pathway to Cooperation.....	45
Selected Cases of Human Rights Violations:	50
Palestine, Kashmir and Myanmar.....	50
Human Rights Violations in Occupied Palestinian Territories (OPT).....	51
Palestinian Prisoners and Detainees	52
Restrictions on the Right of Movement and Travel	54
Separation Wall and Illegal Settlements	54
Houses Demolitions on Grounds of Collective Punishment.....	57
The Situation in Al-Quds/East Jerusalem	57

Situation in the Refugee Camps	58
Human Rights Violations in Indian Occupied Jammu and Kashmir (IoK)	61
Violation of Right to Life	62
Extrajudicial Killings and Fake Encounters	63
Restrictive and Discriminatory Laws	63
Violation of Right to Freedom of Opinion and Expression	64
Violation of Freedom of Religion.....	64
Violation of the Freedoms of Peaceful Assembly and Association	65
Rape and Molestation	65
Leveraging the OIC Role through available Means and Mechanisms	66
Human Rights Violations in Myanmar.....	67
Violation of the Right to Life.....	72
Torture, Cruel, Inhuman or Degrading Treatment or Punishment	73
Destruction of Rohingya Villages by Myanmar Security Forces	74
Violation of the Freedom of Religion and Belief	75
Denial of Civil and Political Rights including Citizenship	76
A System of Apartheid: Ethnic Cleansing and Genocide	77
State of Rohingya Refugees from Myanmar in Cox’s Bazar	79
Conclusion and Policy Recommendations.....	81
References.....	89



ACRONYMS

CDHRI	Cairo Declaration on Human Rights in Islam
CEDAW	The Convention on Elimination of All Forms of Discrimination against Women
CFM	Council of Foreign Ministers
CRCI	Convention on the Rights of the Child in Islam
CRCII	Convention on the Rights of the Child in Islam
CSO	Civil Society Organization
GA	General Assembly
HRC	United Nations Human Rights Council
ICA	Israeli Civil Administration
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICHAD	OIC Humanitarian Affairs Department
IDPs	Internally Displaced Persons
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IICJ	International Islamic Court of Justice
IPHRC	Independent Permanent Commission on Human Rights
ISF	Islamic Solidarity Fund
NGO	Non-Governmental Organization
NHRIs	National human rights institutions
OAU	Organization of African Union
OCHA	Coordination of Humanitarian Affairs
OIC	Organisation of Islamic Cooperation
OHCHR	The Office of the High Commissioner for Human Rights
OPAAW	OIC Plan of Action for the Advancement of Women
OPT	Occupied Palestinian Territories
PSMU	Peace, Security and Mediation Unit
TRC	Temporary Registration Cards
TYPOA	Ten-Year Programme of Action
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNSC	United Nations Security Council
WDO	Women's Development Organization
WHO	World Health Organization

FOREWORD

Fundamental human rights and freedoms are an integral part of Islam and these rights should be preserved and protected under all circumstances as the binding divine commandments contained in the Quran and the Hadith. Centuries before the advent of modern human rights declarations, Islam called for an unequivocal equality among human beings regardless of their race, religion, language, ethnic origin or social status and placed rights of the people (hukook ul ibad) on a very high pedestal.

All Muslims and authorities in Islamic countries have to accept, recognize and enforce human rights enshrined by the Quran and the Sunnah without any discrimination and prejudice. Most of the OIC Member States have, therefore, willingly adopted and implemented international human rights conventions and charters. However, some issues related mainly with gender identity and divergences on some topics related to freedom of speech and expression exceed the standard framework of human rights and the OIC Member States have a clear stance against these matters.

Ever since the adoption of the Ten-Year Program of Action in 2005 and the revised Charter in 2008, human rights issues have gained greater momentum and increased importance within the OIC group. Both the preamble and the operative parts of the revised Charter contain specific provisions for the promotion and protection of human rights and fundamental freedoms including the rights of women, children, youth, elderly and people with special needs as well as the preservation of the Islamic family values. The OIC-2025 Programme of Action also calls upon all Member States to uphold and promote good governance, democracy, human rights and fundamental freedoms along with the rule of law.

In this context, the Statistical, Economic, and Social Research and Training Centre for Islamic Countries (SESRIC) in cooperation with the OIC Independent Permanent Human Rights Commission (IPHRC) prepared this report to address the growing human rights concerns and efforts of the OIC Member States. The report thoroughly examines the human rights framework in the OIC Member States by drawing attention to existing human rights norms, standards and institutions. The report also investigates the human rights violations toward Muslims in the Occupied Palestinian Territories, Myanmar and the Indian Occupied Jammu and Kashmir as these violations have an immense impact and influence on the OIC's human rights framework.

As SESRIC, we hope that this report will enable a better understanding of human rights issues in the OIC Member States and contribute to the joint efforts towards advancing the human rights agenda of the OIC.

Nebil DABUR
Director General
SESRIC



FOREWORD

On behalf of the entire team of the OIC Independent Permanent Human Rights Commission (IPHRC), we are pleased to present the first joint report with SESRIC, which provides an overview of the human rights architecture in the OIC. Human rights are not alien to the work of the OIC. Both the OIC Charter and its Ten-year Program of Action contain specific provisions for the promotion and protection of human rights and fundamental freedoms including the rights of women, children, youth, elderly and people with special needs as well as the preservation of Islamic family values. The Charter also calls upon all Member States to uphold and promote, at the national and international levels, good governance, democracy, human rights and fundamental freedoms, and the rule of law.

In addition to highlighting the importance OIC attaches to promoting and protecting universal human rights, this report enlists specific mandates and activities carried out by the relevant OIC organs, entities and institutions, in particular the substantive work done by IPHRC to strengthen human rights within Member States as well as to renew focus on key human rights issues of concern to the Muslim world at the regional and international levels.

Indeed, establishment of IPHRC, as one of the principal organs of the OIC, overtly affirmed the determination and commitment of the OIC Member States to the principles and ideals of international human rights law and willingness to scrutinize and improve its own human rights policies and practices in an independent and objective manner. In a short span and despite resource constraints, IPHRC has made important strides in consolidating human rights regime within the OIC by reviewing its human rights instruments, writing thematic reports on key issues of concerns to the OIC as well as highlighting the plight of Muslim communities in different parts of the world such as Palestine, Kashmir and Rohingyas etc.

This joint report also highlights the importance of sustained cooperation between SESRIC and IPHRC in aptly showcasing the efforts made by the OIC in the field of human rights. I sincerely hope that this report will serve as a useful guide to a wide audience in the OIC Member States and beyond, on the existing human rights regime in the OIC. More importantly, it should serve as a tool to garner support and establish the needed cooperation between and among relevant national and international institutions to build and strengthen human rights respecting societies both within the OIC and beyond.

Marghoob Saleem Butt
Executive Director
IPHRC Secretariat

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The work was conducted under the general supervision of Mr. Mazhar Hussain, Director of Research Department at SESRIC. Throughout the research, the team benefited from the valuable guidance of H.E. Nebil Dabur, Director General of SESRIC and H.E. Marghoob Saleem Butt, Executive Director of OIC-IPHRC.



EXECUTIVE SUMMARY

The position and influence of the Organization of Islamic Cooperation (OIC) places it in a distinctive locus to become the promoter and driver of the human rights agenda in the Islamic World. Looking at its historical engagement with human rights, the OIC in its initial years took a staunch religious approach by emphasizing the centrality of Sharia. During this period, the OIC was wary of the international human rights framework, which paid little to no attention to the sensitivities of local cultures, histories and religious beliefs.

Over time, the OIC started to participate in the international and regional human rights frameworks more actively; adopted a number of human rights instruments and established relevant institutions to increase its effectiveness and capacity. This study provides a comprehensive analysis of the OIC's human rights framework by investigating its human rights norms and standards, its human rights institutions, and cases where the OIC is directly impacted by the human rights violations toward Muslim communities and minorities in non-OIC countries.

In the early 2000s, a gradual shift to a compatible approach between Islamic values and universal human rights took more prominence on the human rights agenda of the OIC. While the Cairo Declaration on Human Rights in Islam referenced Sharia as its only source, the 2005 Covenant on the Rights of the Child in Islam mentioned Sharia within the larger context of Islamic values. Even further, the founding statute of the first human rights institution of the OIC – Independent Permanent Commission on Human Rights – adopted a universal approach. This is not to indicate that Sharia and Islamic pretexts are insignificant for the OIC, but it is indicative of the willingness of the OIC to engage with universal human rights in a more compatible manner.

Along with the various human rights instruments adopted by the OIC, there has been significant progress in terms of institutionalizing international norms and standards through the establishment of relevant organizations and institutions to implement, guide and oversee the regional and international human rights resolutions, standards and laws. The establishment of the IPHRC provided a significant step forward in the creation of a mechanism for an OIC level human rights system.

The Women's Development Organization, the OIC Humanitarian Affairs Department, and the Peace, Security and Conflict Resolution Unit amongst others provide tangible means to implement and enforce universal human rights norms and standards. The extent to which these institutions have internalized the universal human rights

norms and standards is a case of analysis for this report. In instances where the international norms and standards are not contradicting (or in line with) Islamic values, their adoption has been much easier and straightforward. When this is not the case, it has been more complex and challenging to internalize and harmonize the local values with international ones.

These initiatives are signs that the OIC is open to universal conception of human rights and strengthening its participation in the international human rights system. Optimists view the initiatives by the OIC as a sign of its willingness to promote a universal conception of human rights that is compatible with international norms and standards. Though some OIC countries still face certain challenges in adapting universal human rights framework, overall the OIC's efforts are praiseworthy.

The OIC has been able to accomplish two important tasks, so far, in its human rights endeavor. The first one is the creation of OIC level instruments such as the Covenant on the Rights of the Child and the Plan of Action for Women's Development. Human rights instruments without institutional arrangements to assist in their implementation and oversight, most commonly result in deficient execution. Within this context, the second important progress of the OIC has been to create institutions that are directly involved in the guidance and implementation of such instruments.

In terms of human rights instruments, institutions and engagement with norms and standards, the OIC has progressed considerably, however the case studies of human rights violations toward Muslims bring to surface the shortcomings and limitations of the OIC. Looking at these case studies, it is evident that the OIC has tried to draw attention to these violations; however, due to its lack of human rights cohesiveness and concrete OIC level human rights framework, it has been limited in addressing the severe human rights violations in Palestine, Kashmir and Myanmar.

The Israeli occupation of Palestine is an enduring phenomenon affecting the whole region. Most of the Palestinian population under Israeli occupation does not enjoy their fundamental human rights including the basic civil, political, economic, social or cultural ones, provision of which is an obligation for the occupation regime under international human rights and humanitarian law.

The occupation of the State of Jammu & Kashmir by India in 1947, also remains one of the oldest internationally recognized disputes on the agenda of the OIC. This forcible and illegal occupation has been recognized neither by the people of Jammu & Kashmir nor by the international community. The unabated gross human rights violations faced by the innocent Kashmiri Muslims make it one of the worst and prolonged human rights situations around the world.



Throughout the last decade, the Government of Myanmar has also effectively institutionalized discrimination against its Rohingya Muslim minority. In June 2012, a renewed wave of religious violence against Muslims left more than 200 dead and close to 150,000 homeless in Rakhine, predominantly Rohingya Muslims. Recent horrific human rights violations since October 2016 and more severely since August 2017 resulted in arson attacks against Rohingya villages - forcing their mass scale displacement; ill treatment and torture; rape and extrajudicial killings of civilians.

To address the human rights issues of Muslims around the world, and the ones across the OIC, the OIC needs to strengthen its human rights system. To accomplish this, the OIC level human rights mechanisms and framework along with its influence and image on the international scale need to be developed through a holistic approach to human rights. Channels and platforms need to be created to provide opportunities for the OIC institutions to come together to share knowledge, expertise and experiences. At the same time, engagement with international human rights organizations and actors need to be enhanced to correct the misconceptions regarding Islam and human rights in general and the OIC in particular.

The Member States and the Muslim world should welcome the OIC's current approach to human rights. Despite its limitations, the OIC holds significant potential as a promoter and protector of human rights. Compared to other organizations, the OIC is situated in a much better position to utilize Islamic values and traditions to advance the human rights condition across the Islamic World. Building a regional human rights system is complex and requires time and commitment. This report, therefore, explores the complex web of human rights norms, standards and institutions across the OIC. It aims to contribute to the knowledge on the OIC human rights framework and pinpoints areas that can be improved to assist the OIC in its strive to become a human rights promoting / strengthening actor for its Member States and in the international human rights system.

OIC's Human Rights Architecture from Past to Present

**HUMAN
RIGHTS**



Ever since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, there has been a progressive improvement on issues of human rights around the world. More and more areas of human life started to be defined within the framework of human rights. In line with this increased prominence, international laws, instruments and institutions have witnessed an unprecedented expansion in an effort to bring about universal set of norms and standards. National, regional and international organizations emerged to try to harmonize universal human rights with their respective countries and regions. However, the universality of human rights has at times been criticized for its insensitivity to local cultures, historical backgrounds and religious beliefs. Within this context, organizations and institutions aimed to protect, promote and harmonize local human rights norms and standards with international ones, but with careful attention to the indigenous customs and values.

The UDHR being a declaration does not have an obligatory status but it was the first global expression of rights to which all human beings are inherently entitled to, and became the basis of a series of follow up United Nations human rights instruments and conventions. The human rights component of the Organisation of Islamic Cooperation (OIC) was incorporated into the first OIC Charter in 1972 where it 'reaffirmed its commitment to the UN Charter and fundamental human rights, the purposes and principles of which provide the basis for fruitful cooperation amongst all people' (OIC Charter, 1972). This commitment to the UN Charter is a clear indication that the founding members of the OIC were well aware of the rightful place of human rights in influencing sustainable cooperation and development among nations of the world for creating peaceful societies.

Many OIC Member States used to maintain a perception that the modern human rights conceptualization of absolute rights for the individual is at a disagreement with Islamic values. This notion was further consolidated with the use of double standards by West, especially in cases where the application of human rights principles led to the perception that human rights is used as a political tool to implement and impose western values. This gave birth to a sentiment among Muslims that the use of human rights regimes is a new form of western colonialism; thus, OIC's engagement with international human rights system was limited and cautious in the early stages.

It was during this early stage and born from the above-mentioned perception regarding human rights that compelled the OIC to devise the Cairo Declaration of Human Rights in Islam (CDHRI) in 1990. It was regarded as an attempt to reconcile the concept of universal human rights with the teachings, tenets and precepts of Islam with an overt emphasis on 'Islamic Sharia' as its 'only' source. The major

criticism regarding the CDHRI was that it is too restrictive, ambiguous, and at times contradictory with universal human rights instruments. While some of the criticism is blatantly biased, it is recognized that there are obvious legal, linguistic and perceptual gaps and inconsistencies in the CDHRI, which require careful screening and review to make it more practical, representative, broad based and above all implementable.

It took some time and great deal of intellectual capital efforts for the policy makers in the Muslim World to follow the concept of human rights-based approach to development and cooperation both in policy and practice. Now, most OIC Member States are party to international human rights instruments and are actively implementing their provisions too.

OIC takes pride in the fact that Islam was the first religion that laid down universal fundamental rights for humanity, which are to be observed and respected in all circumstances. Centuries before the advent of the Magna Carta (first Western human rights document) Islam called for the full equality among human beings regardless of their race, religion, language, ethnic origin or social status, and placed 'hukook ul ibad' or 'rights of the people' on a very high pedestal.

Accordingly, human rights are protected by Quranic injunctions and all Muslims and Muslim authorities must accept, recognize and enforce them. Most OIC countries have, therefore, willingly adopted and implemented international human rights norms that are inherently evident in Islam. Nevertheless, there are certain issues that go beyond the ordinary scope of human rights and are in a divergence with Islamic teachings. As a result, there are clear red lines on certain matters such as Sexual Orientation. These deviations did not stop the OIC from developing further its human rights structure, and as other international and regional organizations expanded and strengthened their human rights system, so did the OIC.

The rising Islamophobia in the West led the OIC to engage with international human rights in a different fashion. In 1999, for example, the OIC introduced a series of UN resolutions to the Human Rights Commission to combat defamation of religion. The OIC asked governments to recognize the established limits to freedom of expression and criminalize defamatory statements. Although at initial view, this seems to be contradicting universal rights, from the perspective of the OIC, this was a much-needed step to fight Islamophobia and protect the rights of Muslims around the world who get discriminated due to defamatory stereotypes about their religion. Particularly, the OIC argued that the defamation of Islam was beyond the framework of freedom of expression and it was leading to anti-Muslim sentiments and



discrimination. International reaction, especially from Western States, considered the resolutions to be attempts to universalize blasphemy laws and a breach of freedom of expression.

The 2000s witnessed the OIC engaging with international human rights in a more constructive and active manner. It focused more concretely on universal human rights and highlighted the salience of integrating human rights concerns into all of its activities and programmes. Human rights issues gained even further traction and importance within the OIC with the adoption of its Ten-Year Program of Action in 2005 and its revised Charter in 2008. Both the preamble and operative parts of the revised Charter contain specific provisions for the promotion and protection of human rights and fundamental freedoms including the rights of women, children, youth, elderly and people with special needs as well as the preservation of Islamic family values. The Charter also calls upon all Member States to uphold and promote, at the national and international level, good governance, democracy, human rights and fundamental freedoms and the rule of law.

In line with the post-2005 period of the OIC's human rights agenda, several positive developments were instigated. These included the establishment of the OIC Humanitarian Affairs Department, known as ICHAD in 2007; the Peace, Security and Conflict Resolution Unit in 2013; and the Women's Development Organization in 2013. The trend of placing Sharia at the center of OIC's human rights documents declined and an approach of compatibility of Islamic values with universal human rights gained prominence.

Along with the above-mentioned organisations, instruments of the OIC such as the Convention on the Rights of the Child in Islam or the Plan of Action for the Advancement of Women did not rigidly focus on Sharia; instead, it again followed a compatible approach with universal rights. In this respect, the intra-OIC instruments and organisations aimed to harmonize local customs with international norms and standards.

At the same time, externally the OIC showed signs of a more constructive approach at the UN. In 2011, for example, the OIC cosponsored a UN resolution that associated religious discrimination with fighting hate speech. This signaled a noteworthy turning point for the human rights approach of the OIC. The Organization indicated its willingness to move away from the anti-defamation agenda and, more generally, it was more inclined to engage positively with universal human rights conceptions rather than adhering to only religiously defined human rights.

The new direction of the human rights agenda of the OIC was most clearly manifested in the establishment of the IPHRC in 2011, which was seen as the first step to institutionalize OIC's human rights system as stipulated in the 2008 Charter. IPHRC is charged with supporting Member States in their implementation of international human rights obligations as well as to promote and protect human rights across the OIC. Creation of the IPHRC also pointed to OIC's efforts to handle its human rights agenda in an independent and impartial manner in conformity with universal human rights norms and standards that are compatible to Islamic values. The Commission also serves as a concrete step to prove OIC's intention to participate fully in the global community as not only norm takers but also as active agents in the human rights norm making and standard setting. Thus, the creation of the IPHRC undoubtedly constitutes an indispensable step for the OIC, reflecting a new human rights approach based on participation in the universal human rights system, reaching out to Member States and their populations to promote human rights and harmonize local customs with international human rights.

The future of the OIC's human rights framework will depend on the direction it is willing to take. As it stands now, the OIC seems to be continuing the post-2005 agenda of engaging with international human rights system in a manner that tries to highlight the harmonization of Islamic values and tenets with universal human rights.

Conflicts such as those in Yemen and Syria, and long-lasting human rights violations in Occupied Territories of Palestine, Kashmir, Myanmar and elsewhere, combined with the growing Islamophobia will inherently affect OIC's human rights approach. It may choose to deter Islamophobia through protecting the interest of Muslims around the world by becoming a coherent voice for them within the international human rights system or it may put forth its own agenda outside of the international human rights framework to thwart what it sees as an attack on Muslims.

Within the OIC, the capacity and mandate of the different institutions in combination with Member States interests and willingness, will shape the future of the human rights system of the OIC. Increased capacity and mandate of institutions such as the IPHRC will inherently lead to a more cohesive and standardized human rights regime. However, if these institutions are restricted, then we can expect a regressive trend.

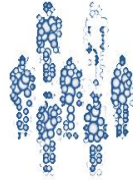
The extent of OIC's human rights framework will also depend on its adoption and implementation of the different international norms and standards. The evolution of the OIC's human rights architecture shows that it has become more involved in adopting and adapting universal human rights norms and standards in a harmonized manner with Islamic teachings and values.



Since, the process of evolution, review and up-gradation is inherent in any instrument, the OIC too has embarked on this process regularly. A case in point is the mandate given by the OIC CFM to the IPHRC to review the Cairo Declaration on Human Rights in Islam and the OIC Covenant on Rights of Child in Islam with a view to streamlining the two documents in line with the existing international human rights standards and the relevant Islamic teachings and principles of equality and justice.

The IPHRC, which also has the inherent mandate to “submit recommendations on refinement of OIC human rights declarations and covenants”, has gladly and judiciously worked on these mandates from the CFM. After a careful review, the IPHRC presented a revised version of CDHRI to the CFM, with the name of OIC Declaration on Human Rights (ODHR), which is being discussed in an Intergovernmental Working Group for finalization and adoption. As for the OIC Covenant on the Rights of Child in Islam, the review process has almost been completed and the Commission is expected to present the revised draft to the next 47th CFM for consideration.

In both these cases, the review exercise undertaken by IPHRC involved a comprehensive analysis of the relevant international / universal human rights instruments and Islamic teachings on the subject. This helped the IPHRC in rectifying the legal and linguistic inconsistencies and to bridge the normative/operational gaps of implementation in the revised drafts. Once finalized, the two revised instruments will serve to complement the existing universal human rights standards in line with the Islamic teachings as well as to streamline Member States' obligations under relevant international human rights instruments.

