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РОЛЬ ОРГАНИЗАЦИИ ИСЛАМСКОГО СОТРУДНИЧЕСТВА (ОИС) В СИСТЕМЕ ЗАЩИТЫ ПРАВ ЧЕЛОВЕКА

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INTRODUCTION

Relevance of the thesis topic. The normative and conceptual foundations of state cooperation at the universal level have been enshrined in the Preamble and Articles 1 (3), 55 (c) and 56 of the UN Charter[1] as a condition for the creation of stability and well-being, which are necessary for peace and friendly relations among peoples. Under Chapter VIII of the UN Charter, the existence of those regional agreements and bodies is also permitted, which fully respect the purposes and principles of the United Nations, including in the field of human rights.

Currently, regional systems for the promotion and protection of human rights, such as the European, Inter-American and African systems[2], operate alongside the universal system. There are also human rights mechanisms of international organizations where the participating States are not united on a regional basis, but rather on an interregional political platform, such as the Organization for Security and Cooperation in Europe (OSCE), or the League of Arab States (LAS), an association of only "Arab" countries. This type of inter-state cooperation also includes the Organization of Islamic Cooperation (OIC), established in late 1969 and called until

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[1] Charter of the United Nations. Signed on 26 June 1945 in San Francisco. URL: https://www.un.org/ru/about-us/un-charter/full-text (accessed: March 28, 2022).

[2] Региональные системы защиты прав человека: учебник для бакалавриата и магистратуры / А.Х. Абашидзе [и др.]; под ред. А.Х. Абашидзе. 2-е изд., перераб. и доп. М: Издательство Юрайт, 2019. 378 с.

2011 the Organization of the Islamic Conference (OIC)[3]. The Organization of the Islamic Cooperation (OIC), which is the most representative of regional and interregional organizations in terms of the number of its member states (57 member states). The organization was established to promote Islamic solidarity in the social, economic and political spheres. Among its 57 member states, 56 are also UN member states (with the exception of the State of Palestine). Twenty-seven of them are on the African continent, 27 are in Asia, Albania – in Europe, Guyana and Suriname – in South America. When describing this association of States, it should be noted that the total population of the OIC member states exceeds 1.9 billion people. The Russian Federation has an observer status of the OIC.

There was no specialized structure for the protection of human rights and fundamental freedoms in the OIC system, either among the main or among the subsidiary bodies. Such a body was established by the OIC states in 2011 in the form of the Independent Permanent Human Rights Commission (hereinafter "IPHRC")[4], which, as its name implies, is an "independent" and "permanent" entity. This Commission, which is not a part of the OIC in classical sense, as it operates independently away from political directions of the Member States, has been operating for more than 10 years and is one of the active structures in its system, which plays a major role in the protection of human rights and fundamental freedoms.

Given, on the one hand, the lack of regional human rights mechanisms in Asia and the Middle East and, on the other hand, the fact that almost half of the OIC members are from these regions, as well as the specificity of Islamic solidarity in relation to human rights and freedoms and, therefore, the demand for a comprehensive and integrated knowledge of the body's decades of activity on this platform, the existence of

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[3] Charter of the Organization of Islamic Cooperation. URL: https://ww1.oic-oci.org/english/charter/OIC%20Charter-new-en.pdf (accessed: March 28, 2022).
[4] Charter of the Organization of Islamic Cooperation. URL: https://ww1.oic-oci.org/english/charter/OIC%20Charter-new-en.pdf (accessed: March 28, 2022).

such PhD thesis makes the research idea both in terms of theory and within the field of international law practice relevant.

The state of scientific development of the topic of the study. There is no comprehensive and inclusive international legal study of the status of the Independent Permanent Human Rights Commission, its activities and achievements in the various fields of human rights from the perspective of Islamic understanding and application. This is primarily due to the fact that this Commission has only been active for the last 12 years.

There is still a tendency for the prevalence of publications in the leading editions of Western countries that touch upon the general aspects of the Islamic understanding of certain aspects of human rights[5]. The papers of the following scholars can be cited in this regard: Abdullahi Ahmed An-Na'im[6], E. Cotran и A. Sherif[7], T. Savage[8], S. Waltz[9], E. Bleich[10], D. Helly, J. Dubé[11], Z. Iqbal[12], T. Modood[13], A.M. Bhat[14], A.Y. Jallow[15],

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[5] Women and Islam: A Debate with Human Rights Watch. New York Review of Books. 22 March 2012.

[6] Abdullahi Ahmed An-Na'im. Human Rights in the Muslim World. *Harvard Human Rights Journal*, 1990, Vol. 3, pp. 13-52.