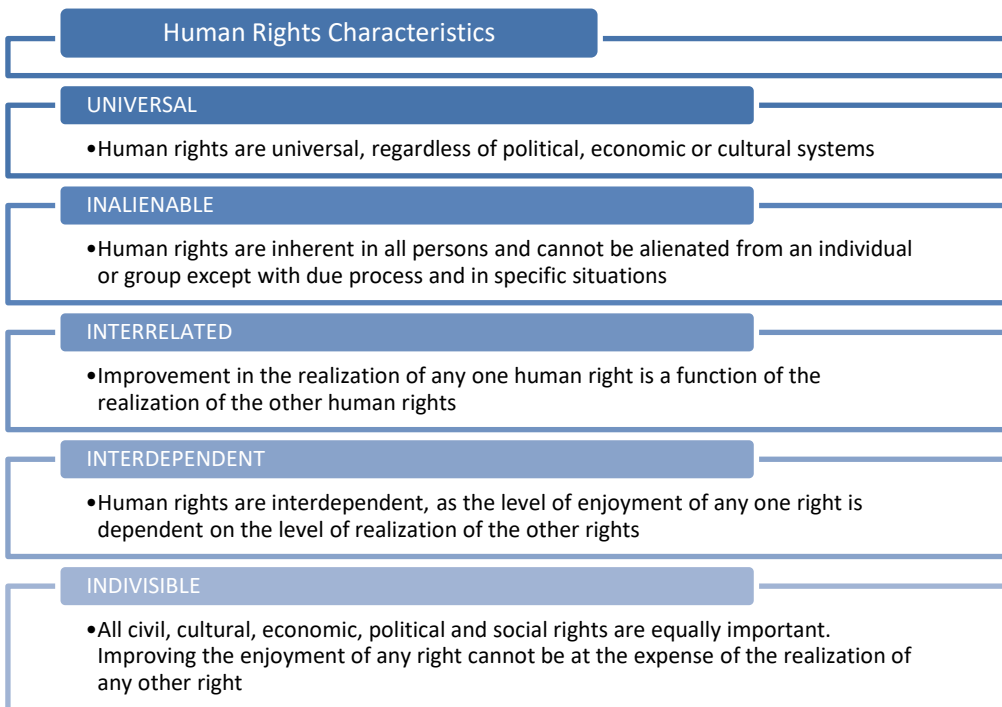


Human Rights' Norms and Standards in the OIC Member States



Human rights are justified moral claims inherent in all human beings of whatever nationality, place of residence, ethnic origin, sex, religion, language or any other status, establishing norms necessary for people to lead a minimally decent life (UDHR,1948). Human rights standards are also basic moral minimums, a moral floor beneath which governments must not sink. Everyone is equally entitled to have his or her human rights respected without discrimination. These rights are all interrelated, interdependent and inalienable.

The international human rights norms embody crosscutting human rights principles, such as non-discrimination and equality, participation, access to remedy, access to information, accountability, the rule of law and good governance. These crosscutting norms are expected to guide the State and other duty bearers in their implementation of human rights (Sano, 2013). For instance, securing the right to health requires non-discriminatory practices by providers of health services, access to information on the main health problems, access to remedy and due process in the event of malpractice or ill-treatment by health-care personnel. The right to health also includes participation in political decisions at both the community and the national level. The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination based on a list of non-exhaustive grounds.



The establishment of human rights norms and standards play an important role in guiding States and other stakeholders toward the full implementation of basic rights and monitoring the enactment process for these rights. For Organization of Islamic Cooperation (OIC) countries, where human rights issues are still challenging, the establishment of human rights standards and adaptation to international norms are important for advocating human dignity, which is deemed as an indispensable part of Islam.

There is an agreement that a new OIC framework of Human Rights should be formulated with the widespread consultation and participation of State and non-State actors; and its standards should be compatible with international norms. So far, most Muslim-majority countries have signed the Universal Declaration of Human Rights (UDHR). Some of them have also ratified human rights treaties on their own accord and endorsed international legal norms like self-determination and free elections, and the prohibition against racial discrimination in policy statements, such as those in reference to Cambodia, South Africa, Afghanistan and Palestine. Nevertheless, a number of OIC countries are not signatories of the UDHR, arguing that it violates Islamic law and they criticize it for failing to take into consideration the cultural and religious context of non-Western countries.

It has been nearly thirty years since the Cairo Declaration on Human Rights in Islam (CDHRI) was issued and a marked shift has taken place in the OIC's approach to human rights. The evolution of its human rights mechanism shows a remarkable change from emphasizing the rigid centrality of Sharia to compatibility with Sharia. While the Cairo Declaration referred to Sharia as its "only source of reference," the more recent Protocols and Guiding Principles, discussed in more detail in the ensuing sections mentioned Sharia within the broader context of Islamic values. This development is indicative of the OIC's increasing willingness to discuss these issues within the international human rights norms.

The establishment of the IPHRC, as discussed in the previous chapter, also opened a new page in the history of the human rights framework of the OIC. This new phase is marked by the IPHRC's potential to become part of an effective supra-national human rights regime, playing a role equivalent to that of the European Commission on Human Rights in the European system. The arrival of the body signals a newfound commitment to human rights issues within the OIC, and the consent of all Member States to this approach is a promising sign. Further, reason to be optimistic lies in the diversity of the IPHRC's membership and the insistence that its members be "independent" human rights experts working in their personal capacities.



In terms of human rights' norms and standards, the situation in OIC countries has also become more promising. During the last decade, OIC countries have established a new framework regarding certain issues, which are more compatible with universal standards and Islamic values (Sharia norms). The subsequent sections of this chapter explore more closely a number of specific topics with reference to both particular rights and to more general themes, which have repeatedly played an important role in the debate on human rights norms and standards in the OIC Member States.

OIC's Position on Women's Rights

Attaining equality between women and men and eliminating all forms of discrimination against women is an established human right present in several international covenants and resolutions. Nevertheless, throughout their lives, women around the world regularly suffer violations of their basic human rights. Also, realizing women's human rights has not always been a priority on the human rights agenda of States. Achieving equality between women and men requires a comprehensive understanding of the way in which women experience discrimination and are denied the opportunity to compete on equal grounds for developing appropriate strategies to eliminate such discrimination.

International human rights declarations have a long history of addressing women's rights. Adopted in 1945, the Charter of the United Nations sets out as one of its goals "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women". Furthermore, Article 1 of the Charter stipulates that one of the purposes of the United Nations is to promote respect for human rights and fundamental freedoms "without distinction as to race, sex, language or religion". The prohibition of discrimination based on sex is repeated in Articles 13 (mandate of the General Assembly) and 55 (promotion of universal human rights). In 1948, the Universal Declaration of Human Rights was adopted. It too, proclaimed the equal entitlements of women and men to the rights contained in it, "without distinction of any kind, such as ... sex..." In drafting the Declaration, there was considerable discussion about the use of the term "all men" rather than a gender-neutral term (Morsink, 1991). The Declaration was eventually adopted by using the term "all human beings" and "everyone" in order to leave no doubt that the Universal Declaration was intended for everyone, men and women alike.

In addition to international human rights standards, OIC's 2025 Programme of Action includes crucial provisions aimed at promoting and protecting women's rights. Over the last several decades, gender related issues were incorporated into the political

agenda of the OIC. The OIC Ten-Year Programme of Action (2005) called for the enhancement of the involvement of women in economic, cultural, social and political fields of life and encouraged Member States to sign and ratify agreements to ensure gender equality and empowerment of women.

With respect to women's rights, the OIC-2025 also underlined the advancement and empowerment of "Women, Family Welfare and Social Security". In Priority Area 13, The Programme of Action addresses the critical issues related to "women's advancement and empowerment, including the establishment of an Organisation for Women's Development". Paragraph 42 mentions that:

"Despite improvement in the status of women in all socio-economic, political and cultural fields over the past decade, there are still gaps and challenges to be addressed. The good health conditions of women are critical for both the overall health of the family as well as the future generations. In particular, discrimination, abuse, poverty and violence against women are detrimental to women's physical, mental and emotional health. Women experience discrimination in both education and labour markets. Therefore, significant policy-measures are needed to effectively reduce the gap among men and women (in terms of access to education) to a standard 2% level by 2025. In the OIC Member States, the average labour force participation among female population is currently around 45%, whereas it is 56% in developed countries with the world average being around 60%. As such, by 2025, the OIC Member States need to attain the world average through increase of the average labour force participation among female population by 15%."

Moreover, paragraph 43 of OIC 2025 includes indicators on labour force participation among women and social security systems, and particularly states that:

"The insufficient labour force participation among women results in the exclusion of women from social security systems in some Member States and their deprivation of full social security rights. Particularly, women in the agricultural sector remain unprotected and usually cannot officially register for social security services. In 2011, 25% of the female labour force in the OIC Member States worked in the agricultural sector, whereas the world average was 13.2%. Likewise, only 28.2% of economically active women work in the non-agriculture sector in the Member States while in other developing countries and the world, 40% and 45% respectively of economically active women work in the non-agricultural sector. Moreover, strengthening the



engagement of civil society on issues of women empowerment, protection and strengthening of the family, youth capacity building and entrepreneurship, further promoting the rights of persons with disabilities, and elderly care is necessary for an inclusive and sustainable community development in the Member States.”

The OIC-2025: Programme of Action also outlines seven goals for the advancement and empowerment of Women, Family Welfare, and Social Security as follows:

- Promote gender equality and family empowerment.
- Promote youth capacity building and youth exchange programs.
- Improve strategies for youth employment, provision of quality education, entrepreneurship and vocational skills development.
- Encourage policies for promoting family and social security.
- Develop effective and reliable social services for family, women, children, elderly, and people with special needs.
- Develop appropriate legislative and administrative measures to fight against violence against women.
- Improve policy framework to address social and emotional needs of women and children

In 2008, the OIC also took a major step to advance the situation of women by adopting the “OIC Plan of Action for the Advancement of Women” (OPAAW) at the Second Ministerial Conference on the Role of Women in the Development of the OIC Member States. The OPAAW document provides a road map for the advancement of women in the OIC Member States by taking their concerns and priority areas into account. In 2016, during the Sixth Ministerial Conference on the Role of Women in the Development of the OIC, the Member States adopted the updated OPAAW that included an analytical structure along with an implementation matrix.

The OPAAW grounds women’s rights on a grant from Islam and qualifies State party adherence to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), provisions that are “in line with Islamic values of justice and equality”. It also reiterates support for drafting a “Covenant on the Rights of Women in Islam”, in accordance with the Cairo Declaration on Human Rights in Islam. The OPAAW further endorses the development of women based on social justice, distinctive consideration of women, female education, health and promoting economic activities. It also calls for women to be respected, developed, empowered and considered as full active participants in social, political, cultural and economic domains. In that regard, the following objectives are highlighted in the

OPAAW document to reduce inequalities and improve the status of women in the OIC Member States, and to address the growing challenges of women in OIC region.

- **Decision-making Participation:** Ensuring political, economic, social and cultural representation of women at all levels of decision making
- **Education:** providing equal opportunity for all women and girls to have access to quality education at all levels of vocational and skills training, as well as literacy programmes
- **Health:** improving access of women and girl's access to quality healthcare and services, clean water and sanitation as well as adequate and healthy nutrition
- **Economic Empowerment:** enhancing women's access to equal economic opportunity in the public and private sector
- **Social protection:** improving and ensuring women's social needs, safety and well-being
- **Protection of Women from Violence:** Combating all forms of gender-based violence, human trafficking and other harmful traditional practices against women and girls. Combating different forms of violence against women and girls including deprivation of opportunities and full enjoyment of their rights through preventive measures and provisions of rehabilitation to victims and punishment of perpetrators
- **Women in Crisis Situations:** Ensuring women's and girls' protection and access to humanitarian assistance during armed conflict, natural and manmade disaster, foreign occupation, forced displacement and other vulnerable situations; particularly, rural women. The OIC Member States will also promote the role of women in conflict resolution, peace and security pursuant to Security Council resolution 1325
- **Women in Disasters:** Providing humanitarian assistance for women and protecting them during natural disasters, particularly in rural areas
- **Women in Armed Conflict:** Taking all necessary preventive and protective measures to combat different forms of violence against women in armed conflict and post conflict situations, foreign occupation, forced displacement and other forms man-made disasters, such as sexual abuse and human trafficking. The OIC Member States will also promote the role of women in conflict resolution, peace building, peacekeeping and establishment of security

The OPAAW moreover calls for the establishment of a new specialized OIC organ to address the role of women in the development of societies across the OIC. To this end, in 2010, the OIC's Council of Foreign Ministers adopted a statute for the Organization of Women's Development (WDO). The WDO is intended to oversee the development and promotion of the role of women in the OIC, in line with Islamic values. According to the Statute, the WDO's specific objectives include:



- Highlight the role of Islam in preserving the rights of the Muslim woman especially at the international fora in which the Organization is involved
- Develop plans, programmes and projects necessary to implement policies, orientations and decisions of the OIC in the area of women's development, welfare and empowerment in Member States societies
- Organize conferences, symposia, workshops and meetings in the area of women's development in the Member States
- Conduct courses and training programmes aimed at strengthening and building capacity, skills and competences in the area of women's development and empower them to discharge their mission in the family and society
- Support and encourage national efforts in Member States to develop human resources in the area of women's development
- Organize activities aimed at upgrading the role of women and ensuring women's full rights in Member States' societies, in line with the Charter and the decisions of the Organization of the Islamic Conference
- Carry out studies to enhance the role of women in Member States
- Activate the rights of women enshrined in the OIC Charter by working to remove the restrictions that will enable women to participate in community building
- Suggest ways and methods of the society's support for women
- Establish an information network that will enable Member States to identify experiences and practices regarding women, including through the cooperation with civil society

Based on the above objectives, the WDO helps Member States in their promotion of women's rights. The WDO, in coordination with other OIC mechanisms for implementation of the OPAAW, also encourages OIC countries civil society organizations', Muslim communities and the media to be more active on the issue of women's rights. It, furthermore, helps OIC countries to establish more comprehensive standards and norms that are necessary for eliminating all forms of discrimination against women.

Regarding women's rights, the IPHRC exhibited a remarkable endorsement in the last decade. The Commission adopted the premise that mistreatment of women under Islamic law is based on misperception or ill will rather than conflict between Islam and universal human rights norms. In that context, the IPHRC has agreed to work closely with the OIC's Fiqh Academy to correct misperceptions regarding the rights of women, alongside child rights and the protection of the family (Ibrahim, 2014).

In 2016, the IPHRC held a thematic debate on the "Impact of Women Empowerment on Sustainable Development of Member States" during its 9th Regular Session.

Throughout the debate, the participants underlined the important role of women in the development of the OIC Member States, in particular, ensuring the sustainability of social, economic and ecological development. The Commission also adopted the following statement on the subject:

“Guided by equal rights and inherent human dignity of women and men, as enshrined in the Holy Quran, Cairo Declaration of Human Rights in Islam (CDHRI), United Nations Bill of Rights and other international human rights instruments, including the CEDAW, the Commission affirmed that women’s rights are human rights and their empowerment and full participation in decision-making process and access to power and resources are fundamental not only for fulfilment of their moral, ethical, spiritual and intellectual needs but also achievement of equity, equality, development and peace within each society. It accordingly urged full realization of the human rights of women and girls at all levels.”

When analyzing the above-mentioned developments in the OIC, it becomes apparent that the OIC’s international efforts in the context of women’s rights have become more visible in the last decade. Significant progress has been made in the OIC region about revising laws that discriminate against women and launching programs that aim to guarantee equality and non-discrimination against women. The OIC and its subsidiaries, specialized or affiliated bodies continue to work to establish more defined and rigorous measures for enhancing the role of women in the development of Muslim societies.

OIC’s Position on Children’s Rights

The social and legal status of a child and children’s rights are an integral component of Islamic family law (Ali, 2007). In Islam, all children, before birth and after birth, including orphans, are regarded as “vulnerable” and deserving of care. Parents and society have a social responsibility to ensure that children are looked after because they have intrinsic indispensable rights and Muslims have a duty to be charitable. Islam regards protecting and promoting children’s rights as obligatory insofar as all human life is sacred to Allah (Arfat, 2013).

In parallel to Islamic family law and the worldwide application of child rights, the OIC Member States established their own standards on the rights of children and produced several declarations and resolutions emphasizing children’s well-being, health, and protection (Monshipouri and Kaufman, 2015). As the most remarkable step, OIC adopted the Covenant on the Rights of the Child in Islam in June 2005. The



Covenant reflects the OIC's effort to promote the protection and development of children, with a strong emphasis on children's right to education, including compulsory free primary and secondary schooling as one of its central goals. One of the three stated obligations under the Covenant is the abolition of harmful traditional practices (Article 4/3). The Covenant also aims to "ensure quality in care, rights and duties for all children" (Article 3/4). While the Covenant calls for the establishment of an "Islamic Committee on the Rights of Child" to meet every other year to "examine the progress made in the implementation of [the] Covenant", The OIC Member States have yet to establish such a committee, which, if created, would have monitoring authority over the OIC Member States.

Another major step taken by the OIC was the issuance of a strong Declaration in the First Islamic Ministerial Conference on the Child held in Rabat, Morocco, in 2005. The Declaration calls for an end to harmful traditional practices, elimination of gender disparity in education, and urgent action to address the intolerably high rates of child and maternal mortality in some Islamic countries (Koch, 2005). Subsequently, in the Khartoum Declaration on February 3, 2009, the Member States of the OIC adopted a resolution on Child Care and Protection that stipulated the necessity to safeguard children's rights.

The OIC has also devised specific strategies for the implementation of norms/standards, considering the risks and harms of child labour. Over the recent decade, several programs aiming to eliminate Child Labour were created to strengthen the capacity of OIC countries in their combat against child labour. In the Baku Declaration (November 11, 2013), the OIC Member States called for the adherence to the "Roadmap on Achieving the Elimination of the Worst Forms of Child Labour" by 2016 which was adopted at the Hague Global Child Labour Conference (2010). The Baku Declaration also underlined the need to take the necessary steps to protect young domestic workers against abusive working and employment conditions as well as to promote decent work conditions for all workers, while taking strong measures against exploitative child labour and forced begging in urban areas (OIC Journal, 2013).

At the national level, many OIC countries have made considerable progress. As reported by UNICEF in 2014, forty-one OIC Member States either have completed national action plans for children's welfare and protection or are in the process of developing similar plans. Twenty-three OIC Member States have ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC), also known as the child soldier treaty. In

Afghanistan, Iraq, the Occupied Palestinian Territories and Sudan, the return to school (or in some cases the first school experience of a child's life) has increasingly become a priority even while violent conflict is ongoing.

Child Rights Bill Drafting Process in Somalia



In 16 November 2017, The Ministry of Women and Human Rights Development of the Federal Government of Somalia took a major step forward in strengthening the rights of children by launching the drafting process of its Child Rights Bill, a gesture that the Ministry strongly believes will guarantee a better future for Somali children. The Child Rights Bill, once approved, will be the foundation for the promotion and protection of all child rights in the country.

Somalia ratified the Convention on the Rights of the Child (CRC) in October 2015. The launch of the drafting process of this comprehensive children's law also shows the determination of the Federal Government to ensure the Articles in the CRC become a reality in Somalia.

Every child in Somalia is entitled – as are all children worldwide – to fully realize their rights. It is important to note that the Child Rights Bill will provide the legal foundation to effectively promote and protect all child rights in Somalia, including those of the most marginalized.

Source: UN Children's Fund

The majority of the OIC countries have also made significant efforts to reintegrate former child soldiers into a safe and productive civilian life. In Somalia, former combatants have benefited from a six-month period of vocational training, along with counselling and training in conflict resolution. In Sierra Leone, the Truth and Reconciliation Commission began public hearings on children's wartime experiences in June of 2003. More than 100 children from three national children's network took part in the drafting of the Commission's 2004 final report. A child-friendly version of the report was published – the first of its kind in the world (UNICEF, 2014).

The aforementioned developments in the OIC Member States demonstrate that the OIC's international engagement efforts in the context of child rights have been more visible over the last decade. Significant progress was made at the country level regarding the preparation of national action plans specifically for children's issues. Yet, there is a need to develop a combination of policy, advocacy, and legislative reforms to nudge along children's rights in the Muslim world. Similarly, empowering the role of community-based organizations within the Islamic tradition is important



for effective implementation of policies and/or advocacy for change in terms of child rights in the OIC region.

OIC's Position on Freedom of Opinion and Expression

Freedom of expression is a fundamental human right, guaranteed and protected by the international human rights laws and international conventions. The Universal Declaration of Human Rights (UDHR) reserves an important place for freedom of expression. In Article 19 of the UDHR, it is stated that:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

The International Covenant on Civil and Political Rights (ICCPR), which came into force in 1966, also underlines freedom of expression as an indispensable political right. This Covenant explains this specific right in a more elaborate way. Paragraph 2 of Article 19 clearly states the importance of freedom of expression:

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

Compared with UDHR, ICCPR draws the boundary of freedom of expression in a more tangible manner. For example, this Convention declares that freedom of expression will be subject to certain restrictions if it goes against national security, public order, public health or morals. In some cases, it may pose a problem for the implementation of this right because every State party may have a different conception of the meaning of public order or morality, which can lead to different conclusions about the condition under which freedom of expression may be restricted.

It is certain that freedom of expression is the backbone of human rights and it ought to be guaranteed for each/every person. However, it is equally important to consider that some expressions might alienate, provoke hatred of and damage the dignity of some segments of society. Thus, the line between freedom of expression and hate speech must be drawn clearly and carefully.

The basic contours of hate speech or the limit of free speech is drawn by various international agreements and norms. In the first place, Article 20 of the ICCPR declares that:

“(1) Any propaganda for war shall be prohibited by law: (2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

Additionally, Article 4 of the Convention on the Elimination of All Forms of Racial Discrimination states that:

“States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia: (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof; (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law; (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.”