[7] Cotran E., Sherif A. Democracy, the Rule of Law and Islam. London, Boston, Kluwer Law International, 1999. 578 p.

[8] Savage T. Europe and Islam: Crescent Waxing, Cultures Clashing. *The Washington Quarterly*, 2004, Vol. 27 (3), pp. 25-50.

[9] Waltz S. Universal Human Rights: The Contribution of Muslim States. *Human Rights Quarterly*, 2004, Vol 26, pp. 799-844.

[10] Bleich E. What is Islamophobia. And How Much is There? Theorizing and Measuring an Emerging Comparative Concept. *American Behavioral Scientist*, 2001, Vol. 55 (12), pp. 1581-1600.

[11] Helly D., Dubé J. The Socio-political Context of Islamophobic Prejudices. *Islamophobia Studies Journal*, 2014, Vol. 2 (2), pp. 143-156.

[12] Iqbal Z. Islamophobia: History, Context and Deconstruction. India: Sage Publications, 2020.

[13] Modood T. Islamophobia and the Muslim struggle for recognition, Islamophobia: Still a Challenge for Us All - a 20th Anniversary Report, the Runnymede Trust, London. 2017; Modood T. Islamophobia and normative sociology. *Journal of the British Academy*, 2020, Vol. 8, pp. 29-49.

[14] Bhat A.M. Freedom of Expression from Islamic Perspective. *Journal of Media and Communication Studies*, 2014, Vol. 6, pp. 69-77.

[15] Jallow A.Y. Freedom of Expression from the Islamic Perspective. *Journal of Mass Communication Journalism*, 2015, Vol. 5, pp. 278.

M.H. Kamali[16], S. Baskerville[17], T. Parsons, R.F. Bales[18], Udombana N.J.[19], B. Rajagopal[20], D. Vincenti[21], A. Fabra[22], P.E. Taylor[23].

Among Russian researchers, the papers of those deserve to be singled out by A.Kh. Abashidze, A.M. Solntsev and D.V. Vorobyov[24], R.G. Abdulatipov[25], F.M. Akhmedova and A.A. Kornilov[26], D.V. Ivanov and V.V. Pchelintseva[27], E.V. Kiseleva and E.Sh. Sultanov[28], R.M. Sharipova[29] dedicated to the specifics of the human rights activities of the OIC and the problem of human rights protection in the context of climate change.

The aim and tasks of the thesis research. The **aim** is an analysis of the conceptual and normative prerequisites for the establishment of the OIC Independent

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[16] Kamali M.H. Freedom of Expression in Islam. Kuala Lumpur, Ilmiah Publishers, 2014.

[17] Baskerville. S. Freedom and the family: The family crisis and the future of western civilization. *Humanitas*, 2009, Vol. 22 (1/2), pp. 168-184.

[18] Parsons T., Bales R.F. Family, socialization and interaction process. New York, Free Press, 1955.

[19] Udombana N. J. The Third World and the Right to Development: Agenda for the Next Millennium. *Human Rights Quarterly*, 2000, Vol. 22 (3), pp. 753-787.

[20] Rajagopal B. Right to Development and Global Governance: Old and New Challenges Twenty-Five Years On. *Human Rights Quarterly*, 2013, Vol. 35 (4), pp. 893-909.

[21] Vincenti D. Green Islam and Social Movements for Sustainability: Socio-Ecological Transitions in the Muslim World. Doctoral Dissertation. Rome; LUISS Guido Carli 2017.

[22] Fabra A. The Intersection of Human Rights and Environmental Issues: A Review of Institutional Developments at the International Level (paper presented at the Joint UNEP_ OHCHR Expert Seminar on Human Rights and the Environment, Geneva, 14-16 Jan. 2002).

[23] Taylor P.E. From Environmental to Ecological Human Rights: A New Dynamic in International Law? *Georgetown International Environmental Law Review*, 1998, Vol 10, pp. 309-397.

[24] *Абашидзе А.Х., Солнцев А.М., Воробьев Д.В.* Компетенция Организации исламского сотрудничества в сфере защиты прав человека // Вестник Волгоградского государственного университета. Серия 5: Юриспруденция. 2013. № 3 (20). С. 113-119.

[25] *Абдулатипов Р.Г.* Организация исламского сотрудничества: противодействие исламофобии и налаживание межконфессионального диалога // Международная жизнь. 2021. № 8. С. 14-27.