The OIC’s Cairo Declaration sets out four criteria in Article 22 related to freedom of expression. Unlike many other conventions/declarations, it clearly draws the line between freedom of expression and hate speech to limit the damage that may be incurred onto the dignity of some groups in society. Article 22 declares that:

“(a) 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; (b) Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari’ah.; (c) Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical Values or disintegrate, corrupt or harm society or weaken its faith: (d) It is not permitted to excite nationalistic or doctrinal hatred or to do anything that may be an incitement to any form or racial discrimination.”

Claims are made that the religious restrictions in the Cairo Declaration are at odds with their counterpart in the ICCPR; however, this argument appears to be inapplicable when considering the Cairo Declaration within the regional, cultural and



religious context of the OIC region. As the relevant ICCPR provisions include certain limitations to hate speech, Cairo Declaration similarly affirms the religious redline of the OIC because of the strong rising wave of anti-Muslim sentiment around the world. A good example of this was witnessed during the Danish Cartoon Case Crisis. In this situation, the conception of freedom of expression paved the way for certain groups in society along with some countries to legitimize xenophobic and discriminatory attitudes toward Muslim communities and Islam. Degrading or offending segments of society through insulting their cultural, religious or other forms of identification cannot be considered within the framework of free speech. Therefore, freedom of speech is not an absolute right; it cannot be exercised if it is afflicting harm on individuals or society.

On the other hand, however, as explained earlier, the OIC has itself decided to review and revise its human rights documents with a view to streamlining these with relevant international human rights standards. The revised OIC Declaration on Human Rights has dwelt in detail on this important right and brought the language on the exercise of this right in conformity with the ICCPR.

With the growing dominance of digital age, the issue of free speech has also spilled over into technological platforms, where hatred is spread in a massive and uncontrollable manner. There is a growing realization of the need to impose limitations to such expressions that spew hatred and xenophobia and incite discrimination and violence. Accordingly, notable new forms of restrictions have arisen to limit negative impacts of free speech on social media.

The OIC's efforts to draw a religious confinement to free speech is not to limit free speech but instead serves to uphold free speech by emphasizing the limits to it so that offenses or assaults under the umbrella of freedom of expression are prevented. In this respect, OIC and international human rights are not in opposition to each other but offer similar views on free speech with the caveat that OIC takes into consideration the cultural and religious sensitivities.



Danish Cartoon Crisis: Reconsidering Freedom of Expression

Jyllands-Posten, one of the Denmark's best-selling daily newspapers, publishes 12 cartoons of the prophet in some of them depicting him as a terrorist on September 30, 2005. After publishing these cartoons, demonstrations from Muslim communities in Europe and other parts of the world had started. On October 12, ambassadors from 10 mainly Muslim nations and Palestinian Representative in Denmark call the cartoons deeply offensive and demand a meeting with Anders Fogh Rasmussen, urging him "to take all those responsible to take." Rasmussen showed the courts for the solution. Then, a coalition of Danish Muslim groups files a criminal complaint against Jyllands-Posten newspaper. A regional prosecutor investigates the complaint but decides not the press charges. As those cartoons reprinted in many other European countries, demonstrations increased among Muslims in Europe and Middle East.

The Danish cartoon case raised the issue of boundaries of free speech and its constitutional guarantees in the academic circles. It is obvious that publishing those cartoons does not violating Danish law. However, there is certainly a moral aspect to perform the right for freedom of expression "more responsibly by respecting the diversities brought in by 'others'" (Erdenir, 2006).

OIC's Position on Rights of Refugees and IDPs

Over the last few decades, many OIC Member States have passed through numerous challenges, which will take them a long time to recover. Currently, more than 60 percent of all conflicts in the world occur in OIC countries. The consequences of the raging violence in OIC countries have been devastating. Conflicts account for the bulk of the displacement of civilian populations within or across the national boundaries, particularly in Syria, Afghanistan and Iraq. Millions of people were forced to leave their homes. Two-thirds of world's refugees originate from OIC countries and a remarkable proportion of internally displaced person's (IDPs) worldwide is in the Muslim world.

Understanding and resolving displacement is central for development, peace, and security. The massive dislocation of people in the OIC region forces Member States to think of ways to safeguard and promote the rights of refugees and IDPs, which are essentially compatible with human rights standards and international humanitarian law.



The protection of refugees and IDPs is guaranteed under International Humanitarian Law (IHL) – mainly the Geneva Convention of 1949 and 2 additional Protocols of 1977, and the Refugee Convention of 1951 along with the Protocol of 1967. In addition, there is the broader framework of International Human Rights Law (IHRL), the main inspiration for which is the Universal Declaration of Human Rights (UDHR) of 1948. The UDHR paved the way for the later adoption of human rights treaties – such as, in 1966, the two Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights. These two Covenants ensured the general framework for the treatment of individuals including IDPs, for example, providing a framework for people to move within and out of a state. In addition, subsequent regional and topical instruments and many specific Conventions and international agreements relevant to the protection and assistance of displaced people came into effect.

While the Convention, Protocol, and Guiding Principles provide a framework of protection for displaced people, Islam—as interpreted by various scholars—could also offer more innovative solutions. For example, the right to asylum, exemplified most notably by the Prophet’s migration to Medina to avoid persecution, is thought by many to be recognized in Islam. The faith promotes humanitarian principles and views the granting of asylum as the duty of political leaders within the Muslim community (Amr & Ferris,2008). Further, Islam also requires believers to assist and protect vulnerable people and offers a number of mechanisms for their care and support. However, the early protection regimes in the OIC region did not offer a comprehensive legal system for the protection of refugees and IDPs, at least not according to current understanding of protection and contemporary definitions. Thus, adopting international treaties would help fill the gaps in the protection regimes.

Protection of vulnerable groups chimes with the spirit of Islam as well as international protection principles and norms. Establishing a legal framework for protecting refugees and IDPs is important in terms of both international norms and Islamic principles. In parallel to this approach, over the last three decades, the OIC has taken several steps to establish principles and standards to protect the rights of refugees and IDPs in the OIC region.

On 15 July 1988, the OIC and UNHCR signed a cooperation agreement concentrating on humanitarian issues of global concern and, subsequently, expanded their collaboration in priority areas relating to refugees through regular interaction, exchange of information and mutual attendance at major events organized by each other. Another important step was taken during the UN/OIC General Meeting held

in Vienna on 9-11 July 2002. OIC and UN representatives agreed to focus on the following priority areas of cooperation related to refugees and asylum seekers:

- joint events to create awareness of the problems of refugees in the Islamic countries and advocate non-discrimination in the treatment of Muslim refugees and asylum-seekers
- in cooperation with the Islamic Solidarity Fund (ISF), design and implement joint projects in support of UNHCR operations focusing on education, disabled children, environment and health (this project centers on returning refugees in Afghanistan and other refugee situations in other OIC member States)
- further associate OIC staff in UNHCR training activities on basic protection principles
- review the mechanism relating to the exchange of information between the two institutions and work towards their improvement
- organize joint field visits to familiarize OIC staff and management with refugee problems in Islamic countries; and
- hold regular consultations on refugee policies and operations throughout the OIC member States

Furthermore, the OIC Summit, held in Putrajaya in October of 2003, adopted a resolution on the “Problem of Refugees in the Muslim world”, which reaffirmed the concerns of Member States over the effects of the existence of millions of refugees in Islamic Countries. The resolution called on OIC members to coordinate with UNHCR to determine the root causes behind refugee movements and to enable refugees to repatriate as soon as possible. The same resolution also called on Member States that have not acceded to the 1951 Convention to do so and to consider, inter alia, the convening, in coordination with UNHCR, of a ministerial conference in 2005 to address the problem of refugees in the Muslim world.

In 2012, another important step was taken at the OIC level in terms of developing an understanding of the general principles on refugee and IDPs rights. The OIC Conference on “Refugees in the Muslim World” led to the adoption of the Ashgabat Declaration. The 2012 Ashgabat Declaration enhanced refugee protection in the OIC Member States and became an important addition to the body of international instruments related to refugees. The Declaration underlined, one more time, the importance of 1951 Convention and the 1967 Protocol, and stated that:

“The 1951 Convention relating to the Status of Refugees and its 1967 Protocol have enduring value and relevance in the twenty-first century. We also note the importance of respecting the principles and values that underlie these instruments”



In December 2018, refugee rights related issues once again became the main topic of conversation in the OIC. During its 14th Regular Session, the IPHRC held a thematic debate on the subject of ‘Promoting and protecting the rights of refugees and migrants; An Islamic and international human rights obligation.’ The Commission discussed the steps taken and resolutions expressed by all OIC Member States to protect and promote the rights of refugees. The outcome document emphasized that:

“Refugees and migrants must be seen as distinct group of people with distinct rights and protection needs who are also dealt distinctively under international human rights and humanitarian laws. If migrants and refugees lack access to human rights, their ability to benefit from migration is compromised and they will not be able to effectively contribute to the development of their host societies. They are entitled to all universal human rights and fundamental freedoms, which must be respected, protected and fulfilled regardless of their status, caste, creed, colour, religion or origin and at all times.”

At the state level, OIC countries also demonstrated a long tradition of hospitality toward refugees and commitment to the fundamental principles of refugee protection. Thirty-six OIC Member States are signatories of the 1951 Convention and/or its 1967 Protocol. Moreover, almost all OIC Member States in Africa have signed the 1969 Organization of African Union (OAU) Convention (UNHCR, 2006).

In addition to signing the 1951 Convention, the majority of OIC countries, most notable Iraq, Turkey and Uganda, achieved progress in adopting refugee legislation at the national level and in establishing national structures and procedures to deal with refugee issues (Amr & Ferris, 2009). Others have gone one-step further by becoming directly involved in or preparing the grounds for direct involvement in the management of the process of refugee registration and refugee status determination.

Despite many positive developments, efforts and accomplishments, a range of challenges mark displacement situation of people in the Muslim world. The challenges include non-adherence to the relevant international legal instruments, which limit the national capacities to formulate and implement relevant laws and procedures for enforcing orderly migration policies; and disproportionate spread of refugee burden over the OIC countries, which overstretches their national infrastructure and institutional capacities to the extent of collapse.

Turkey: Access to education for refugee children



In times of displacement, education is crucial. It can foster social cohesion, provide access to life-saving information, address psychosocial needs, and offer a stable and safe environment for those who need it most. It also helps people to rebuild their communities and pursue productive, meaningful lives.

In Turkey, national legislation supports the right of all children to receive education, including children whose families have sought international protection. Public schools are free of charge and all refugee children have the right to attend these schools. Turkey works with its network of partner organizations to ensure that refugees are aware of these rights and are assisted with the procedures to be followed to enrol their children and benefit from available financial assistance programmes. The Ministry of National Education, in cooperation with UNHCR and UNICEF, also works to support and complement their efforts to enroll refugee children in Turkish schools. As proficiency in Turkish is key to academic success, the Ministry works to ensure that children receive additional assistance in learning Turkish. The Ministry of National Education is also working to expand the provision of free language classes offered to adults through its network of Public Education Centres and has provided language learning books to the Ministry to facilitate the provision of these classes. Adults are also able to attend skills training courses offered by these Centres in order to prepare them to enter the labour market or learn new skills that will enable them to generate income and become increasing self-reliant.

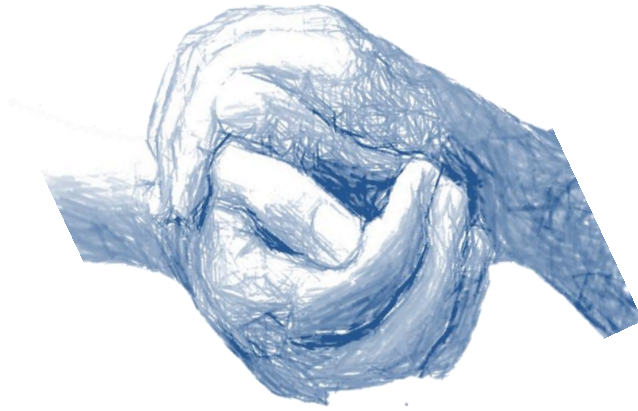
Source: UNHCR

The developments discussed above show that in terms of human rights' norms and standards, the situation in the OIC countries have become more promising day by day. Nonetheless, because standard setting is a dynamic, open-ended process, there are still many emergent needs, and substantial investments are still required in OIC countries. Existing standards in the OIC—and the corresponding duties of states—must be clarified further, and more guided performance targets need to be established. Human rights standards and principles should also address more the normative gap in the human rights corpus. Otherwise, the lacunae in these rights will undermine the success of the human rights development of the OIC region and threaten its gains.

Human rights norms and standards are critical for the development of human rights systems, but it is important to note that these principles require complementary institutional mechanisms to reinforce, implement and monitor them. Although the institutionalization of human rights norms and standards is still facing limitations in the OIC, there has been significant progress as discussed in the following chapter.



Human Rights Institutions and Mechanisms in the OIC Member States



A variety of present-day institutions and mechanisms inform the development and enforcement of international human rights norms. The international human rights regime can be conceptualized as a three-level system, composed of global, regional and national institutions (Held, 1999). Different international human rights systems often intersect as States may be subjected to the jurisdiction of global as well as regional and national level human rights institutions. The institutions at the different level play a noticeable role in the implementation, monitoring and protection of human rights. With the expansion of human rights norms and standards, combined with international resolutions and agreements, the significance of institutions has rapidly increased across the globe.

The most familiar human rights institutions and mechanisms are established out of the United Nations (UN) that includes, for example, the UN Human Rights Council, or regional ones such as the European Court of Human Rights. Alongside these commonly known human rights institutions, the past 50 years has seen the proliferation of hundreds of regional and national human rights institutions. In certain cases, these mechanisms have provided the necessary foundation to further develop and enhance the interconnected web of human rights norms and their implementation. Within this context, institutions and the execution of human rights norms and standards have been intimately linked. Without human rights institutions, the enforcement of the norms and standards is often intangible and without guidance or oversight. Therefore, human rights institutions serve as the medium through which international, regional or national human rights norms and standards are often applied, adjudicated and monitored.

The OIC has not been silent to these developments and has established several instruments to ensure the protection and promotion of human rights norms and standards in Member States. With the adoption of the Cairo Declaration on Human Rights in Islam in 1990, the OIC took a significant step in establishing a regional instrument on human rights. Other instruments such as the Convention on the Rights of the Child in Islam, the Plan of Action for the Advancement of Women and basic international conventions called for the need to establish institutions that can support the implementation and oversight of these human rights instruments at both the OIC-level and at the national level.

While international human rights institutions play a prominent role in providing a general framework for countries, the particularities of the region, context and culture has paved the way for regional institutions that mitigate context-sensitive application of international human rights norms and standards. With this aim, the



OIC has established various organizations that either deal specifically with human rights or institutions that have a human rights element. These institutions attempt to uphold the international criteria while at the same time pay attention to the sensitivities across the OIC region.

The establishment of the Independent Permanent Human Rights Commission (IPHRC) along with other institutions is a clear sign of OIC's endeavors to institutionalize human rights standards and norms across the Member States. Although currently the Commission has a predominantly consultative role, its establishment signals a substantial transformation in the human rights system of the OIC. Now an OIC-level institution can guide Member States on how to implement international norms and standards while preserving or not contradicting their sensitivities towards Islamic teachings, values and traditions. This entails the desire and effort of the OIC to institutionalize its human rights regime by employing a model of compatibility, instead of exclusivity from the international human rights obligations, norms and standards.

Along with these institutions at the OIC-level, the majority of the OIC Member States (nearly 60 percent) have also established national human rights institutions (NHRIs) to promote and protect human rights in their respective countries. NHRIs work closely with the UN and OIC institutions and are part of the international human rights system. Their aim is to ensure that the international and regional norms and standards are applied, monitored and protected at the national level. The establishment of a high number of NHRIs across the OIC Member States – just as with OIC level institutions – signifies a serious development in their efforts to integrate into the international human rights regime.

Although in terms of function and capacity, these institutions face certain limitations, there is reason to be optimistic for their strengthening and crystallization in the coming years to enhance the human rights integration, protection and promotion across the OIC. The structure, role and capacity of institutions are an important indicator of their successful implementation of international norms and standards.

The Independent Permanent Human Rights Commission

The Independent Permanent Human Rights Commission (IPHRC) is one of the principal organs of the OIC as well as the primary institution within the OIC system that specifically focusses on human rights. The IPHRC was initially proposed within the framework of the Ten-Year Programme of Action in 2005, codified in the 2008 OIC Charter, and officially launched in 2011 with the adoption of the OIC Statute on

Independent Permanent Human Rights Commission by the Council of Foreign Ministers. The 2008 Charter recognizes the IPHRC as a principal organ of the OIC (Article 5) with the mandate to ‘promote the civil, political, social and economic rights enshrined in the organization’s covenants and declarations and in universally agreed human rights instruments, in conformity with Islamic values.’ (Article 15).

The establishment of IPHRC in 2011 is part of OIC’s efforts to bridge perceptual concerns and legal gaps between compatibility of universal human rights and Islamic laws. It is also reflective of the importance OIC attaches to address human rights issues at the national and international levels in an organized, independent and sustained manner.

With its Ten-Year Programme of Action and the recognition then of the need for an independent body to promote human rights in Member States, the OIC took a somber step toward institutionalizing its human rights regime. Along with this, the creation of the IPHRC signaled a move to generate a cohesive human rights strategy and guidance for all Member States that would not only incorporate international norms and standards but regional contexts and sensitivities as well. This was a significant turn for the human rights agenda of the OIC because for the first time an official institutional human rights organ would have a mandate to promote and protect human rights in 57 Member States. It was also a leap forward for the OIC’s international human rights involvement and legitimacy. The OIC with the creation of the IPHRC started to be more involved, integrated into the international human rights discourse, process and agenda, and in return could reflect this international aspect into the Member States via its guidance and advisory role. Thus, establishment of the IPHRC signals a new era where the international and national human rights regimes were now connected through an OIC level human rights institution.

The IPHRC, as formulated in the founding documents, is an independent expert body (rather than a political body) comprised of 18 recognized experts on human rights. Experts/Commissioners are elected on the principle of equitable geographical representation with six commissioners from each geographical region of the OIC (Africa, Arab, and Asia). Member States are encouraged to equally nominate female members as the Commissioners (IPHRC Statute). Members of the Commission are nominated by their respective governments and are elected by the Council of Foreign Ministers for a three years term, which can be renewed once. Once elected, these members serve in their independent /personal capacities in the Commission.



IPHRC's Objectives and Mandates



Advising OIC's policy-and-decision-making bodies on all matters concerning human rights.

Undertaking studies and research in the field of human rights.

Advancing human rights and fundamental freedoms in Member States as well as fundamental rights of Muslim minorities and communities in non-member States in conformity with the universally recognized human rights norms and standards with the benefit of Islamic principles of justice and equality.

Promoting and strengthening human rights in Member States by providing "technical cooperation and assistance in the field of human rights and awareness-raising".

Pursuing interfaith and intercultural dialogue as a tool to promote peace and harmony among various civilizations and promote the true image of Islam.

Extending support to Member States and their national institutions in the promotion and protection of human rights for all in an independent manner.

Reviewing OIC's own human rights instruments and recommending ways for their fine-tuning, as and where appropriate, including the option of recommending new mechanisms and covenants.

Promoting cooperative working relations with relevant bodies of UN and OIC, as well as relevant regional human rights mechanisms.

Promoting and supporting the role of Member States' accredited civil society organizations.

Participating in missions for observing elections in Member States.

To uphold their independence the internal IPHRC rules of procedure states that Commissioners before assuming their duties shall make the following declaration:

"I solemnly declare that I shall faithfully discharge my duties with professionalism, truthfulness, independence, impartiality and integrity, free from any kind of extraneous influence, so help me God."

Along with the above declaration, the rules of procedure in support of the Commission Members' independence state that:

- Commissioners shall act in their personal capacity and shall express their own convictions and views
- In exercising their function, commissioners shall at all times uphold utmost professionalism, truthfulness, independence, impartiality and integrity whilst

enhancing their moral authority and credibility, free from any kind of extraneous influence.

- Commissioners shall not receive instructions from any state, including their own, or any other third party. (Rule 6)

In respect to the operational framework of the IPHRC, the Statute provides that the Commission shall cooperate with the Member States to support the consolidation of civil, political, economic, social and cultural rights in the Member States. It will also observe and monitor the human rights situation of Muslim communities and minorities (Article 10). The IPHRC may also provide technical cooperation and support organizations that promote and enhance human rights. This is to be carried out through counselling and legal advice to Member States, information campaigns and research and cooperation with other human rights organizations. In this respect, the IPHRC does not handle or investigate cases of human rights violations; rather it serves as an advisory organ for the OIC and Member States.

The role of the IPHRC being largely advisory, it has no enforcement or sanctioning mechanisms. However, these powers were advanced at the first session of the Commission in Jakarta where a remedial approach to human rights through the employment of thematic reports and resolutions instead of State-by-State reviews was adopted. The thematic approach served to widen the influence of the IPHRC, as it is not politicized for singling out States; rather it sets general thematic goals and objectives that would be more inclusive and general to all of the Member States. The remedial method combined with the geographical distribution and independence of its members enables the IPHRC to comfortably engage with human rights issues at the international, regional and national levels.

The IPHRC is situated in a unique position when compared to other regional human rights institutions. The OIC Member States are spread over four continents with many of the Members covered by their respective regional mechanisms, therefore, IPHRC is designed to work as a cross-regional human rights mechanism that promotes and brings together the universal character of human rights as well (IPHRC Commissioners, 2019). It also has a global dimension as its multifaceted role extends to issues on international human rights agenda that equally affect the lives of human beings in Member and non-member States. While working in a cooperative manner with relevant mechanisms, IPHRC tries to avoid duplication, works on areas of complementarities and value-addition and focuses on the remedial aspects of the promotion and protection of human rights.