[26] *Ахмедова Ф.М., Корнилов А.А.* Организация исламского сотрудничества и выработка международной позиции мусульманской уммы //Ислам в современном мире: внутригосударственный и международно-политический аспекты. 2019. Т. 15. № 1. С. 185-198.

[27] *Иванов Д.В., Пчелинцева В.В.* Международная защита и поощрение прав человека в Организации исламского сотрудничества: современные тенденции // Право и управление. XXI век. 2021. Т. 17. № 2 (59). С. 13-22; *Иванов Д.В., Пчелинцева В.В.* Культурный релятивизм и защита и поощрение прав человека в организации исламского сотрудничества // Евразийский юридический журнал. 2021. № 7 (158). С. 38-42.

[28] *Киселева Е.В., Султанов Э.Ш.* Организация исламского сотрудничества / В книге: Ближний Восток и международное право. коллективная монография. Москва, 2019. С. 129-143.

[29] *Шарипова Р.М.* Организация исламского сотрудничества (ОИС): проблемы мира и безопасности // Экономические, социально-политические, этноконфессиональные проблемы афро-азиатских стран. 2018. № 1. С. 173-180.

Permanent Human Rights Commission, its structure, competences and achievements in key human rights areas.

In accordance with the purpose of this PhD thesis, the **following tasks** have been set and resolved:

- A comprehensive analysis of the international legal status of the Organization of Islamic Cooperation and its system within which the IPHRC operates;

- A study of the competence of the IPHRC on the basis of its constituent and other international legal instruments;

- An analysis of the position of the IPHRC on the protection of civil and political human rights in areas such as combating Islamophobia and discrimination based on religion and ensuring freedom of expression and combating hatred, discrimination and violence, etc.;

- Analysis of the position of the IPHRC on the protection of social and economic human rights in areas such as protection of the institution of the family and the right to development;

- Analysis of the position of the IPHRC on environmental protection issues in the context of climate change and its negative impact on the enjoyment of environmental human rights.

The scientific novelty of the thesis research lies in obtaining new fundamental knowledge about the OIC and its position on different issues of universal human rights, how it tackles these issues internally and externally and what are the mechanisms available at its disposal to address the human rights issues.

The introduction of new sources into Russian scholarship are represented by the new Cairo Declaration of OIC on Human Rights, the revised draft of the OIC Covenant on the Rights of the Child, Ten Year Program of Action, and other core policy documents that deal with specific human rights issues.

Theoretical significance of the thesis research. The comprehensive analysis and the scientific conclusions drawn on its basis are distinguished by a fundamental approach to the study of the conceptual and normative framework of human rights protection within the framework of the activities of the Independent Permanent Human Rights Commission of the OIC.

The practical significance of the results of the thesis research is that the scientific elaboration of a number of specific issues, the main provisions, conclusions and practical recommendations can be taken into account when drafting new international legal acts related to human rights protection in the regions of Africa and the Middle East, and when preparing teaching materials and teaching disciplines at higher educational institutions.

The experience of the author, spanning over 27 years, as a diplomat, who has handled the human rights and other political issues at international levels including at the United Nations Headquarters in Geneva and New York, further qualifies him to provide a panoramic view of the organization's contributions in different socio-cultural, economic, political and human rights fields. Based on his relevant experience, the author is also well placed to draw a comparison of the OIC's policies in these fields with relevant policies followed by other regional and international organizations and draw tangible conclusions for the benefit of academic readership.

The methodological basis of the thesis research consisted of general scientific methods of research: dialectical-materialistic cognition, analysis, synthesis, generalization, as well as particular scientific methods of cognition: formal-legal and historical-legal. The comparative legal method of knowledge is also widely used in the process of the study.

The thesis research contains general scientific and special legal methods that allowed to define the framework of the research, to clarify the basic concepts and categories related to the genesis of the OIC and competence of the IPHRC. In the process

of the research, such general scientific methods of knowledge as analysis, synthesis, deduction, induction, comparison, analogy, abstraction and generalization were implemented.

Particular scientific methods - systemic, structural-functional and sociological - were actively used to reveal the integrity of the object of research and to identify different types of relationship in the object under study.

The historical-legal method was used in the first chapter of the thesis research in studying the material contained in Sections 1 and 2 of Chapter I of the thesis. In the second chapter of the thesis, the comparative legal method was used extensively in order to identify their theoretical and practical relevance for the OIC Member States. In addition, the legal foresight method was used in order to clarify the specific approach of the OIC Member States on this issue.