One of the main tasks of IPHRC is to highlight the importance and relevance of Islamic values and teachings to addressing serious challenges faced by present-day



humanity. It must provide expert advice to OIC to help formulate policies that can address challenges faced by the Ummah in the field of human rights. IPHRC's work not only goes a long way in dispelling misperceptions about Islam, but also helps mainstream the human rights dimension in the OIC programs and activities aimed at facilitating the full enjoyment of human rights in Member States as well as Muslim communities and minorities in non-Member States.

The central activity of the IPHRC is to support Member States to meet their human rights obligations. The IPHRC does this by providing expert guidance on how to apply the conventions they have ratified; by clarifying the obligations and implications stated in the conventions; by providing guidance on the removal of reservations that may contradict these conventions; and by providing guidance on how to strengthen national legislations in order to bring them into alignment with international human rights standards. Although the Commission itself has no power to impose sanctions on Member States, it can formulate recommendations to the Council of Ministers, which can then make resolutions and decide on a course of action for member countries. In addition to the intra-OIC role of the IPHRC, it also carries out the duty of cooperating with the non-Islamic world and ensuring the presence of the OIC in different international organizations regarding human rights. The OIC-IPHRC bases its work both on the OIC and International human rights instruments.

The founding of the IPHRC shows the increasing importance, commitment and significance of human rights and particularly the effort to institutionalize human rights within the OIC. It is a step forward in the establishment of legitimacy amongst the Member States as well as involvement and credibility concerning human rights at the international level. The establishment and the work of the IPHRC also points to the considerable political motivation on the part of all members to build a regional human rights mechanism that is implemented through institutional arrangements at the OIC level.

The IPHRC has great potential to be the agent of change in human rights practices within the OIC countries domestically and as a representative of the Islamic countries at the international level. It serves as an important intra-OIC mechanism for the much-needed internal criticism and driving force for human rights. However, overtime the IPHRC can become more effective, if its mandate is extended to monitoring and complaint mechanisms such as periodic review of States compliance to their human rights obligations, country visits and complaint filing procedures for inter-state disputes.

Presently, the IPHRC regularly invites NHRIs into its activities and consults them on issues of common concern. However, the involvement of civil society actors in its work remains limited. The effective mobilization of civil society groups is of great relevance to increase the IPHRC's influence, legitimacy and operational capacity. Cooperation with different civil society actors will greatly increase the legitimacy, influence and enforcement mechanisms of the IPHRC.

Finally, there is the issue of jurisdiction and reach. The IPHRC is mandated with the protection of Muslim communities and minorities, however, its capacity and reach need to be increased to effectively extend to Muslim populations in non-OIC Member States. To accomplish such a mandate, the IPHRC needs to build stronger and closer relationship with Muslim communities around the world and work in collaboration with non-Islamic human rights actors to protect, promote and monitor the situation of Muslim communities and minorities.

The establishment of the IPHRC has provided a significant step forward in the creation of an OIC level human rights system. As the IPHRC role and mandate strengthened progressively, it will be in a much better position to enhance human rights mechanisms across the OIC Member States and have a greater impact on the international human rights framework. It certainly has enhanced the visibility of the OIC, but its true potential lies in enhancing the credibility of the OIC. At the same time, being the first cross regional human rights mechanism of its kind on the international scene, it is also under the scrutiny of the international community. Both the Member States and the Commissioners would have to build on this positive momentum to portray effectively the OIC vision of “moderation and modernization”.

The OIC Humanitarian Affairs Department (ICHAD)

The OIC's humanitarian involvement dates back to the war in the Bosnia – Herzegovina in the mid-1990s (Svoboda, 2015). Following this, the humanitarian agenda of the OIC grew significantly and culminated in the institutionalization of this humanitarian function with the establishment of the Islamic Cooperation Humanitarian Affairs Department (ICHAD) in June of 2008.

Prior to the founding of ICHAD, the OIC had already been involved in many humanitarian activities in the Muslim world. Projects included but were not limited to the funding of hospitals and schools and emergency relief assistance to people impacted by conflict and disasters. For example, the OIC established a Fund to assist returning Bosnian refugees in terms of rebuilding schools, hospitals and houses. The OIC has also been involved in sending aid to Gaza through cooperation with various



organizations. It is against this backdrop that the ICHAD was created: to assist in natural disasters, food insecurity, conflict and economic inequalities to name a few. However, ICHAD's humanitarian involvement goes beyond aid and assistance and intersects into the realm of human rights.

Chronology of the OIC Humanitarian Involvement between 2002 - 2012	
Year	Involvement
1991/94	<ul style="list-style-type: none"> • OIC advocates for protection of Bosnian Muslims, lifting of UN arms embargo
1995	<ul style="list-style-type: none"> • OIC proposes Assistance Mobilization Group for Bosnia-Herzegovina
2002	<ul style="list-style-type: none"> • Establishment of OIC Fund for Bosnia-Herzegovina • Opening of OIC Assistance Fund for Afghan People
2003	<ul style="list-style-type: none"> • Establishment of OIC Fund for Sierra Leone
2005	<ul style="list-style-type: none"> • Creation of the OIC Alliance for Tsunami Orphans
2007	<ul style="list-style-type: none"> • Organization of donor conference for Niger during food crisis
2009	<ul style="list-style-type: none"> • Opening of Coordination Office in Niger • Opening of ICHAD office in Gaza • Creation of ICHAD Logistics Coordination Unit (for Gaza) in Egypt
2010	<ul style="list-style-type: none"> • Opening of hospital in Al-Mazrak camp in Yemen • Establishment of OIC Humanitarian Coordination Office in Islamabad • Hosting of OIC Emergency Humanitarian Conference for Pakistan
2011	<ul style="list-style-type: none"> • Opening of OIC Humanitarian Coordination Office in Somalia
2012	<ul style="list-style-type: none"> • Organization of Gaza Health Sector Strengthening Conference in Egypt • OIC-OCHA joint humanitarian mission to Syria • Suspension of Syria as OIC member, partly on humanitarian grounds • Signing of MOU with government for OIC humanitarian office in Yemen
Source: Humanitarian Policy Group working paper (2015).	

ICHAD through various means reinforces and stipulates the promotion of human rights across the OIC. During the OIC ICHAD Conference in 2010, "The Islamic Charter of the Work of Goodness Code of Conduct" was recognized and accepted (Pal et. al., 2019). The codes of conduct established for Islamic charities in the OIC Member States included the promotion of human rights and freedoms as well as referring to the Islamic Covenants on human rights. More specifically, the code urged for international cooperation in realizing the human right to development and addressing poverty. While ICHAD is not directly a human rights institution, it plays an important role in expanding the OIC's human right agenda.

The Peace, Security and Conflict Resolution Unit

The Peace, Security and Conflict Resolution Unit of the OIC was established at the General Secretariat on 20 March 2013 with the goal of strengthening the OIC's role in conflict prevention and resolution (Cogan et al., 2016). The PSCU aims to provide culturally sensitive mediation and preventive diplomatic resolutions to conflicts in the OIC countries (Baillet, 2015). The OIC is active in some of the most prolonged and antagonistic conflicts around the world, including Syria, the Occupied Palestinian Territory, Somalia, Sudan, Kashmir and Yemen. The PSCU of the OIC functions to bring pacific settlements to the enduring disputes and conflict across the OIC (Baillet, 2015). Ultimately, the PSMU aims to bring stability and peace to the Muslim world.

Human rights framework and conflict prevention and resolution are intimately linked. When conflict occurs in a country or between countries, the respect and practice for human rights become oblivious. The SESRIC report on Achieving Peace and Security in a World of Turmoil: An Arduous Challenge for the OIC indicates that most of the conflicts around the world are occurring in the OIC countries. This has significant implications for human rights in these countries and ultimately on the human rights system of the OIC. The PSCU's mission involves directly addressing the root causes of conflicts across the OIC countries; however, as a unit it is also intricately involved in promoting the respect for human rights and good governance. It is through addressing and enhancing human rights issues – amongst others- that the PSCU aims to bring stability and peace to disputes and conflicts. In 2015, Amanul Haq, Director in the Cabinet and Head of Peace Security and Conflict Resolution Unit (OIC), during his opening remarks at the sixth Think Tanks Forum of the Islamic Countries highlighted the human rights role of the PSCU:

“The OIC has taken various steps to promote good governance and respect for human rights as well as encourage economic, social, cultural, scientific and educational progress. These steps and initiatives include inter alia establishment of the OIC Independent Permanent Commission of Human Rights (IPHRC) and Peace, Security and Mediation Unit (PSMU) as expressions of OIC's commitment towards bringing peace and stability in the Muslim World” (Haq, 2015).

The PSCU has only recently begun operating; therefore, it has certain challenges and limitations that need to be considered. However, the PSCU will in the future need to increase its activities to become a greater player in peace and security as well as human rights issues in the OIC.



Women's Development Organization

Women's rights in the OIC countries lag behind compared to other countries in terms empowerment and development. The rising awareness on this issue led to the creation of a separate specialized Plan of Action for the Development of Women (OPAAW) in 2008.

Further to the OPAAW and in line with the Ten-Year Program of Action, the OIC Women's Development Organization was established in May of 2009. The creation of the Women's Development Organization signaled a move toward the institutionalization of women's rights, empowerment and development at the OIC level. The Organization is based in Cairo and works to promote women's participation and development in the OIC countries through a number of different mechanisms such as training, education and capacity development.

Women's Development Organization is an important component of human rights institutions at the OIC level. Women are one of the most vulnerable and marginalized segments of society. This organization proves to be a significant step forward in the institutionalization of women's active participation in society and empowerment of women throughout the Islamic world.

OIC Islamophobia Observatory

The OIC Islamophobia Observatory aims to track and keep a spotlight on the phenomenon of discrimination against Muslims across the world. Through the Observatory, the OIC seeks to monitor cases of violence and hatred toward Muslims with a view to document and particularly to submit them to the Council of Foreign Ministers of the OIC Member States. Another goal of the Islamophobia Observatory is to raise global awareness on the negative effects of Islamophobia and the human rights violations aspect of Islamophobia. The Islamophobia Observatory, with its annual reports, provides the OIC with the analytical assessment of the human rights violations and discrimination faced by Muslims around the world, based on their religion. This enables the Member States to raise these concerns with all concerned including relevant human rights forums in an informed and manner.

Proposed International Islamic Court of Justice

An important institution that was proposed but never realized in the OIC is the International Islamic Court of Justice (IICJ). The treaty for the IICJ was negotiated and signed, and the Statute for the IICJ was approved at the Fifth Islamic Summit in 1987.

To date an insufficient number of Member States have ratified the Statute and it has not come into force. However, the approval of this Statute does point to a direction that in the future such an institution might be possible. If so, such a court could serve to increase the human rights credibility and mechanism of the OIC internally and at the international level. It also would strengthen all the human rights institutions by providing a platform for complaint settlement and a judiciary element to the human rights framework of the OIC.

National Human Rights Institutions

OIC umbrella human rights institutions and mechanisms carry significant importance for the promotion and enhancement of human rights across the OIC. However, there are also national institutions functioning in several OIC countries that are specifically targeting human rights. These institutions are not isolated from OIC level institutions but should be seen as cooperative and complimentary to each other.

NHRIs started to emerge after the Second World War, however, international standards setting the framework for their responsibilities, working method and composition were only established in 1993 with the adoption of the UN General Assembly Resolution on NHRIs (A/RES/48/134, 1993) called the Paris Principles (Cardenas, 2003). The Paris Principles serve as the basis for the governing of the key criteria for the creation, the boundaries and powers of NHRIs.

The Paris Principles indicate that NHRIs have two broad mandates they are required to meet: i) protect human rights, including by receiving, investigating and resolving complaints, mediating conflicts and monitoring activities; and ii) Promote human rights, through education, outreach, the media, publications, training and capacity building, as well as advising and assisting the Government. Furthermore, the Paris Principles established six criteria for NHRIs to guarantee their effective functioning and independence: i) mandate and competence, a broad mandate, based on universal human rights norms and standards; ii) autonomy from Government; iii) independence guaranteed by statute or Constitution; iv) pluralism; v) adequate resources; and vi) adequate powers of investigation (Sub-Committee on Accreditation, 2019).

There are now over 120 NHRIs around the world and their number continues to grow. These institutions are granted with an A, B or C level of accreditation depending on their compliance with the Paris Principles. "A" status institutions are ones that comply with the Paris Principles, "B" status NHRIs do not fully comply with the Principles and "C" status institutions are ones that do not comply at all with the



Paris Principles. The different levels of accreditation signify great importance as it reflects the NHRIs ability to function effectively and autonomously to carry out its mandate to protect and promote human rights.

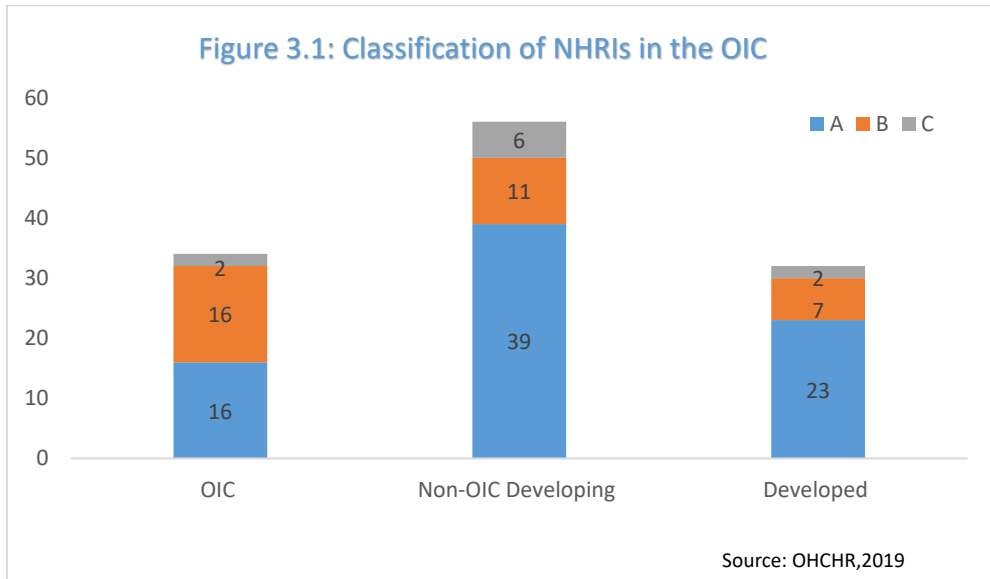
Level of Accreditation Description	
A	Voting member: complies fully with the Paris Principles
	“A” status institutions demonstrate compliance with the Paris Principles. They can participate fully in the international and regional work and meetings of national institutions, as voting members, and they can hold office in the Bureau of the International Coordinating Committee or any sub-committee the Bureau establishes. They are also able to participate in sessions of the Human Rights Council and take the floor under any agenda item, submit documentation and take up separate seating.
B	Observer member: does not fully comply with the Paris Principles or has not yet submitted enough documentation to make that determination
	“B” status institutions may participate as observers in the international and regional work and meetings of the national human rights institutions. They cannot vote or hold office with the Bureau or its sub-committees. They are not given NHRIs badges, nor may they take the floor under agenda items and submit documentation to the Human Rights Council.
C	Non-member: does not comply with the Paris Principles
	“C” status institutions have no rights or privileges with the ICC or in the United Nations rights forums. They may, at the invention of the Chair of the Bureau, attend meetings of the ICC.
Source: Nhri.ohchr.org. (2019)	

Out of the 122 NHRIs around the world, 34 of them are established in the OIC Member States. When compared to the NHRIs across the world, the OIC Member States account for 28% of the total NHRIs globally. In the OIC, out of 57 Member States only 23 Member States do not have NHRIs. In terms of percentage, this indicates that 60% (34) of the OIC Member States have established NHRIs. Although the establishment of NHRIs is a positive development across the OIC, the level of accreditation is also an important element to consider in terms of these institutions' effectiveness and function. Across the OIC, 16 NHRIs are accredited with an “A” status, 16 with a “B” status and only two are in the category of “C” status. This numbers demonstrates that almost all the established NHRIs in the OIC Member States are in either full or partly in compliance with the Paris Principles.

National Institution	Status	Type of Model
Afghanistan: Independent Human Rights Commission	A	Commission
Indonesia: National Commission on Human Rights	A	Commission
Jordan: National Centre for Human Rights	A	Institute
Malaysia: Human Rights Commission	A	Commission
Qatar: National Human Rights Committee	A	Commission
State of Palestine: Independent Commission for Human Rights	A	Commission
Cameroon: National Commission on Human Rights and Freedoms	A	Commission
Egypt: National Council for Human Rights	A	Commission
Mauritania: National Commission for Human Rights	A	Commission
Morocco: National Council for Human Rights	A	Commission
Niger : National Commission for Human Rights	A	Commission
Nigeria: National Human Rights Commission	A	Commission
Sierra Leone: Human Rights Commission	A	Commission
Togo: National Commission for Human Rights	A	Commission
Uganda: Human Rights Commission	A	Commission
Albania: The People's Advocate	A	Ombudsman
Bahrain: National Institution for Human Rights	B	Commission
Bangladesh: National Human Rights Commission	B	Commission
Iraq: High Commission for Human Rights	B	Commission
Maldives: Human Rights Commission	B	Commission
Oman: National Human Rights Commission	B	Commission
Kazakhstan: The Commissioner for Human Rights	B	Commission
Kyrgyzstan: The Ombudsman	B	Ombudsman
Tajikistan: The Human Rights Ombudsman	B	Ombudsman
Algeria: The National Human Rights Council of Algeria	B	Commission
Chad: National Commission for Human Rights	B	Commission
Côte d'Ivoire: National Commission for Human Rights	B	Commission
Libya: National Council for Civil Liberties and Human Rights	B	Institute
Mali: National Commission for Human Rights	B	Commission
Senegal: Senegalese Human Rights Committee	B	Committee
Tunisia: Higher Committee for Human Rights and Fundamental Freedoms	B	Commission
Azerbaijan: Human Rights Commissioner (Ombudsman)	B	Ombudsman
Benin: Benin Human Rights Commission	C	Commission
Iran: Islamic Commission on Human Rights	C	Commission
Burkina Faso: National Commission for Human Rights	Accreditation lapsed	Commission



Compared to non-OIC developing countries, the OIC has less “A” status NHRIs and a greater number in the category of “B” status. Approximately 60% of the NHRIs in non-OIC developing countries are in the category of “A” while nearly 50% of them are in this category in the OIC. Similarly, over 70% of NHRIs in the developed world is in the category fully compliant. However, the number of NHRIs in the “C” classification is much less within the OIC in comparison to non-OIC developing countries and is equal to that of the developed countries (Figure 3.1).

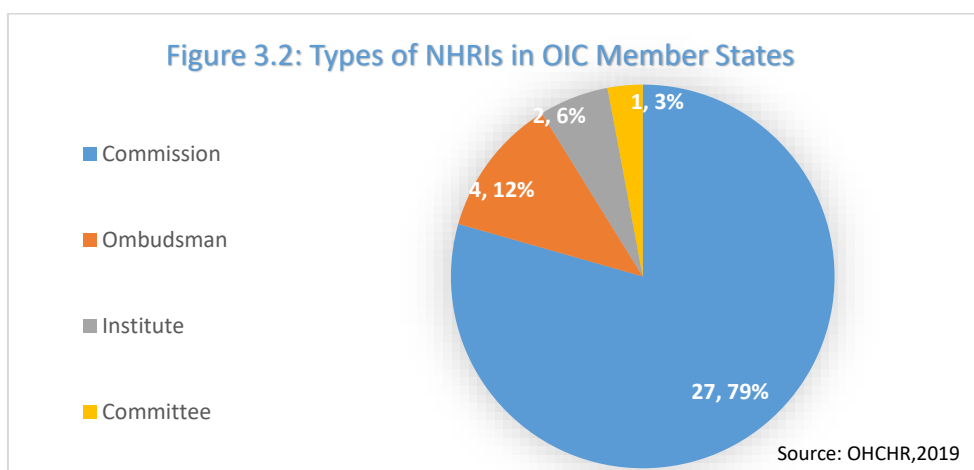


Another important characteristic of NHRIs is their form and structure. NHRIs around the world show variance in their form according to their regional experience and country specific factors such as socio-cultural context, ideological stance, history, legal framework and more importantly the particular needs of the country (Mayrhofer, 2014). The Paris Principles do not offer a comprehensive standard classification scheme for NHRIs; instead, it resorts to defining NHRIs in comparison to other organizations and institutions, not offering a classification amongst NHRIs themselves. However, over the years generally agreed classifications of NHRIs have emerged. Four general types of NHRIs are widespread: the committee type, the research institute type, the ombudsperson type and the commission type (Aichele, 2010).

The committee type of NHRIs is characterized by its advisory role, particularly to governments and government decision-makers. The research institute type is largely concerned with producing research and undertaking educational and advocacy tasks. Research type NHRIs have close ties to the academic world and are mostly

mandated with legislative reviews and thematic human rights issues. The ombudsperson type of NHRIs is most often an institutional arrangement that is centered on a single person who deals with individual complaints on human rights violations. The ombudsperson is appointed by the parliament of a country and works with low capacity to deal with individual complaints. The commission type is the most comprehensive and has a wide range of tasks, including investigation into human rights violations, research and education, public relations and participation in legal proceedings. Commission members may be appointed by parliament or selected from different political parties. Commission types of NHRIs generally have wide range of mandates that covers all areas of the Paris Principles.

Across the OIC Member States, commission type of NHRIs is the most common. 79% of NHRIs in the OIC are categorized as Commissions. Following Commissions is the ombudsman type of institutions, which composes 12% of the total NHRIs in the OIC. Institute and committee type of NHRIs make up 6% and 3% respectively (Figure 3.2).



The NHRIs across the OIC vary in their function and effectiveness, nevertheless, a positive sign is the high presence of NHRIs in many of the OIC countries. On a national level, this signifies an important instrument for respect and the enhancement of compliance with international human rights system. At the same time, the OIC Member States differ in their human rights record, development and context. Therefore, NHRIs across the OIC Member States have the advantage to focus on specific human rights issues and standards particular to the relevant Member State. Nevertheless, for NHRIs to be more effective and instrumental regarding human rights, they need to work closely and collaboratively with IPHRC, regional and global human rights organizations.