The conducted research allowed the author to formulate and substantiate the following **provisions to be defended**:

1. Based on a comprehensive and inclusive analysis of the OIC from the perspective of a well-established political organization that represents the common aspirations of global Muslim population on all aspects of their lives, OIC's human rights objectives, their co-relation with universal human rights corresponding philosophy and the means and mechanisms, that have been used for half a century by the OIC to achieve these objectives, shows, on the one hand, a lack of dynamism and creativity in OIC's human rights work at all levels (at the international and regional levels as well as among its own 57 member States), and, on the other hand, a high appreciation is given to the establishment and work of the OIC's Independent Permanent Human Rights Commission that has made tremendous contributions to put human rights at the center of the OIC's policies within a short span of just over one decade.

2. The dual position occupied by IPHRC has been established in all international discussions including the United Nations, which affect the rights of OIC countries: a) as a constructive partner in the development of international human rights standards, which clearly reflect the desire of OIC countries to uphold and strengthen the universal human rights edifice, and b) as an actively engaged actor in protecting the true image of Islam and Islamic perspective on all relevant issues of interest in the domain of civil, political, economic, social and cultural rights.

3. The establishment of the IPHRC as one of the principal organ of OIC dealing with the human rights issues is hailed as one of the main human rights contributions made by the OIC, and this is manifest example of the resolve of the OIC to walk the talk and convert the rhetoric of human rights policies into reality. In the form of IPHRC OIC acquired human rights mechanism within its structure, which could monitor the observance of human rights in the OIC countries, identify the gaps in the implementation of universal human rights and assist member States in plugging those gaps through expert advice.

4. The unique and innovative nature of IPHRC is identified in the following features: a) the ability to work independently, based purely on the expertise of its Commission members in line with the universal human rights standards and Islamic teachings, enabled the Commission to present objective and analytical views on all issues of human rights concern to the OIC; b) its cross-cultural and cross-regional character, which enables the IPHRC to bring together the best practices of four distinct geographical regions (Africa, Arab, Asia and America) in the field of human rights with the overarching support of Islamic teachings and values that serve to strengthening these values. It is pointed out that such activities in turn have served important purpose – to address misperception about the compatibility of Islam with universal human rights standards and to address misperceptions among Muslims against harmful traditional practices and their ill-

advised linkage with religion; c) the evolving character, expressed by the fact that it has started as an expert advisory body, but overtime it has been evolving as a fully independent human rights body, which regularly pronounces its vision on all human rights developments concerning the OIC in the shape of press releases as well as conducts fact-finding visits to the affected areas and writes factual reports on human rights situation on ground; d) Ability to adequately determine the course of action based on a priority list in the context of the limitation of its resources and expertise.

5. The IPHRC is proposed as a model for the interaction and cooperation of the functional human rights body of the umbrella organization, which is the OIC, with its specialized agencies (the Islamic Development Bank, ISESCO, OIC Youth Forum, Islamic Figh Academy) on key and priority aspects of human rights.

6. Given valuable insights on OIC's positions on contemporary human rights issues of global concern such as islamophobia and discrimination based on one's religion; freedom of expression and incitement to hatred; protection of the institution of family; right to development and human rights impact of the climate change, it is reasonably argued that universal human rights standards cannot be seen from the unifocal prism of western values alone as well as the need to respecting the cultural and religious diversity of all societies in applying these standards without compromising the core principles.

7. Based on the fact that the Russian Federation, as an observer under the OIC, and the OIC as an international organization are deeply shared the common values, justifies the need for them to develop a common strategy for cooperation at various multilateral forums in areas of mutual interests, such as the protection of family values, combating incitement to hatred and discrimination based on one's race or religion, and opposing the controversial notions and misplaces values of LGBT rights. The use of strategy is also proposed for building cooperative

relationship in academic and political fields on host of human rights issues of mutual interest.

8. A number of substantiated human rights concerns are raised and specific recommendations are made to address them. In particular, the importance of the platform used by the OIC to criticize the non-OIC countries violating the human rights of Muslims or those in conflict with the OIC countries. However, these is no mechanism to introspect and reflect on issues of human rights concern among its own member States. It is proposed that such a mechanism might be established by empowering the IPHRC.

Justification and reliability of the results of the thesis research. The PhD thesis findings are supported by the diversity of research methods used, the comprehensive and in-depth study and application of the writings of Islamic and other scholars, and the wide range of normative and empirical material used: OIC and IPHRC documents, outcome documents of conferences held under the auspices of the OIC, etc.

Academic approbation of the thesis research. The PhD thesis was recommended for final approval examination at the meeting of the International Law Department of the Peoples' Friendship University of Russia Law Institute. The scientific report of the applicant containing main provisions and conclusions of the conducted scientific study was presented and discussed at the meeting.