Afghanistan's Human Rights Commission

Avoiding Abuses through Human Rights Education for the Security Sector



Afghanistan's Independent Human Rights Commission signed a Memorandum of Understanding (MoU) with the Ministry of Defense, Ministry of Interior Affairs and National Security Directorate, the three main bodies involved in Afghanistan's defense. Based on the MoU, the Commission provides a two-tier education programme to these three bodies in the security sector:

- i) The Commission is training young officers at the national academies of these three bodies, teaching them about human rights, Afghanistan's obligations, existing laws and policies. The Commission is also conducting a training of trainers and providing the academies with the curriculum, so that they can continue teaching on their own;
- ii) The Commission is providing education also to graduates of these academies. The officers and soldiers who have graduated are attending workshops and classes of the Commission to learn about and discuss international human rights law and international humanitarian law.

Source: Support of National Human Rights Institutions of Central Asia

Pathway to Cooperation

Although the 57 Member States of the OIC are at various degrees of development in their human rights framework, most share certain religious, historical, cultural and social commonalities as well as common human rights challenges and limitations. Consequently, interaction between international, regional and national human rights institutions has been realized and acted upon by the OIC. At various Council of Foreign Ministers meetings, discussions and action points to set up working groups between the IPHRC and Member States' accredited NHRIs have been agreed on. These working groups aim to provide a platform for the different institutions to exchange their views on human rights topics and seek out collaboration opportunities. However, it is vital to note that the cooperation and collaboration between regional mechanisms and institutions such as the IPHRC and NHRIs has been limited at the OIC level. For example, in Europe and other regions of the world there are groups of NHRIs that cooperate with regional institutions on certain cases and hold regular meetings to exchange knowledge and support each other's development (Aichele, 2010). The OIC countries are lacking a network mechanism that brings together the 34 NHRIs under a single roof. This type of an institutional

arrangement would significantly improve the capacity, function of NHRIs, and develop a cohesive and standardized human rights outlook across the OIC Member States. Therefore, OIC level cooperation between NHRIs is of critical importance for the development of the OIC's human rights system.

Network of NHRIs in Europe and Asia Pacific



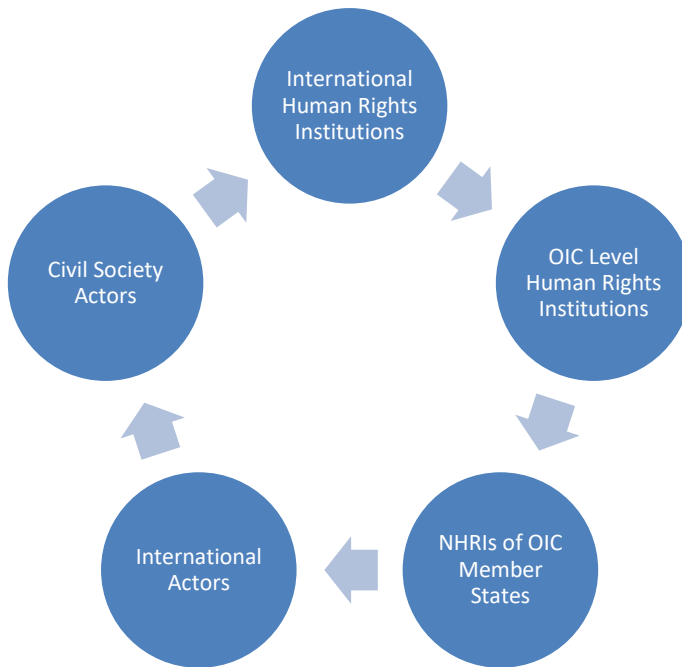
ENNHRI, the European Network of National Human Rights Institutions, brings together 40 NHRIs across wider Europe. ENNHRI's goal is to support and strengthen NHRIs to promote and protect human rights across the European region, in line with the Paris Principles. It carries this out through assisting in the establishment and accreditation of NHRIs; coordinating exchange of information and best practice between members; facilitating capacity building and training; engaging with regional mechanisms; and intervening on legal and policy developments at a European level.

APF, the Asia Pacific Form of National Human Rights Institutions, is a coalition of 22 NHRIs from the Asia Pacific region. APF's goal is to support the establishment of independent NHRIs in the Asia Pacific Region, in line with the Paris Principles, and to strengthen the work of the NHRIs. It carries this out through providing its members with advisory, capacity-building, networking and strategic services, including thematic training programmes and capacity assessments.

Source: Support of National Human Rights Institutions of Central Asia

There is also a need for OIC level institutions such as the IPHRC, ICHAD or the Women's Development Organization along with NHRIs to build stronger and sustained communication channels amongst themselves. This is important because human rights issues are crosscutting and cooperation and knowledge share amongst these institutions is important for several reasons. For example, women's development issues are a general concern nearly across all Member States; therefore, OIC level guidance with the input of NHRIs would greatly serve to develop targeted and appropriate resolutions and instruments.





A strong network within the OIC will also enable Member State so integrate easily international norms and standards because there will be a central guidance mechanism for Member States. In addition, strong intra-OIC human rights network will allow the OIC to express its human rights views and perspectives at the international arena with greater strength and cohesiveness. It will be able to have a say on

issues that are pertinent to its members or Muslims. For example, human rights issues of Muslim minorities in non-OIC countries or Islamophobia could be voiced with greater centrality and coordination.

Human Rights Institutions of Turkey and the Kyrgyz Republic



After a conference in 2016, a Memorandum of Understanding (MoU) between the Ombuds Institutions of Turkey and the Kyrgyz Republic on cooperation in protecting and promoting human rights was signed. The agreement was initiated by the Kyrgyz Ombudsman Mr. Kubat Otorbaev to protect the rights of Kyrgyz communities and migrants living in Turkey, including their most urgent concerns, such as their access to legal residence permission, employment, healthcare, and protection from human trafficking. The MoU is expected to facilitate mutual assistance in the promotion and protection of rights and freedoms of Kyrgyz and Turkish citizens, and also to foster exchange of experience and best practices through joint events and training workshops.

Source: Support of National Human Rights Institutions of Central Asia

Another important pathway for cooperation that would enhance the OIC human rights system is cooperation of human rights institutions with civil society, media, and international organizations. The different institutions in the OIC and of its Member States need not only to interact within themselves but a close relationship with other international actors is of critical importance for human rights development. Most importantly, these institutions need to engage with a variety of civil society actors ranging from NGOs and community leaders to the media and the public. For legitimacy and trust, this sort of civil society engagement is salient. The OIC human rights institutions (whether at the OIC level or national level) are limited in their interaction with governments, civil society actors, media and other organizations. There is a need for horizontal communication to strengthen and build these networks of communication channels.

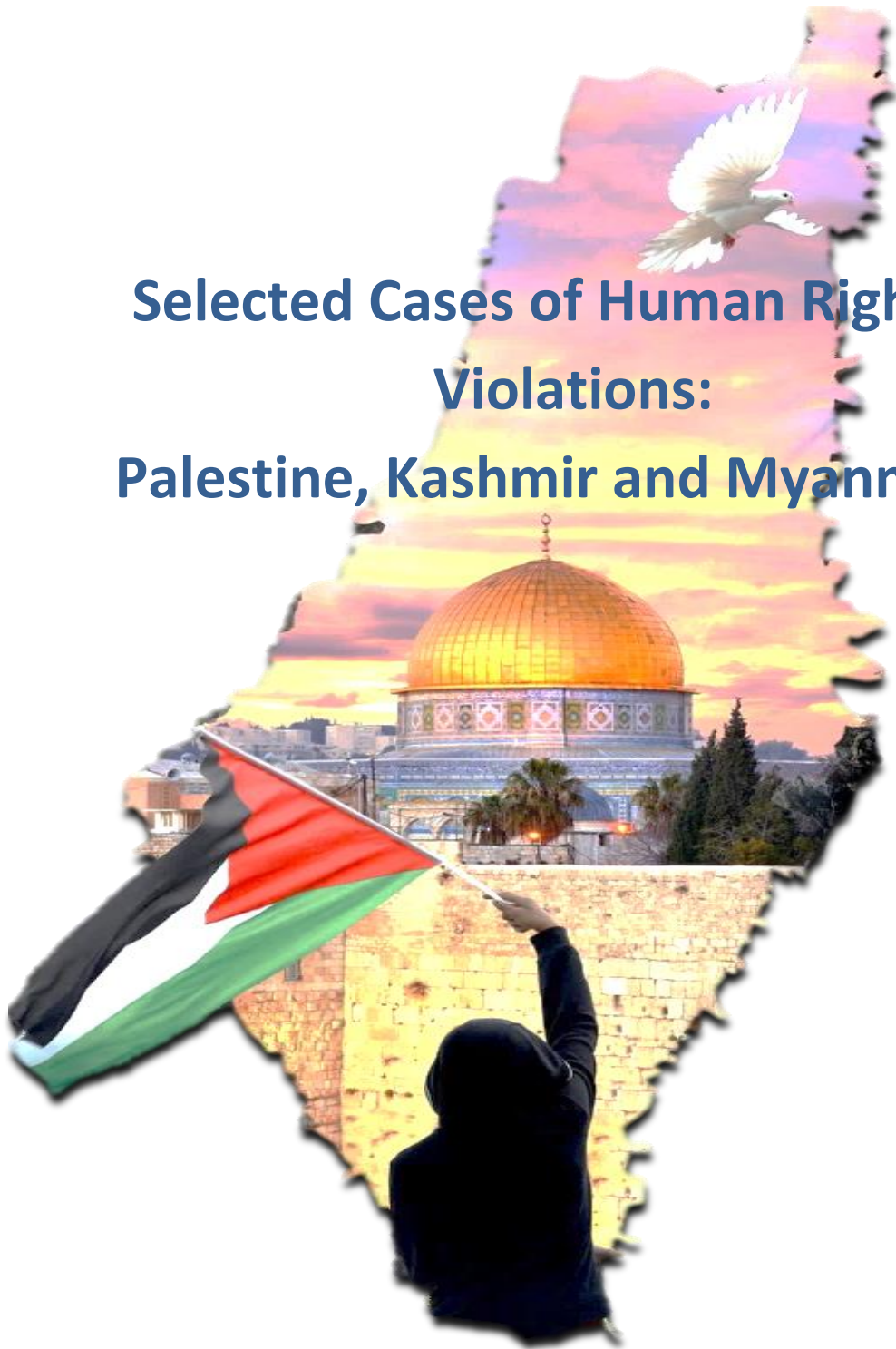
The expansion of technological platforms and tools has also paved the way for new and efficient ways to build communication and knowledge sharing. The OIC countries need to utilize these platforms to narrow the space between different human rights institutions and other actors. Through such methods, comprehensive and effective mediums can be employed to strengthen, document and increase the capacity of human rights institutions. For example, some NHRIs have utilized e-learning tools to introduce human rights to students and practitioners while others have made comprehensive data systems for their regional networks of NHRIs.

OIC human rights mechanisms and institutions pathway to cooperation needs to consider several different links of cooperation. These should include OIC level human rights institutions, NHRIs of the OIC Member States, civil society actors, international human rights institutions and international actors. Through such a complex web of networks, the OIC human rights system can be better grounded and effective in enhancing the OIC human rights system. The below specific recommendations to cooperation are highlighted for the OIC to expand, deepen and progress its human rights system to become more vibrant at the international level and increase its efficacy within the OIC.



Placing regional human rights institutions as a primary mechanism for the OIC human rights agenda	<ul style="list-style-type: none">• The OIC should work to increase the relevance and role of OIC level human rights institutions to foster a coherent and standardized regional human rights system.
Establishment of a Network of NHRIs for the OIC	<ul style="list-style-type: none">• Develop a network for NHRIs within the OIC. This network will bring together NHRIs to share their knowledge, expertise and best practices. These types of networks have been created in other regions and have worked well.
Facilitation, exchange and cooperation between regional (IPHRC) and national institutions (NHRIs)	<ul style="list-style-type: none">• A strengthened regional and national cooperation will significantly improve the capacity and function of human rights institutions. Regular and frequent opportunities for these institutions to communicate should be promoted.
Institutionalized Cooperation	<ul style="list-style-type: none">• In line with the previous goal, the cooperation between regional institutions and national ones should be institutionalized through joint actions, reports and press conferences.
Utilizing new technological platforms and tools to enhance cooperation	<ul style="list-style-type: none">• New technological and tools and platforms should be utilized to shrink the space between institutions and Member States. E-tools can be used to exchange knowledge and best practices as well as the creation of shared databases of knowledge.
Institutional and non-institutional cooperation	<ul style="list-style-type: none">• Along with institutional cooperation, the OIC should promote and support cooperation and collaboration between human rights institutions and other actors such as NGOs, academics and other civil society actors.

Selected Cases of Human Rights Violations: Palestine, Kashmir and Myanmar



Over the last decade, the OIC has implemented several reforms that are designed to revitalize its institutional structures and international reputation in terms of human rights issues. Nevertheless, despite the positive developments in Members Countries, the human rights violations toward Muslims in Occupied Palestinian Territories, Myanmar and Indian Occupied Jammu and Kashmir (IoK) remain major concerns of the OIC.

It is important to investigate these human rights violations as they have an immense impact on the OIC's human rights framework. The manner in which the international community engages with the human rights violations of Muslims around the world influences the stance of the OIC regarding human rights. As discussed in the previous sections, it is vital that the OIC engage with international norms and standards and build cohesive human rights mechanism at the OIC level. By doing so, it will be in a much greater position to advocate and protect the rights of Muslims facing severe human rights violations.

Human Rights Violations in Occupied Palestinian Territories (OPT)

The longest military occupation in the world is entering its 71st year amidst a deafening international silence. The Palestinians are one of the last remaining people in the world who lack an independent state. Nevertheless, there is one fundamental difference between the Israeli occupation of Palestine and any other occupation in modern times. Usually, the occupying power annexed the territory at hand and turned the people living in it (sometimes against their will) into its citizens, but Israel never did that. Instead, it killed thousands, displaced millions of civilians from their homeland, and it let its army run the occupied territory. The Israeli occupation is also different from any other occupation, because Israel has imported its claimed 'citizens', or in reality, illegal settlers from across the world to the land it conquered, and has been using the natural resources of this land, at the expense of the native population.

The Israeli occupation of Palestine is a unique phenomenon. Most of the Palestinian population under Israeli control does not enjoy the most basic of civil rights or any political representation within the regime that controls it. While Israel claims to be the only decent democracy in the region (for its Jewish citizens), for Palestinians, it is a brutal dictatorship.

As an occupying power, Israel has an obligation, under international law in particular the fourth Geneva Convention, to protect the civilian population in the occupied territory and administer it while taking into consideration the best interests of that

population. However, Israel continues to defy international law by systematically carrying out destruction and confiscation of Palestinian private properties, including homes, as well as the transfer of settlers into occupied territories. The situation is getting worse every day, with escalation in Israeli violence against Palestinians, including undermining of their basic rights of worship and movement, especially in Al-Aqsa Mosque. While the Israeli occupation of Palestine continues to be the root cause of all human rights violations and sufferings of the Palestinian People, it is time to take practical steps not to just highlight them but also to end this longest-running military occupation of modern times.

The “Situation in Palestine and other occupied Arab territories” forms a permanent item on the agenda of the OIC and IPHRC since their inception. Recently, IPHRC condemned the ongoing escalation of aggression by the Israeli security forces and illegal settlers against innocent Palestinians, and emphasized that Israeli occupation is the primary cause of all human rights violations, which impacts the civil, political, economic, social and cultural rights of Palestinians

In addition to the specific mandate given by the 39th OIC Council of Foreign Ministers (CFM) and 12th Islamic Summit, the Commission had decided to carry out a field visit to the occupied territories of Palestine. According to field observation results, thousands of Palestinians continue to be held in administrative detention for prolonged periods along with imprisonments and torture cases, in addition to severe limitations to the freedom of movement. The IPHRC observation also reported the following human rights violations in Palestine.

Palestinian Prisoners and Detainees

The condition of Palestinian prisoners and detainees, because of the ‘administrative detention’ imposed by the Israeli forces, continue to deteriorate. This abhorrent practice is carried out without legal due process and without any recourse to justice. There are numerous cases of such detentions, including of parliamentarians and children. Issues of administrative detention and prisoners represent a core problem for Palestinian families. A sad reality observed was that there was at least one prisoner in every Palestinian family. Many detainees are transferred to prisons in Israel, in violation of the Fourth Geneva Convention. Excessive force, permitting torture to certain limits, violent handling and difficulty to identify places and reasons of detention of prisoners are major causes of continued torment to the families of prisoners.

According to the Palestinian Commission of Prisoners’ Affairs, Jewish settlers in the Occupied Palestinian Territories (OPT) are subject to civil law regime, while military



regime applies to Palestinians in the West Bank, including East Jerusalem. The Palestinian Commission calls for an immediate end to Israel's discriminatory policy of administrative detentions, which constitutes 'arbitrary detention' under international human rights law.

On average, around 700 children are detained and prosecuted every year, most of them on charges of throwing stones. The number of Palestinian children arrested by Israeli forces has more than doubled since October 2015. Interviews with children who have been detained and video footage and reports from lawyers revealed that Israeli security forces were using brutal force in arresting and detaining children, in some cases beating them, and holding them in unsafe conditions. In November 2015, the Israeli Knesset passed a law that authorized longer prison sentences up to 4 years for children convicted of throwing stones, and that allowed the government to suspend social welfare payments to their families while the children served their sentences.

Israeli security forces routinely interrogate children in the absence of parents, violating international and domestic Israeli laws that provide special protection for detained children. Protection procedures include certain requirements: that to arrest or detain a child should be employed as a last resort, and to take precautions to ensure that children are not forced to make any confessions. The Convention on the Rights of the Child requires security forces to make the best interests of the child a primary consideration in all aspects of the juvenile justice system. There are also cases of women prisoners in Israeli prisons, including 68 prisoners among them being mothers and female children.

Excessive use of force by Israeli Security Forces and a lack of accountability for violations of international human rights Law (IHL) continue to be unabated in the OPT. Despite absolute prohibition of torture in international human rights law, Palestinians detained by Israel remain to be subjected to torture and ill-treatment, which include sleep deprivation; excessive use of handcuffs; beatings; verbal abuse; stress positions; solitary confinement; humiliation and threats of killing, sexual assault and house demolitions of the detainee's, his or her family.

The situation of the dead bodies of Palestinians resisting the Israeli forces, or ones who died while in Israeli detention continues to be the worst manifestations of the cruelty of the Israeli occupation. The families are forbidden from receiving the bodies, and even when bodies were handed over to families, they are given very short time for burial and in very odd hours at the night when it would be difficult to perform religious rituals and gather relatives and friends for the funeral. In most

cases, families have been refusing to take the bodies until proper investigation is conducted, and in the process, bodies were kept for prolonged periods in morgues thus becoming hard to recognize due to excessive freezing. Civil society organizations also mention that all Israeli practices were pre-meditated and structured to inflict punishment.

The situation of sick prisoners is another issue of concern, which continues to deteriorate. Sick prisoners are regularly kept in prisons including tens of prisoners with disabilities. About 85 have died in prison because of lack of medical treatment. The World Health Organization (WHO)'s request to have access and visit to these prisoners has regularly been denied since 2010.

Restrictions on the Right of Movement and Travel

Freedom of movement is essential for the enjoyment of the many other human rights. Nevertheless, in the case of the OPT; the freedom of movement is violated by Israel in many cases. During their recent mission, IPHRC delegation observed many and severe barriers to the freedom of movement faced by Palestinians on daily basis. The restrictions on freedom of movement imposed by Israel in the occupied Palestinian territory include both the physical restrictions such as barriers, checkpoints and roadblocks as well as bureaucratic delays in issuance of permits. Such restrictions impede Palestinians' access to their land and resources and in general, these policies undermine the opportunities for the development of a viable and contiguous Palestinian state.

Palestinians are prohibited from travel through Al- Karama Crossing, Hebron and Tulkarm, which are causing tremendous difficulties and absolute restriction of movement in all regions of the West Bank including affecting their travel to Makkah for pilgrimage (Hajj). These restrictions are also affecting the population of the Gaza strip, where approximately 1,800 000 people continue to suffer in every aspect of their daily life. Since the war on Gaza in 2014, there is no re-construction whatsoever and the houses are still in rubble due to the blockade of construction materials by Israel. Because of severe restrictions, the UN estimates that there will be no clean drinking water by 2020 (NRC, 2015).

Separation Wall and Illegal Settlements

Israel continues to support the expansion of illegal settlements in the West Bank. Demolishing the homes of Palestinians who are protected under the Geneva Convention, is a clear violation of international humanitarian law. Intimidations and attacks by Israeli settlers against Palestinians are increasing. Settlers have been



responsible for most of the violence committed against Palestinian men, women and children as well as their homes and properties. The violence from illegal settlers is reinforced by lack of accountability and failure of Israeli law enforcement forces to protect vulnerable Palestinian communities.

The expropriation of Palestinian land is an obvious part of the expansion of settlements and of the construction of the separation wall. The fragmentation of Palestinian land and creation of separate reserves and enclaves, including plans threatening to cut off East Jerusalem from the rest of the West bank stand as a stark proof of Israel's plans and policies to change realities on the ground. In that regard, the European Union and the United States now require labelling of products manufactured in territories that came under Israeli control in 1967 as not made in Israel. This is to highlight that these products were made in Israeli settlements. It is a positive development, which should serve as a source of encouragement for other countries to adopt similar policies.

In Palestine, the Commission of the Separation Wall and Settlement Resistance documented on a regular basis (monthly and annually) violations committed by Israel against the Palestinians, in terms of house demolitions, village demolitions, confiscation of land and expansion of settlements. According to IPHRC, there are 505 settlements including colonial sites, which are residential, service and military installations established and seized by the Israeli Jewish settlers in the occupied territories since 1967. The Commission also reported that the latest data indicated that the number of colonial sites in the West Bank has reached 505, ranging from colonies, colonial outposts, military sites, service sites, industrial areas, tourist sites and seized buildings in completely or in part, in Jerusalem. The estimated number of total settlers' amounts to 612.000, out of which 246.000 are in Jerusalem and the remaining 60% of settlers are in the surroundings of the Green Line between the 1948 and 1967 border.

The separation wall was erected by Israel, the occupying power, in 2002 inside the lands of the West Bank, on the pretext of preventing the Palestinians from 'threatening the security of Israel'. It is built of cement blocks ranging between 6-9 meters with observation towers and cameras on the top wherever the wall passes across or close to Palestinian residential areas.



Palestinian flag on the controversial Israeli separation wall, with Israeli settlements showing in the background. Source: [REUTERS/Ammar Awad]

Under the occupation, the Israeli military governor (commander of the Israeli army) has been in total control of the land in Palestine. Law was imposed to confiscate a large percentage (18%) of the land amounting to 1,300.000 dunam The Separation Wall extends to 754 kilometers, separating 10.5% of the remaining Palestinian land in the West Bank, and the settlements took away another 9.8% of the land

Palestinians firmly believe that the underlying objectives of building the wall were: to separate large areas of the West Bank and to annex these lands to Israel to divide the West Bank into entities (cantons) that would prevent the establishment of the Palestinian State; to control the Palestinian population in the West Bank by imposing security control on all of the West Bank; to limit the freedom of movement of Palestinian citizens and to control their economic resources to Judaize the West Bank (Oberholzer, 2015).

The Advisory Opinion of the International Court of Justice concluded that the construction of the wall in occupied Palestine, including East Jerusalem, and its associated regime, was contrary to international law (Orakhelashvili, 2006). In this regard, the Court rightly stated that Israel had a continuing duty to comply with its international obligations and was obliged to end the illegal situation, cease construction and dismantle the wall in the OPT, and to make reparations for all damage caused as a result of the wall.



Houses Demolitions on Grounds of Collective Punishment

Based on official Palestinian and UN sources, between September 13, 2015 and April 4, 2016, Israeli Occupation Forces have demolished 157 houses in OPT (Ajjuri, 2016). This constituted an act of collective punishment committed by Israel against the Palestinian civilian population in violation of international law and Israel's obligations as the occupying power. Numbers collated by the UN's office for the Coordination of Humanitarian Affairs (OCHA), which operates in Gaza, the West Bank and East Jerusalem, show from an average of 50 demolitions a month in 2012-2015, the number rose to 165 since January 2016, with 235 demolitions in February 2016 alone.

The increase in demolitions is raising an alarm among diplomats and human rights groups over what they regard as a sustained violation of international law. Israeli military, which has occupied the West Bank since 1967, cites the reasons of demolitions as being illegal structures, which either were built without a permit or were in a closed military area or firing zone, or they violated other planning and zoning restrictions. Nevertheless, the UN and other human rights groups point out that permits are almost impossible for Palestinians to acquire; that firing zones are often declared but seldom used; and that many planning restrictions date from the British Mandate in the 1930s (Report On the OIC Independent Permanent Human Rights Commission (IPHRC), 2016).

The hardest hit is Bedouin and Palestinian farming communities who are at risk of forcible transfer, which is a clear violation of international law. On 7 April 2016, the Israeli Civil Administration (ICA) carried out demolitions throughout the occupied West Bank, including in five Bedouin communities affected by the E11 illegal settlement plan, and in Khirbet Tana, which has been the location of multiple demolitions in 2016, most recently on 23 March 2016.

The Situation in Al-Quds/East Jerusalem

Jerusalem remains one of the most contentious issues in the Israeli-Palestinian conflict. United Nations Security Council resolution 478 (1980) affirmed that Israel's Basic Law proclaiming Jerusalem, including the annexed area, as the capital of Israel constituted a violation of international law and did not affect the application of the Fourth Geneva Convention in Palestine, including East Jerusalem.

Palestinians living in East Jerusalem are regarded as 'permanent residents' not Israeli citizens and have been subjected to a gradual and bureaucratic process of ethnic replacement or elimination. These measures included revocation of residency

permits, demolition of residential structures built without Israeli permits (virtually impossible to obtain) and forced eviction of Palestinian families, in violation of the basic right to adequate housing, enshrined in the International Covenant on Economic, Social and Cultural Rights. Israeli policies have impeded the natural growth of the Palestinian economy in East Jerusalem. Palestinians are obligated to pay high municipal taxes in return for poor services and disproportionately low public expenditure in East Jerusalem. Israel actively seeks to undermine the Palestinian presence to serve its goal of preserving a Jewish majority in East Jerusalem. This has been a decades old policy of Israel, acknowledged by the Jerusalem Municipality, to maintain a demographic balance of approximately 70% Jewish to 30% Palestinian in Jerusalem. Israel is also putting in place huge development plans in East Jerusalem for the expansion of settlements and infrastructure to cut off East Jerusalem from the rest of the West Bank.

During the IPHRC field visit to Palestine in 2016, the Palestinian Governor of the Governorate of Jerusalem, Mr. Adnan Alhuseini confirmed the above facts and affirmed that

“Israeli authorities were determined to create a Jewish majority in occupied East Jerusalem through the policy of confiscation and annexation of Palestinian lands and in turn expelling them out of their ancestors’ lands”.

He also drew a gloomy picture of the prevailing situation of Al-Aqsa Mosque, stating “the Israeli authorities implanted around the Mosque 75 settler outposts in order to change the demographic reality on the ground.”

The Israeli policies are effectively forcing the Palestinians away from the Al-Aqsa area, leaving the surrounding of the Mosque totally under the control of the Israelis with the de facto presence of settlers at the expense of the Palestinians. In the IPHRC field visit to Palestine in 2016, Archbishop Atallah Hanna, the Archbishop of the Church of Jerusalem stressed that it is the duty of all Muslims and Christians to regain Al Quds from the occupiers.

Situation in the Refugee Camps


Almost seven decades after the 1948 war and subsequent conflicts and uprisings, the number of Palestinian refugees has ballooned from 700,000 to more than 5 million (Hennessey, 2016). Most of the refugees sought asylum in neighboring Arab countries, where temporary camps were established, and have since become permanent settlements. Nearly one-third, or 1.6 million, of Palestinian refugees live in 58 camps in the Gaza Strip, the West Bank, Syria, Lebanon and Jordan. The



remaining two-thirds primarily live in or near the cities of host countries and territories, including those internally displaced in Israel and the Occupied Palestinian territories (Hennessey, 2016).

According to the 2016 Observation report published by IPHRC, the camps were overcrowded with an estimated population density of 15,000 inhabitants per square kilometer. IPHRC further reported that livelihood within the refugee camps in Palestine is extremely poor with very limited access to water and electricity.

In their field visit to Palestine in 2016, IPHRC observed two refugee camps in the OPT, namely Al-Jalzoun (established in 1949, is only 30 meters from Beit El Jewish settlement) and Aida camp (established in 1950, is less than 15 meters from the Israeli checkpoint and the separation wall, located between the municipalities of Bethlehem, Beit Jala and Jerusalem). According to the observation report, IPHRC found that there was only one health facility in Al-Jalzoun, while in the Aida camp there was no health centre. This was also coupled with the scarcity of work opportunities and limited financial support from the UN and other bodies.



Violations in Al-Jalzoun Refugee Camp

Al-Jalzoun is a refugee camp with narrow alleys through which raw sewage was running openly, and garbage was piling up, uncollected. There are 15,000 people crowded in this camp of 256 denims (63 acres), situated on the slopes below Ramallah, with the houses of the Beit El settlement spreading across the hilltops opposite the camp. Life in Al-Jalzoun refugee camp is punctuated by regular incursions of Israeli soldiers who arrest the youth population. About 30 inhabitants of this camp have been killed since the end of the second Intifada, 16 of them were children, while there were 135 detainees. Many of them is also injured during the brutal Israeli attacks. One of the most unfortunate example is Atta Muhammad Atta Sabah, a 12-year-old Palestinian boy who was shot by an Israeli soldier on 21 May 2013. Since he attempted to retrieve his school bag, which he had lost on the other side of the camp's wall while he was playing with his friends. The injury left him paralyzed below the waist and damaged his liver, lungs, pancreas and spleen.

Despite the dire condition in the camp, the percentage of education among refugees is high. However, unemployment among the youth is 45% as there are no available jobs. The dreadful conditions in the camps also create many social problems and

internal tensions especially among the youth who usually have no jobs. Often, these tensions lead to frustration that at times is vented through protests against the Israeli forces, which subsequently trigger deadly conflicts.

Women in the refugee camps also become the target and victim of the vicious cycle of violence. Israeli soldiers viciously target women in public spaces to inflict humiliation and embarrassment. This in turn leads to protective mechanisms that tend to restrict and control women's movement by the community and the family to protect the honour, thus further limiting women's free movement, access to education, work and social activities.

The prolonged occupation by Israel of the Palestinian territories continues to pose legally unacceptable characteristics of "colonialism", "apartheid" and "ethnic cleansing" in modern times. It is also a reflection of the root cause of all forms of violations of human rights of the Palestinian population.

The Israeli government frantically continues to intensify building of settlements on the territory of the State of Palestine. Settlement activities embody the core of the policy of colonial military occupation of the land of the Palestinian people and brutal aggression and racial discrimination against the Palestinians, which is considered much worse than any of the apartheid regimes. This policy constitutes a breach of international and humanitarian law, and United Nations relevant resolutions. The occupation is racing against time to redraw the borders and impose a fait accompli on the ground, which undermines the potential for the very existence of a viable state of Palestine.

Israel also continues unabatedly to execute its colonial policies, through the systematic confiscation of Palestinian land and construction of thousands of new settlement units in various areas of the West Bank, particularly in East Jerusalem. In addition, it continues to accelerate construction of separation Wall that is eating up large tracts of land, dividing it into separate and isolated islands and cantons, destroying family life and communities and the livelihoods of tens of thousands of families.

For the Palestinian side, the sustainable socio-economic support for the affected people in the occupied territories pose a major challenge to the Palestinian authority due to the limited resources. As cited from the IPHRC observation report (2016), despite appreciating the political support from the OIC, the Palestinian officials, as well as normal citizens in refugee camps and occupied cities, regrets that there have been no mechanisms to translate this support into concrete actions. Accordingly,



they maintained that Israel had a carte blanche to commit severe atrocities and crimes against Palestinians on daily basis with impunity

The wide spread mushrooming of Jewish settlements in East Jerusalem and the West bank stand is a stark reminder of the colonial policies and actions undertaken by the Israel to annex Palestinian lands. These policies aim at changing the demographic and geographical realities on the ground, and have been pursued with impunity, as a result, the Palestinian territories diminished considerably to less than 22% of the overall area of the once was called the 'West Bank'.

The situation in Al-Quds (Jerusalem) also remains a source of concern. Inattention and laxity towards the question of Al-Quds, under the Israeli occupation, has permeated among the Muslim countries and the international community in general. Israel, the Occupying Power, continues to undertake excavations in Al-Aqsa Mosque and other similar sites that pose serious threats to the holy places. Israeli military checkpoints prevent Palestinian citizens from getting access to their mosques and churches. Israel also continues to blockade the Holy City with a ring of settlements to separate it from the rest of the Palestinian cities.

Human Rights Violations in Indian Occupied Jammu and Kashmir (IoK)

The occupation of the State of Jammu & Kashmir by India in 1947 remains one of the oldest internationally recognized disputes on the agenda of the UN and the OIC. This forcible and illegal occupation has been recognized neither by the people of Jammu & Kashmir nor by the international community. Since 1947, the people of IoK continue to struggle for their right to self-determination, which was promised to them by India and UN.

The UN Charter and Article 1 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) reaffirm: peoples' right to self-determination and by virtue of that right people freely determine their political status and pursue their economic, social and cultural development. United Nations Security Council Resolution 47 (21 April 1948) and Resolutions of United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and several OIC Resolutions also declare that; the final disposition of the State of Jammu & Kashmir would be made in accordance with the will of the people of the State, to join India or Pakistan, expressed through the democratic method of a free and impartial plebiscite, conducted under the auspices of the UN.

The OIC, while reaffirming unwavering support for the Kashmiri people in realization of their just cause of right to self-determination, has always pushed for resolution of the dispute in accordance with the will of the people of Jammu and Kashmir; and the UN Security Council Resolutions.

The Kashmir dispute cannot be seen through the prism of politics alone. The unabated gross human rights violations faced by the innocent Kashmiri Muslims make it one of the worst and prolonged human rights situations around the world. The modern history of Kashmir is replete with systematic ethnic cleansing and genocide of the Kashmiris. In Kashmir, all possible means of violence including mass blinding through pellet guns; rape and molestation of women as a method of collective punishment; enforced disappearances and extra judicial killings are used to quell their legitimate and well-recognized demand for self-determination.

Lately, the Kashmir conflict has acquired a new dimension. Kashmiri youth has taken upon itself to demand unabatedly their legitimate right to self-determination in a peaceful manner. Unfortunately, their peaceful demands have met with the traditional use of indiscriminate and disproportionate use of force. With the help of notorious discriminatory laws such as Armed Forces Special Power Act, Indian security forces continue to detain torture and even kill suspects without any fear of investigation thus promoting a culture of impunity, which is a serious violation of international human rights law.

The denial of this fundamental right to the Kashmiri people is a serious breach of international law. In terms of Article 25 of the UN Charter, it remains an international responsibility to pressure India to agree to grant fundamental rights to the Kashmiris who are denied this right for over seven decades now.

Violation of Right to Life

Article 3 of the Universal Declaration of Human Rights (UDHR) stipulates that *“Everyone has the right to life, liberty and security of person.”* The International human rights law prohibits arbitrary deprivation of life under any circumstances, Article 6 of ICCPR, prohibits derogation from the right to life, even during occasions of emergency. ICCPR Articles 4 and 7, explicitly ban torture, even in times of national emergency or when the security of the state is threatened. In IoK, with over 700,000 Indian troops, the region is the most heavily militarized zones in the world with a ratio of 1 soldier for 11 civilians. Since 1990, widely reported and criticized, both in national and international media, Indian Security Forces have blanket immunity through discriminatory laws, imposed in the State. Among these laws, Armed Forces Special Power Act (AFSPA) empowers the security forces “to shoot at sight or arrest



people without a warrant.” Such laws violate fundamental human rights and international norms, to which Indian Government is a signatory.

Extrajudicial Killings and Fake Encounters

The IPHRC in its fact-finding report has quoted the AJK administration that since 1990 approximately 617 dead bodies were recovered in the AJK from the river Jhelum coming from the IoK. The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns in his report commented “Evidence gathered confirmed the use of so-called ‘fake encounters’ in certain parts of the country. Where this happens, a scene of a shoot-out is created, in which people who have been targeted are projected as the aggressors who shot at the police and were then killed in self-defense. Moreover, in the North Eastern States, and Jammu and Kashmir the armed forces have wide powers to employ lethal force.” IOK - based human rights organization ‘Jammu Kashmir Coalition of Civil Society (JKCCS)’, in its report ‘Structures of Violence: the Indian State in Jammu and Kashmir’, highlighted the human rights violations committed by Indian security forces in IoK. The report holds Indian security forces accountable for the disappearance of 8000+ persons, 70,000+ deaths, 6000+ unknown, unmarked and mass graves, and countless cases of torture and sexual violence. The report concludes that structure of Indian State is responsible for creating an environment of impunity for security forces to commit gross human rights violations in IOK.

Restrictive and Discriminatory Laws

The Armed Forces Special Power Act (AFSPA) and Public Safety Act (PSA) are discriminatory laws which encourage impunity in IoK. The PSA, which Amnesty International has also called as ‘lawless law’ is even used to detain minors. The Amnesty International India, HRW, the International Commission of Jurists and UN Special Rapporteur on extrajudicial, summary or arbitrary executions has urged the Government of India to end the use of AFSPA and PSA to detain people, including children. People incarcerated under the PSA are sent to Jammu jail to make them inaccessible to their families causing further anguish and mental distress to the affected families.

Under Section 4(a) of the AFSPA, even a non-commissioned officer can order his men to shoot to kill "if he is of the opinion that it is necessary to do so for maintenance of public order". Also, Section 4(b) allows such military personnel to destroy any shelter from which, in his opinion, armed attacks "are likely to be made" or which has been utilized as a hide-out by absconders "wanted for any offense." This discretion has provided the pretext of vandalizing the private property even schools and places of

worship. Section 4(c) of the Act permits the arrest without warrant, with whatever "force as may be necessary" of any person against whom "a reasonable suspicion exists that he is about to commit a cognizable offence." As evident, the provisions of these acts violate relevant provisions of international law and make India accountable for protection of human rights as provided in Bill of Rights.

Amnesty International's report on AFSPA on July 1, 2015 severely criticized the Act for creating an environment of impunity for Indian security forces in IOK enabling them to commit atrocious human rights violations without any fear of being tried. It focuses particularly on Section 7 of the AFSPA, which grants virtual immunity to members of the security forces from prosecution for human rights violations.

The widespread deployment of the military creates an environment in which the exception becomes the rule, and the use of lethal force is seen as the primary response to conflict.

Violation of Right to Freedom of Opinion and Expression

Freedom of expression is a fundamental right vital for a functioning democracy and protection of all other rights. Article 19 of UDHR provides that "everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". The right of freedom of speech in IOK is restricted under 'preventive measures' which has restricted the movement of political leaders and their ability to connect with the masses. The political leaders are detained under the PSA and kept under unexplained incarceration. It is noticed that during 2016, in order to impose a digital curfew in IOK, blanket ban on internet services was imposed to restrict access to social media and connectivity. The communication blockade also inflicted financial miseries on traders in Kashmir Valley. Amnesty International commented that "Blanket and indefinite suspensions of telecommunication services do not meet international human rights standards. These shutdowns affect the ability of phone and internet users in Kashmir to seek, receive, and impart information, which is an integral part of the right to freedom of expression. The restrictions on access to telephones jeopardize a range of other human rights as well, including the right to life."

Violation of Freedom of Religion

Freedom of religion and belief is guaranteed under the international law. Only in 2017, repeated curfews and movement restrictions impeded the holding of the congressional Friday prayers for 20 times at Kashmir's Historic Grand Mosque (Jamia



Masjid) Srinagar. Cleric of Kashmir Mirwaiz Mohammad Umar Farooq was barred from performing his religious obligations by arresting him and imposing curbs on his movements. Congressional Friday prayers were also not allowed in the historic Jamia Masjid of Shopian, since 8 July for nearly 18 weeks.

Violation of the Freedoms of Peaceful Assembly and Association

The curfew by the State administration in IoK is exercised as a tool to suppress civil liberties and inflict collective punishment for the entire population. The Commission Hurriyat leadership is frequently arrested or is kept under house detention. Prominent human rights activist Khurram Parvez was kept under illegal detention for more than two months despite calls of human rights groups, including by a panel of human rights experts, for his immediate and unconditional release. As widely observed and reported, since the unrest that started on 8 July 2016, IoK faced the longest curfew, which continued for more than 50 days with no breaks leading to worst humanitarian sufferings. Most fundamental rights were curtailed through the imposition of continuous curfews and restrictions. Section 144 of the Criminal Procedure Code, prohibiting assemblies of more than four persons, remains in force for most of the times in the IoK. Assemblies, marches, graffiti, pamphlets, even silent vigils are banned.

Rape and Molestation

The ignominious crime of rape continues to be a major instrument of inflicting collective punishment to the Muslim society to seek confessions against the male members, coerce the protestors to accept the writ of the administration and break resilience at the community and individual levels. A study done by MSF in 2006 reveals that Kashmiri women are among the worst victims of sexual violence in the world, the figure is much higher than that of Sierra Leone, Sri Lanka and Chechnya. The ages of women raped ranged from 13 to 80 years. Cases of rape and molestation abound in Kashmir and many go unreported because of the fear of social stigma, and of reprisal by State agencies. More often, police refuse to lodge complaints against the Indian troops.

Last year in June, the UN Office of the High Commissioner on Human Rights published its first ever report on the human rights situation in Jammu and Kashmir. The report corroborated the findings of the IPHRC's fact-finding report on human rights violations in the IOK. The OHCHR report also called for establishing a Commission of Inquiry under UN auspices to investigate comprehensively the confirmed allegations of human rights violations, a recommendation, which is fully supported by the IPHRC. The OIC Secretary General also appointed a Special

Representative on Jammu and Kashmir, which continue to monitor the political situation and muster international support to help achieve a just solution to the issue.

The UN has an overbearing role and responsibility to protect and promote the rights of the people of Jammu and Kashmir enabling them to exercise their right to self-determination. Therefore, the OIC in coordination with the Member States may urge UN to; a) impress upon the Government of India to put an end to the on-going human rights violations in IoK; b) facilitate holding of an independent investigation to all human rights violations, including cases of enforced disappearance, extrajudicial killings, rape and unmarked mass graves; c) urge the Government of India to repeal restrictive and discriminatory laws like AFSA and PSA which contravene international human rights laws and standards; d) implement UN resolutions to allow people of Jammu and Kashmir to exercise their right to self-determination in a free and fair plebiscite under the UN auspices; e) consider commemorating international solidarity day with the Kashmiris; f) condemn and block the attempts of the Indian government to change the demographic status of the majority Muslim State of the Jammu and Kashmir through establishment of illegal settlements for non-residents; and g) encourage and facilitate both Pakistan and India to resume the dialogue process for peacefully resolving all outstanding issues particularly the core issue of the Jammu and Kashmir.

In the event of continuing non-cooperation by the Government of India, the UNSC, acting under its obligation to maintain international peace and security, the UN Human Rights Council may consider appointing a Special Rapporteur with a specific mandate to investigate India's violations in IoK under international law and international humanitarian law. The relevant Special Procedures of the HRC should also continue to monitor, highlight and report on human rights violations falling under their respective mandates.

Leveraging the OIC Role through available Means and Mechanisms

There are two dimensions of the Kashmir dispute. The first and foremost is the political dimension concerning respective claims of the Governments of India and Pakistan regarding territorial jurisdiction of the State of Jammu and Kashmir. The second dimension is the investigation of the claims of the reported human rights violations committed by the Indian security forces and civil administration in total disregard of the prevailing international human rights norms, standards and humanitarian laws.



As mandated by the OIC Council of Foreign Ministers, the IPHRC established a Standing Mechanism to monitor the human rights situation in the Indian Occupied Kashmir. This Standing Mechanism vigorously pursued this mandate which include preparation of a fact-finding report about the human rights violations in loK, issuing Press Statements, raising the issue at the UN Human Rights Council and other international human rights along with participating in Kashmir related Conferences and providing regular briefings to the OIC Contact Group on Jammu and Kashmir.

The 43rd OIC Council of Foreign Ministers (CFM), welcoming the establishment of a “Standing Mechanism to monitor human rights violations in the IOK”, requested the IPHRC to undertake a fact-finding visit to loK to ascertain the human rights situation and report its findings to the OIC CFM.

The OIC and IPHRC have repeatedly requested the Government of India to allow a fact-finding visit to the loK to carry out an independent and impartial investigation of human rights violations. Unfortunately, the Government of India continues to defy any such requests from the international community. In the absence of such permission, an IPHRC delegation, undertook a visit to the State of Azad Kashmir in March 2017. The delegation met with the Kashmiri political leadership from both side of the border, refugees from loK, as well as media and civil society to ascertain the human rights situation in loK.

In its detailed visit report, the Commission concluded that there is substantial circumstantial evidence to corroborate the allegations of indiscriminate and disproportionate use of force by the Indian occupation forces committing violations of human rights; such as right to life, right to freedom of expression, freedom of religion, freedom of peaceful assembly and association of the Kashmiri people, guaranteed by international human rights law.

Human Rights Violations in Myanmar

Throughout the last decade, the Government of Myanmar has effectively institutionalized discrimination against the Rohingya. According to World Bank estimates, Rakhine State has been Myanmar’s least developed State with a poverty rate of 78 percent compared to the national average of 37.5 percent. The situation of widespread poverty, poor infrastructure, lack of employment opportunities, decades of authoritarian rule and conflict in Rakhine exacerbated the cleavages between Buddhists and Rohingya Muslims, which at times erupted into religious conflicts (OIC-IPHRC, 2018). This complicated reality eventually led to a major violence in 2012 and further sporadic outbreaks ever since. In order to mask its

failure in developing the Rakhine State, the government blamed the Rohingyas for the situation, which exacerbated the existing hate campaigns against Rohingya Muslims. Consequently, in June 2012, a renewed wave of religious violence against Muslims left more than 200 dead and close to 150,000 homeless in Rakhine, predominantly Rohingyas. Between 2012 and 2015, more than 112,000 Rohingyas fled, mostly, by boats to Malaysia (OIC-IPHRC, 2018).

Until 2015, the Rohingyas were able to register as temporary residents with identification cards, known as White Cards, which the Military Junta issued to many Muslims, both Rohingyas and non-Rohingyas, in the 1990s. The White cards provided limited rights but were not recognized as proof of citizenship. Rohingyas continued to participate in all national and local elections until the general elections of 2010. In 2014, the Government of Myanmar held an UN-backed national census, its first in thirty years. The Muslim minority was initially permitted to identify itself as Rohingya, but after Buddhist nationalists threatened to boycott the census, the government decided that the Rohingyas could only register if they identified themselves as Bengali instead. Similarly, under pressure from Buddhist nationalists protesting the Rohingyas' right to vote in a 2015 constitutional referendum, the then-President Thein Sein cancelled the temporary identity cards in February 2015, effectively revoking their right to vote. Accordingly, in the November 2015 elections, which were widely touted by international monitors as free and fair, Rohingyas were neither allowed to participate as candidates nor even as voters. For the first time ever, no Muslims were elected to parliament in Myanmar (The Guardian, Nov 15, 2015).

In 2016, Myanmar's first democratically elected government came to power. This raised hopes of the international community for bringing peace and security to the persecuted Rohingya community. However, this optimism faded soon as the situation of Rohingya continued to worsen with the rise in communal tensions and increased targeted security operations by the security forces and extremist Buddhist militants against Rohingyas (OIC-IPHRC, 2018). Ms. Aung San Suu Kyi, the Nobel Peace Prize laureate and Myanmar's new de facto leader, has been reluctant to advocate for the rights of Rohingya Muslims for fear of alienating Buddhist nationalists, which could potentially pose a threat to the power-sharing agreement with the military. Despite overwhelming evidence of widespread violence and discrimination against Rohingya Muslims, Ms. Suu Kyi has avoided addressing or even condemning these violations. This is clearly seen as a political approach to safeguard her rule and newly acquired position in Myanmar (OIC-IPHRC, 2018).



To deflect international criticism and convey her desire to deal with the issue in a transparent manner, the Government of Myanmar established in August of 2016 an Advisory Commission on ethnic strife led by former UN Secretary-General Kofi Annan. However, this positive development was soon overshadowed by the outbreak of violence. On 9 October 2016, the Myanmar military launched an intense crackdown, which they called "Clearance Operation" in the Rohingya villages to find the suspects involved in an attack against border posts in Rakhine State that killed nine police officers. The operation triggered an exodus of 87,000 Rohingyas to Bangladesh (UN estimates) and resulted in destruction of thousands of Rohingya homes besides torture and killing of innocent civilians. The extent and severity of human rights violations by the State security forces against Rohingya civilians in Rakhine State have been confirmed by various credible sources including independent media, international human rights organizations and the United Nations. The reported violations included torture, rape and extrajudicial killings of Rohingya Muslims as well as burning of their houses and mosques in Maungdaw Township and other villages in Northern Rakhine State. On 3rd of February 2017, a UN report alleged that Myanmar's security forces have waged a brutal campaign of murder, rape and torture in Rakhine State. The report includes statements from victims and eyewitnesses that provides harrowing details of unprecedented levels of violence, including burning people alive, raping girls as young as 11 and cutting children's throats (OHCHR,2017).

Since 2012, the situation of Rohingya Muslims in Myanmar has worsened gradually. Military campaigns between 2012 and 2016 resulted in the displacement of tens of thousands of Rohingya Muslims from their hometowns. However, the military operation launched by the Myanmar Army on 25 August 2017 was unprecedented, which caused the worst ever wave of killings and forced displacement to date. The unprecedented offensive was launched against the so-called Rohingya terrorists, who on 25 August allegedly attacked 20 police outposts and an army base in Rakhine, which resulted in killing of 12 security officials. However, the response by the Myanmar army was both brutal and disproportionate, resulting in indiscriminate violence by State authorities against the wider Rohingya Muslim community, including mass killings, torture, rape and destruction of Rohingya villages.

During the first 19 days of this operation, about 400,000 Rohingya Muslims crossed into Bangladesh to save themselves from the escalating violence and mass killings waged by the Myanmar military using gunfire, helicopters and rocket-propelled grenades against the civilian population. According to multiple reports, including by the international medical charity "Doctors without Borders", at least 6,700 Rohingya

were killed in the first month of attacks. Allegedly, Myanmar's security forces also opened fire on fleeing civilians and planted land mines near border-crossings used by fleeing Rohingyas to Bangladesh. Observers and media representatives on the ground and satellite images taken during this timeframe confirmed many razed Rohingya villages across northern Rakhine state (The Guardian, Sep 19, 2017).

The magnitude of violence evoked overwhelming condemnation from the international community including the OIC and UN Member States, international human rights organizations and civil society actors. The UN High Commissioner for Human Rights described the atrocities as 'a text book example of ethnic cleansing' and Human Rights Watch (2018) called these as crimes against humanity. The clashes and exodus, since then, have created what the UN Secretary-General Antonio Guterres called a 'humanitarian and human rights nightmare'. Contrary to the claims of the Government of Myanmar, which blamed "terrorists" for initiating the violence, multiple UN and international human rights organizations' reports including the Report of the Advisory Commission of Mr. Kofi Annan (appointed itself by the Government of Myanmar) have repeatedly highlighted and stressed that:

"If the human rights concerns are not properly addressed, and if people remain politically and economically marginalized, it will provide fertile ground for radicalization, with people becoming increasingly vulnerable to recruitment by the extremists (Advisory Commission on Rakhine State, 2017)".

Instead of paying attention to these well-advised reports, the Government of Myanmar remains in denial and has not taken any concrete action to address the plight of its Rohingya Muslims. In the aftermath of the August 25 military operation, Aung San Suu Kyi denied that ethnic cleansing took place. She dismissed international criticism of her handling of the crisis and accused the critics of fueling resentment between Buddhists and Muslims in the country. In December 2017, the Government of Myanmar again denied access to the UN Special Rapporteur on human rights in Myanmar, Yanghee Lee, and suspended cooperation for the remainder of her term. On 5 December 2017, the UN Human Rights Council (HRC) held a Special Session on human rights situation in the Rakhine State of Myanmar. They issued a strong worded resolution that condemned the alleged systematic and gross violations of human rights and abuses committed against persons belonging to the Rohingya Muslim community and other minorities in Myanmar and called upon the Government of Myanmar to take immediate steps to address these concerns. However, Myanmar dismissed this resolution as unfounded criticism and reiterated



its refusal to cooperate with an earlier Fact-Finding Mission appointed by the HRC (OHCHR, 2017).

The increasing international criticism against Myanmar's human rights violations, is echoed in various U.N resolutions on the human rights situation in Myanmar (Third Committee and HRC resolutions), reports of the relevant UN Special Rapporteurs as well as in the UN Security Council. This strong international reaction forced Myanmar to sign an initial deal with Bangladesh for the repatriation of hundreds of thousands of Rohingya Muslims who fled violence in Rakhine state (OIC-IPHRC, 2018). Contrary to the earlier statements by the Head of the country's military, the Government of Myanmar also pledged that there would be no restrictions on the number of Rohingyas allowed to return. Rohingya refugees, however, remain very reluctant to return due to lack of trust in the pronouncements of the Government of Myanmar and for fear of persecution on return.

The ongoing humanitarian crisis, which resulted from latest Myanmar military operations against Rohingya civilians, has caused suffering on a catastrophic scale. By the end of 2017, there had been nearly one million Rohingya refugees in Cox's Bazar of whom 700,000 arrived since 25 August 2017, also added to the 300,000, who came after similar waves of violence in the past. This means that more Rohingyas now live in Bangladesh than in their homeland. Not only the pace of new arrivals since 25 August 2017 has made this the fastest growing refugee crisis in the world but also the concentration of refugees in Cox's Bazar is now amongst the densest in the world. Refugees arriving in Bangladesh—mostly women and children—are traumatized, and some have arrived with serious injuries caused by gunshots, shrapnel, fire and landmines. However, everyone has a story to tell that includes some of the worst forms of human rights violations suffered over a long time.

More than other international bodies, OIC has given special attention to fight with the brutality against the Muslims in Rohingya. Over the last decade, the OIC has started to be more active to lead international action to protect the Rohingya as it has done in the past for persecuted Muslims in Palestine and Kashmir among other places.

Regarding Human rights violations in Myanmar, the OIC mandated IPHRC through various resolutions (Res 3/4 -EX (IS), Res. EX-CFM/2017, Res 1/44-IPHRC, and Res 4/44-MM) with the task to examine the situation of the Rohingya Muslim minority in Myanmar. Accordingly, the Commission has placed this subject as a priority item on its agenda and regularly discusses the matter during its regular sessions. It also

constituted a Working Group to examine the human rights situation in Myanmar, which has made multiple recommendations to the OIC Member States and international community to protect the rights of Rohingya Muslim minority.

IPHRC is also engaged in activities to raise awareness about the human rights violations committed against the Rohingya Muslim minority and has been raising the issue regularly during its participation at the international fora, including the UN Human Rights Council. IPHRC issued multiple press releases on the issue at various occasions and continues to explore opportunities to cooperate with all concerned stakeholders to undertake joint actions to mitigate the worsening human rights and humanitarian situation on the ground.

On January 2018, IPHRC delegation visited Rohingya refugees' camps. In the outcome of the observation, IPHRC found that some of the worst forms of violence, including extrajudicial killings, torture, rapes and forced displacement have been committed against the Rohingya women and children in Myanmar. More specifically, IPHRC reported the following human rights violations in Myanmar.

Violation of the Right to Life

A significant number of Rohingya refugees in Cox's Bazar have reported the killing of some of their family members in front of their eyes. However, it is very hard to verify the total number of Rohingyas killed inside Rakhine State because of the complete media censorship by the Government of Myanmar, which includes blocking most international and independent media agencies from verifying the facts in the sieged Rohingya communities and camps of internally displaced Rohingyas in Rakhine State. According to the statistics gathered from multiple sources, the Myanmar security forces in Rakhine State killed more than 7,000 Rohingya refugees since the 25th of August 2017. Many refugees also counted details of similar violations as part of their persecuted lifestyle in ghetto communities over past decades.

On 10 January 2018, Myanmar's military admitted that security forces and villagers summarily killed 10 captured Rohingya individuals and buried them in a mass grave outside Inn Din, a village in Maungdaw, Rakhine State. Based on multiple reports about the extrajudicial killings of Rohingya by Military, this rare and grisly admission seems to be only the tip of the iceberg and warrants serious independent investigation into what other atrocities were committed amid the ethnic cleansing campaign since 25 August 2017.

The systematic killing of Rohingya Muslims in Myanmar expands beyond the latest army operations. As evident from the repetitive refugee crises resulting from



violence against Rohingyas in Rakhine State (1977-78/1982/1991-92/2001/2012) and past reports on human rights situation in Myanmar from multiple international sources, it is clear that these violations are not new, but a continuation of decade's old systematic discrimination against Rohingya Muslims. Rohingya refugees informed the IPHRC that while access of Rohingya to hospitals was very limited and restricted for many years; Rohingya women attending hospitals for different ailments were maltreated, often resulting into their death even after simple medical procedures. These consistent and repetitive incidents, which seem to raise the flag about intended killings of Rohingya women, have forced Rohingyas to stay away from hospitals and to use other primitive alternatives for medical treatments, including giving birth at home. Such inhuman treatment not only violates Rohingya Muslims' right to health but also manifests a form of social stratification that clearly falls under contemporary forms of racism and racial discrimination.

Torture, Cruel, Inhuman or Degrading Treatment or Punishment

The full extent of the violations and crimes against Rohingya Muslims in Myanmar resulting from the latest military operation cannot be precisely measured until a UN Fact-Finding Mission and other independent observers are given unfettered access to Rakhine State in Myanmar. However, the refugees who survived the violence and were able to cross over to Bangladesh provide walking evidence of the cruel and inhuman treatment that they were subjected to. During the IPHRC interaction with these refugees in Cox's Bazar, they showed their bullet scars, burn marks and injuries on their frail bodies. Dozens of eyewitnesses narrated that no one was spared — men, women, old and young, and children, even infants, were shot at and thrown into the fires by the Myanmar army and Buddhist mobs. When asked why they were attacked, they said it was because they registered themselves in their ID documents as Rohingya, instead of Bengali, which the Government of Myanmar insists on calling them.

Again, scores of refugees described suffering physical violence as part of their routine life even before 25 August 2017 incidents. Innocent civilians, who were forced to live a ghetto life based on their Rohingya ethnicity, were subjected to torture and cruel inhuman treatment on routine basis for not following discriminatory and illegal restrictions imposed on their freedom of religion, movement and peaceful assembly. By analyzing the nature of the systematic military operation, it can be safely stated that these were carried out against the entire Rohingya population of Rakhine State in an apparent attempt to drive them permanently out of the country.

Destruction of Rohingya Villages by Myanmar Security Forces

During its interaction with Rohingya refugees in Cox's Bazar, dozens of eyewitnesses confirmed to IPHRC delegation that the Myanmar army conducted a systematic operation of burning houses and whole Rohingya villages. Multiple victims narrated the way Myanmar soldiers rendered the Rohingya defenseless by ordering them to hand over all sharp tools and knives to the soldiers and assemble in one area, before putting to fire the whole villages. The accounts included military men who clubbed the baby children and hurled them into fire in front of their mothers. In addition, many women were gang-raped and subjected to brutal torture.

These incidents of burning of Rohingya houses and mosques in Maungdaw Township and other villages in Northern Rakhine State were confirmed through various credible reports from media, reputed international human rights organizations. As early as December 2016, many satellite images also confirmed that the destruction in Rohingya villages is far greater and at places, more than the Government of Myanmar has admitted in its official communications. In early October 2017, Amnesty International revealed evidence pointing to a mass-scale scorched-earth campaign across northern Rakhine State, where Myanmar security forces and vigilante mobs burnt down entire Rohingya villages and shot people at random, as they tried to flee. The organization's analysis of active fire-detection data, satellite imagery, photographs and videos from the ground, as well as interviews with dozens of eyewitnesses in Myanmar and across the border in Bangladesh, shows how an orchestrated campaign of systematic burning of Rohingya villages across northern Rakhine State took place for almost three weeks.

Contrary to the claims of the Government of Myanmar that it is addressing the situation based on the principle of rule of law, it appears that it is merely deflecting the criticism and remains in a state of denial to address the grave human rights violations. This assumption is strengthened by Myanmar authorities' assertion that civilians were themselves burning their homes to attract attention and that the security forces were merely attacking the militant groups. However, the evidence is irrefutable – the Myanmar security forces sat ablaze Rohingya villages in Northern Rakhine State in a targeted campaign to push the Rohingya people out of Myanmar.

After going through various credible reports and hearing the corresponding testimonies from Rohingya refugees, it can be concluded that attacks on Rohingya villages were planned, deliberate and systematic to deprive the Rohingyas of their homes and living places and to force them to flee to change permanently the demographic composition of the State. Lately, it has been reported that the



Myanmar authorities have also changed the names of the burnt sites and villages, which makes it even difficult for the Rohingya refugees to return to and claim their lands through available records.

Violation of the Freedom of Religion and Belief

Freedom of religion and belief is guaranteed under international law. Despite multiple historic causes of discrimination against Rohingya Muslims in Myanmar, it must be recognized that one of the key causes of the current situation is institutionalized discrimination based on religion and race.

In many of the public declarations, extremist Buddhists and military leaders in Myanmar used religion and race as the main trigger for inciting discrimination and violations against Rohingya Muslims. This goes in line with the statement of Pope Francis who said that Rohingya Minority in Myanmar had been tortured and killed simply because they wanted to live according to their culture and Muslim faith (OIC-IPHRC, 2018).

Multiple Rohingya refugees in Cox's Bazar confirmed to IPHRC that for many years, especially since 2012, the Government of Myanmar imposed arbitrary and unlawful ban on their right to offer their daily prayers and holding Friday congregations in mosques. Instead, they were forced to offer it in their houses or secretly in makeshift arrangements within their camps. Military administration used brute force against Rohingya Muslims walking to Friday prayers, especially if they walk outside their camps where they are confined. Scores of witnesses conveyed to IPHRC how their mosques were destroyed, even burnt.

For many years, the Government security forces, frequently ordered many Muslim communities in Rakhine State to close their religious centres, including mosques, madrassahs, and "moqtobs" (madrassahs), and "hafez khanas" (Qur'an reciting centres). The closures were ordered under the pretext that these centres were not officially registered. The government officials of Myanmar also did not allow any madrassah to register officially. It was also conveyed that Myanmar authorities frequently refused to approve requests for gatherings to celebrate traditional Islamic holidays and restricted the number of Muslims that could gather in one place. Rohingya Muslims were only allowed to gather for worship and religious rituals during the major Muslim holidays, and that too under strict vigilance (OIC-IPHRC, 2018).

The systematic discrimination against Rohingya Muslims, because of their faith, has been widely reported by many organizations. Rohingya refugees informed IPHRC

that they were treated as illegal foreigners and the Government had issued them with "Temporary Registration Cards" (TRC). Myanmar Authorities also insisted that Rohingya Muslim men applying for TRCs to submit photos without beards. Refugees also reported that many Buddhist leaders, endorsed by the military regime, conducted multiple campaigns of enticing Muslims to convert to Buddhism by offering charity or bribery. Indeed, conversion of non-Buddhists is part of a longstanding government campaign to "Burmanize" ethnic minority regions. These campaigns have frequently coincided with increased military presence and pressure.

Denial of Civil and Political Rights including Citizenship

Since the military coup of 1962, the Government of Myanmar has effectively denied the Rohingya Muslim minority their political rights and institutionalized discrimination against them through gradual restrictions on all aspects of their lives, including marriage, family planning, employment, education, religious practices and freedom of movement. For example, as narrated by some Rohingya refugees in Cox's Bazar, Rohingya couples are only allowed to have two children, these restrictions have been confirmed in an earlier report by Fortify Rights Organization. Rohingyas must also seek permission to marry, which may require them to bribe authorities and provide photographs of the bride without a headscarf and the groom with a clean-shaven face to humiliate their Islamic customs.

Similarly, the Rohingya Muslims were restricted to their areas and were not allowed to move, relocate or travel outside their designated areas without prior government approval. Majority of Rohingya refugees interviewed by IPHRC were illiterate or had very basic education. On enquiry, it was revealed that they were also subjected to institutionalized discrimination in this sector, first they were not welcomed, secondly needed to bribe authorities for admission in public schools and, lastly were discriminated within the schools vis-à-vis non-Rohingya students. No facilitation was provided for their higher education. Most refugees got basic education in home schools/moqtobs of their shantytowns.

Most Rohingya Muslims were effectively deprived of their nationality by applying the discriminatory 1982 Citizenship Law. This Law created three categories of citizens: "citizens" (commonly referred to as "full citizens"), "associate citizens" and "naturalized citizens," each of which affords different rights and entitlements. Section 3 of the 1982 Citizenship Law provides that people belonging to one of the officially, recognized "national races", are considered to be full citizens by birth, as are people belonging to ethnic groups that are considered to have settled in the country prior to 1823.



While available official records clearly indicate that Rohingya Muslims inhabited these lands much before the British occupation of 1826, they were excluded from the eight “national races” listed in the Law and were not included in a list of 135 officially recognized ethnic groups, which was subsequently published by the Government of Myanmar in September 1990. The institutionalized discrimination worsened overtime and the minimal right to vote has been taken away from Rohingyas. In November 2015, while the world celebrated the holding of first democratic elections in Myanmar, since the end of military rule, Rohingyas were not allowed to participate either as candidates or as voters.

The International Advisory Commission on Rakhine State led by Kofi Annan in its final report published on 24 August 2017, called for the review and revision of Myanmar’s Citizenship Law, and to end all restrictions on its Rohingya Muslim minority to prevent further violence in the beleaguered region. The report also states that the Government of Myanmar has actively supported the drive towards segregation between Rohingya Muslims and Buddhists in Rakhine State. A number of recommendations in the report focused on the Myanmar’s citizenship verification process for Muslims, their rights and equality before the law, their freedom of movement, and the situation of those who are confined to internally displaced persons (IDP) camps. The Advisory Commission also advised the Government of Myanmar to take concrete steps to end enforced segregation of ethnic Rakhine Buddhists and Rohingya Muslims; allow unfettered humanitarian access in Rakhine; address the statelessness of the Rohingyas; hold accountable those who violate human rights and end restrictions on the Rohingya’s freedom of movement.

A System of Apartheid: Ethnic Cleansing and Genocide

Under the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Rome Statute of the ICC, apartheid is defined as a crime against humanity covering a range of acts, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and with the intention of maintaining that regime. Specific acts committed in this context and criminalized as apartheid range from openly violent ones such as murder, rape and torture to legislative, administrative and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and to deny them basic human rights and freedoms. All these conditions are aptly met in the case of the treatment of Rohingya Muslims in Myanmar.

Based on the testimonies recorded from a wide range of Rohingya victims taking refuge in Cox's Bazar, the IPHRC states that the human rights situation faced by Rohingya Muslims in Myanmar bears the hallmark of an organized campaign of ethnic cleansing, which is a crime against humanity under the international law. The international community is duty bound to take all possible steps to put an end to this situation, forthwith.

Murder, torture, rape, forced displacement/ transfer of population, enforced disappearance and other inhuman acts committed by Myanmar security forces against its Rohingya population, particularly in October 2016 and August 2017, are added manifestations of their crimes against humanity. One of the foundational elements of the discrimination and persecution of the Rohingya is the denial of their right to nationality (enforced through 1982 Citizenship law), which coupled with the government's denial of their identity as an ethnic minority of Myanmar and the persistent reference to them as "foreigners" or "Bengalis" falls into the realm of racism and racial discrimination. This in turn has enabled and facilitated a system of severe restrictions on the Rohingya's freedom of movement, which have expanded in scope and severity since the violence of 2012.

In a legal analysis of the human rights situation in Myanmar's Rakhine State, the Allard K. Lowenstein International Human Rights Clinic at Yale Law School has found strong evidence of genocide against the Rohingya population (Lowenstein, 2015). The 65-page legal analysis released in October 2015 found that the record of anti-Rohingya rhetoric from government officials and Buddhist leaders, the policies that specifically target Rohingya and the mass scale of the abuses against Rohingya, all provide strong evidence that each of the three elements of genocide have been present in the overall situation of Rohingya in Rakhine.



State of Rohingya Refugees from Myanmar in Cox's Bazar

In the refugee camps in Cox's Bazar namely Kutupalong and Balukhali, the influx of refugees was continuing, which manifested their persistent plight for safety in Rakhine, despite the signing of a Repatriation Agreement (23 Nov 2017) between Myanmar and Bangladesh.

In Tomru border area, which is a No Man's Land between Myanmar and Bangladesh, representative of Bangladesh Border Security Force (which is providing them the humanitarian assistance), reported to IPHRC, the horrific details of the refugees' struggle to reach this area after crossing the heavily guarded zones of barbed fire and landmines from Myanmar under constant hostile fire.



From OIC-IPHRC Delegation Visit to Rohingya Refugee Camps in Bangladesh

It is also worth noting that the refugees' camps have been established in an area stretching along the border with Myanmar in a valley, which previously had a lot of wildlife and a great number of trees and lakes. However, due to heavy influx of refugees in a short period, the ecology of the area has faced extensive damage as most of the bamboo trees have been cut to build the makeshift huts for the refugees and for use as firewood. One of the key fears expressed by Bangladeshi officials is that the situation might worsen during the monsoon season, which will bring about landslides and heavy floods unless more engineering works were carried out.

While the situation of refugees and their stories were heart wrenching, it was pleasing to note that the Government of Bangladesh is striving its best to facilitate the Rohingya refugees and facilitating the orderly management of humanitarian relief operation. One must also acknowledge and pay tribute to the generosity and compassion of the host communities in Cox's Bazar in providing

shelter and sharing their personal – in many cases limited – resources to help the Rohingya population who fled from Myanmar for the fear of their lives and dignity.

The discrimination against Rohingya in Rakhine State is multi-faceted and systemic. They have been systematically stripped of their citizenship, discriminated against and increasingly marginalized in the economic, social and political spheres. Despite their centuries old presence, Rohingyas are still not accepted as full members of Myanmar society and are often labelled as foreigners or illegal migrants. An intersecting collection of discriminatory laws, regulations, policies and practices, form a central part of a State machinery of oppression, which meets the definition of apartheid a crime against humanity under international law.

Recent horrific human rights violations since October 2016 and more severely since August 2017 resulted in arson attacks against Rohingya villages - forcing their mass scale displacement; ill treatment and torture; rape and extrajudicial killings of civilians. However, all these horrible crimes were perpetrated with ease as these are conducted in the backdrop of decades of state-sponsored persecution and negative stereotyping of Rohingya Muslims because of their ethnicity and religious beliefs. The unending misery and plight of Rohingya Muslims in Myanmar are a matter of grave concerns for the entire international community, in particular all Muslims around the world. It is indeed clear that the tragic events of August 2017 were the tipping point of the injustices and violations long endured by the Rohingyas and inaction by the rest of the world.

Sustained OIC and international pressure has forced Myanmar to sign a framework agreement with Bangladesh for the repatriation of Rohingya refugees on 23 November 2017. However, there are many loopholes in this agreement, which must be fixed to ensure their safe and dignified return. Most importantly, there is a need to take a range of steps to assuage the concerns of petrified Rohingya refugees, who are unwilling to return without firm guarantees for their safety.



Conclusion and Policy Recommendations



The OIC's human rights evolution has passed through several distinct stages. In the early stages, the OIC engaged in human rights in a religious tone. In the early 2000s, the OIC began to participate in the international human rights system in a more positive and constructive manner. This stage is marked by the OIC's effort to harmonize universal human rights standards and norms with Islamic values. In accordance with the new approach of the OIC, several institutions and organizations were established to bring about an OIC level mechanism to the matters of concern for human rights. The IPHRC signaled a major turn for the OIC because it provided the first OIC level human rights institution.

On their own free will and accord, states adhere to human rights norms and standards to a certain extent. However, without the proper institutional mechanisms and oversight, adherence to such norms and standards becomes minimal, or only when these are in the interest of the State. Recognizing the need for institutionalization, the OIC has taken significant steps to ensure that human rights are part of all their activities and programmes. Along with the IPHRC, the OIC has established the Women's Development Organization, the Humanitarian Affairs Department, the Peace, Security and Conflict Resolution Unit and there are ongoing discussions about an International Islamic Court of Justice. These developments in the last several decades point to the determination of the OIC to establish a regional framework for Member States. Although the OIC is currently far from creating a regional mechanism like the one in Europe or other parts of the world, it is showing a strong commitment to head in this direction.

The OIC has been able to accomplish two important tasks so far in its human rights endeavor. The first one is the creation of OIC level instruments such as the Covenant on the Rights of the Child and the Plan of Action for Women's Development. However, human rights instruments without institutional arrangements to assist in their implementation and oversight, most commonly result in deficient execution. Within this context, the second important progress of the OIC has been to create institutions that are directly involved in the guidance and implementation of such instruments.

In terms of human rights instruments, institutions and engagement with norms and standards, the OIC has progressed considerably. Nonetheless, the case studies of human rights violations toward Muslims bring to surface the shortcomings and limitations of the OIC. Looking at these case studies, it is evident that the OIC has tried to draw attention to these violations; however, due to its lack of human rights cohesiveness and concrete OIC level human rights framework, it has been



inadequate in addressing the severe human rights violations in Palestine, Myanmar and Kashmir.

To address the human rights issues of Muslims around the world, and the ones across the OIC, the human rights system of the OIC needs to be strengthened. This entails several different elements. The OIC will have to increase the capacity and mandate of its human rights institutions, particularly the IPHRC. The mandate of the IPHRC needs to include provisions that allow for greater enforcement mechanisms of international norms, standards and resolutions. Currently, the IPHRC has a consultative role; this position should be transformed to have mechanisms that can enforce certain OIC level decisions regarding human rights matters. The IPHRC should also interact with national level human rights institutions. Although many of the OIC Member States have established national human rights institutions, their integration into the OIC level mechanism remains limited and weak: the IPHRC can serve as the umbrella organization that brings together the national human rights institutions of Member States with regional and international institutions to address their shortcomings and increase their capacity.

Given the OIC's effort to become a human rights actor, it needs to prioritize engagement with the international human rights community. This would provide the OIC with the prestige and the reputation that is required to build authority over the realm of human rights in Member States. Such an engagement between the OIC and international actors will consequently serve to bridge the national – international gap for countries in the OIC. An OIC level human rights mechanism can also be a medium of communication between the sensitivities of the Islamic World concerning human rights challenges and international norms and standards. This includes challenges such as finding a middle ground for issues of free speech, which is sometimes used to justify Islamophobia, discrimination and hate speech. Therefore, it is critical that the OIC engage with the international human rights community to voice the concerns of Muslims and to localize international norms, standards and resolutions to fit the local customs and traditions. To this end, IPHRC can serve as the mechanism that provides OIC Groups in New York and Geneva with intellectual/ substantive inputs on issues of human rights concern to the organization.

Another important overarching element for the OIC to become a reliable and effective human rights actor is to engage and build linkages with a diverse array of actors. The OIC should engage with civil society actors, media, and other intra-OIC organizations. Along with this, the OIC should also build relationships with other human rights organizations such as the Council of Europe, UN Human Rights Council,

and UNHCR, UNICEF and European Human Rights Commission as well as other regional organizations in Africa, Asia and the Middle East.

By building bonds with a variety of organizations within the OIC and externally, the OIC will be able to benefit from their human rights experiences and strengthen its presence and advocacy within the global human rights framework on issues of interest and concern to the wider OIC Membership. The above-discussed elements are overarching issues that could improve the human rights system of the OIC; however, there are also specific areas of importance for the OIC to increase the effectiveness, reach and capacity of its human rights norms, standards and institutions. The below set of recommendations are suggested to enhance and improve the OIC human rights structure.

- ✓ **Creating collaborative mechanisms between intra-OIC human rights institutions:** The salience of communication and co-operation between human rights institutions in the building of regional human rights framework has become increasingly clear. Permanent mechanisms for sharing information and knowledge between intra-OIC institutions should be established to enable the design of effective solutions to the current human rights challenges of the OIC. Such mechanisms, amongst others, could include institutional exchanges, thematic workshops, training visits, dissemination tools and enhanced techniques for sharing developments and lessons learnt between the OIC human rights institutions.
- ✓ **Systemizing of internal procedures, operations and publications related to human rights mechanisms:** Greater systematization will increase the availability of operational information and enable a more rigorous analysis of the effectiveness of various internal processes and procedures. This could in turn, both inform future policy debate and support to responding to criticism levelled against the OIC institutions regarding human rights transparency. Regular publications should be utilized to inform the Member States and the public on OIC's human rights related activities, work and progress.
- ✓ **Developing indicators to assess the human rights situation and progress across the OIC:** To understand which practices and lessons learned are effective in the enhancement of OIC's human rights system, a set of internal indicators within the OIC should be created. These indicators should specifically aim to measure the efficacy of programmes, activities and institutions in the realm of human rights. Through such systemized analysis, a more targeted approach can be utilized to test what works well and what does not.



- ✓ **Connecting national human rights institutions to the OIC:** National human rights institutions play a vital role in the development of regional human rights systems. Sixty percent of the OIC Member States have established some form of a national human rights institution. These institutions should be connected to OIC mechanisms in a more concrete and tangible manner. Systems of cooperation between the OIC and NHRIs should be institutionalized to advance the harmonious function of an OIC level human rights framework.
- ✓ **Facilitating the OIC of intergovernmental cooperation between Member States:** The OIC consists of 57 Member States with different human rights contexts. There needs to be regular and sustained intergovernmental cooperation between the relevant human rights bodies of Member States to assist knowledge sharing, common human rights challenges and to create a cohesive human rights understanding. Activities of the existing mechanisms of OIC Groups in New York and Geneva at the United Nations, can be coordinated from Jeddah through regular discussion of the Committee of Permanent Representatives at the OIC Headquarters in Jeddah.
- ✓ **Partnering with international and regional human rights organisations:** The OIC will have to engage with a variety of international and regional human rights organisations to improve its human rights advocacy and its human rights system. The OIC can promote policy dialogue with international bodies such as the UN and regional ones such as the European Union, the African Union and ASEAN, to coordinate its position and build mutual understanding in support of its OIC level human rights system.
- ✓ **Building non-institutional linkages with civil society organisations:** The involvement of civil society is an important pillar that supports regional human rights frameworks. Without a civil society that is knowledgeable and qualified on issues regarding human rights, it is extremely difficult to have a full-fledged regional human rights protection and promotion system. Therefore, the OIC should strive to involve OIC-level and national level civil society into its human rights framework. This could involve training and knowledge sharing platforms between civil societies of Member States, which are coordinated by the OIC. The OIC can also engage with civil society organisations outside of the Organisation and bring together OIC and non-OIC human civil society actors for enhanced understanding of mutual concerns and strengthened advocacy of common causes at the regional and international levels.
- ✓ **Allocating more funding and resources to enhance the OIC human rights framework:** Very often limited funding and resources are the root causes of inefficient institutions and organizations. It is critical that the right budgeting is

undertaken to enable human rights institutions to function effectively, increase their capacity and have the resources to engage with the international human rights system. The OIC should allocate more funding and diversified resources to the cause of building and strengthening its human rights system.

In addition to the above-mentioned policy recommendation to strengthen the OIC-level human rights system, there are also specific actions that are required for the case studies that were highlighted in this report. In the section below, targeted recommendations for Palestine, Myanmar and Kashmir are provided.

✓ **Occupied Territories of Palestine**

- The OIC and its Member States need to consider further action at the UN General Assembly and the Security Council, in order to push Israel to stop the construction of and to dismantle the Separation Wall, and to make reparations for all damage caused to affected Palestinian population.
- Regular contacts between IPHRC and the Palestinian Authority's relevant human rights bodies, including the National Human Rights Commission and civil society organizations are important for updates on violations of human rights. IPHRC may invite, as appropriate, relevant Palestinian government and civil society representatives to brief IPHRC sessions in the course of the agenda on Palestine.
- OIC and its Member States to consider convening an international symposium, with the support of the UN and other stakeholders, to focus on the situation of Al-Quds, and the apartheid policies of Israel, the occupying power.
- The OIC Member States should consider imposing strict ban on import of products from Israeli settlements, thus validating Boycott, Divestment and Sanctions (BDS) regime. National laws and regulations on commercial tenders in the OIC Member States need to ensure that records of commercial entities presenting such tenders are free from any transactions with Israeli activities in settlements.
- The political separation between Palestinians in the West Bank and Gaza need to be addressed as soon as possible, including through supporting reconciliation efforts. The political limbo currently existing between the two sides will continue to weaken Palestinian position in any possible future talks.
- The OIC Member States should encourage their national human rights institutions and civil society organizations to strengthen networking with



Palestinian human rights counterparts in order to enhance observance of and reporting on violations of human rights in the Palestinian territories.

✓ **Myanmar**

- The OIC needs to urge the government of Myanmar to take immediate and effective actions to put an end to all forms of human rights violations against innocent and unarmed Rohingya Muslims in Rakhine State and other parts of the country. To this end, the Government of Myanmar must initiate urgent, transparent and impartial investigations of all the allegations of human rights violations and swiftly bring to justice the perpetrators of these violations.
- The OIC should urge the government of Myanmar to take concrete steps to address root-causes of deprivation and discrimination of the Rohingya, including the core issue of right to nationality /citizenship and long-standing challenges to social and economic development through a human rights-based approach.
- The OIC needs to pressure Myanmar to allow its forcibly displaced Rohingya population in neighboring countries, especially the over one million Rohingya refugees in Bangladesh, to return to their homeland in Rakhine State. Allow free and unfettered access to humanitarian aid agencies; facilitate UN and OIC fact-finding missions for independent investigations into all alleged violations of international human rights law with a view to addressing these comprehensively.
- All OIC Member States, especially neighboring countries of Myanmar should continue to engage and urge the Government of Myanmar to uphold its obligation of ensuring the promotion and protection of human rights of all its citizens in particular its persecuted Rohingya Muslim minority. OIC countries should also continue to raise these concerns at all appropriate international forums including the UN Human Rights Council in Geneva, UN General Assembly and the Security Council in New York.
- The Commission should call upon the international community in general and the OIC Member States in particular to do all they can to engage Myanmar to fulfil its international human rights obligations towards its Rohingya minority.
- OIC should expedite the appointment of a Special Envoy on Rohingya, who should actively coordinate with relevant UN and international counterparts to duly highlight the plight of Rohingya as well as work with Myanmar

government for a durable solution of Rohingya crisis through dialogue and development.

✓ **Indian Occupied Jammu and Kashmir (IoK)**

- The OIC needs to continue to insist and endeavor to prevail upon the Government of India to agree to receive the OIC and IPHRC Fact Finding Missions to IoK to investigate and report upon the allegations of human rights violations.
- The OIC and its relevant institutions should organize an international conference/symposium on the sidelines of the Human Rights Council in Geneva involving academics and policy makers from the UN and the OIC Member States and human rights experts to propose ways and means to secure the human rights of the Kashmiris.
- The OIC should coordinate and collaborate with the Islamic Development Bank and Islamic Solidarity Fund to initiate development projects in the livelihood sector, health and education in the IoK and the refugee camps.
- In the case where the Government of India continues to violate the human rights of Kashmiris, the OIC Member States may be urged to consider using the Boycott Divestment and Sanctions Movement against India to pressurize it to meet its human rights obligations.
- The OIC should urge the Government of India to remove travel restrictions imposed upon the Kashmiri leadership to facilitate their free movement abroad.



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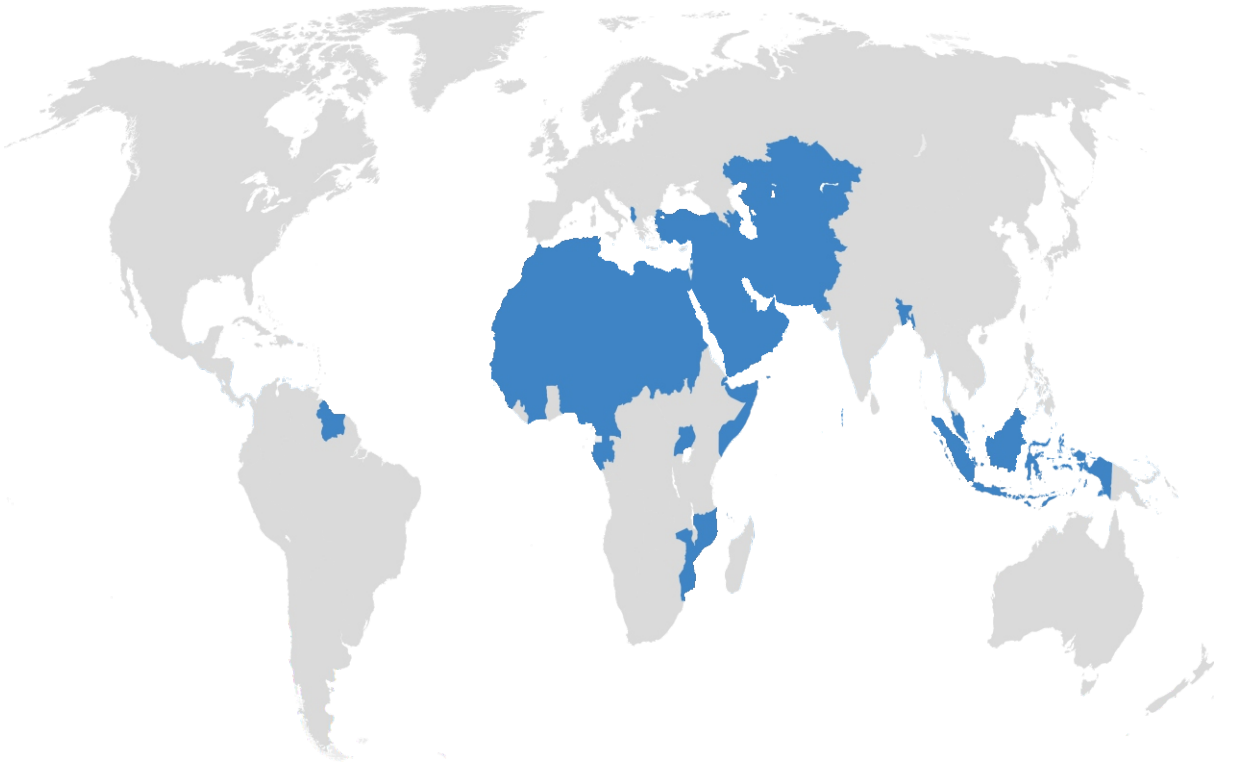
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