The main results were approbated at international and all-Russian scientific and practical events, including Regional Seminar organized by Convention Against Torture Initiative in Fes, Morocco, on 30-31 October 2017, international symposium organized by Turkish National Human Rights Institute (TIHEK) in Istanbul on 29-30 April 2019, the OIC's First Ministerial Conference on Social Development on the topic of OIC Strategy for the Empowerment of the Marriage and Family institutions at Istanbul on 8 December 2019, the First International Symposium on Media and Islamophobia, organized by Radio and Television Supreme Council of Turkey in Ankara, on 25-26

May 2021, the 7th and 8th Meetings of the Istanbul Process on the responsible use of freedom of expression as well as how to combat incitement to hatred, discrimination and violence, held in The Hague on 17 Nov 2019 and in Geneva on 16 February 2022, the World Youth Forum in Sharm-al-sheikh, Egypt on 16 December 2019.

The main provisions of the PhD thesis have been reflected in a number of scientific publications, three of which were published in scientific journals included in the List of peer-reviewed scientific publications of the Higher Attestation Commission under the Ministry of Education and Science of the Russian Federation and the List of peer-reviewed scientific publications of PFUR, and one indexed in the SCOPUS database.

The object of the thesis research is to analyze the relations resulting from the establishment and functioning of the Independent Permanent Human Rights Commission, which carries out its human rights activities within the OIC system, primarily and predominantly on the basis of "Islamic solidarity".

The subject of this thesis research are the international legal norms and conceptual principles which regulate the establishment and functioning of the OIC Independent Permanent Human Rights Commission, as well as the political and legal framework and the prospects for improving its activities in order to strengthen the international legal human rights framework of the OIC system.

The theoretical basis of the PhD thesis research is provided by the scientific papers of the scholars as Abdullahi Ahmed An-Na'im, E. Cotran, A. Sherif, T. Savage, S. Waltz, A.-B. Preis[30], M. Goodale, S. Engle Merry[31], A. Sajo[32], M. Mutua[33], E. Bleich, D. Helly, J. Dubé, Z. Iqbal, T. Modood, A.M. Bhat, A.Y. Jallow, M.H. Kamali, S.

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[30] Preis A.-B. Human Rights as Cultural Practice: An Anthropological Critique. *Human Rights Quarterly,* 1996, Vol. 18, pp. 286-315.
[31] Goodale M., Engle Merry S. The Practice of Human Rights: Tracking Law between the Global and the Local. Cambridge University Press, 2007. 398 p.
[32] Sajo A. Human Rights with Modesty: The Problem of Universalism. 2004. 390 p.
[33] Mutua M. Human Rights: A political and Cultural Critique. 2002. 252 p.

Baskerville, T. Parsons, R.F. Bales, Udombana N.J., B. Rajagopal, D. Vincenti, A. Fabra, P.E. Taylor, A.Kh. Abashidze, I.P. Blishchenko, A.I. Abdullin, A.S. Ispolinov, S.V. Chernichenko, A.A. Danelian, I.M. Lifshitz, A.A. Kornilov, D.V. Ivanov, V.V. Pchelintseva, E.V. Kiseleva, E.S. Sultanov, R.M. Sharipova, etc.

The normative basis for the thesis research. The founding statute and final acts and resolutions of international forums of OIC member states, the OIC bodies for the establishment of the IPHRC and numerous documents issued by the IPHRC itself in the areas discussed in this thesis provide the normative base for the study. This study is also based on the acts of international organizations of the UN system in order to compare them with the documents adopted by the IPHRC and the national legislation of the OIC Member States on the subject matter under consideration.

The author's personal contribution. The work is done by an insider high-level official of the OIC who has remained involved in creation and building of the human rights entity of the OIC i.e. IPHRC from the very beginning. Based on personal experiences and research through the organizational archives, the thesis delves in detail on the genesis of the OIC and IPHRC, its historical evolution, its aims and objectives with corresponding organizational structure to support the aspirations of the OIC Member States concerning development of human rights regime.

Structure of the thesis research. The thesis consists of an introduction, two chapters, consisting of five sections and four subsections, a conclusion and a list of used documents and literature.

CHAPTER I. INSTITUTIONAL BASIS OF THE ORGANIZATION OF ISLAMIC COOPERATION

1.1. Genesis of the OIC and Its Organizational Structure

The Organization of Islamic Cooperation[34] (OIC), the second largest international organization, has remained active both within the Islamic world to promote solidarity and socio-economic progress as well as at the international forums, such as the United Nations, where its Member States have collectively pronounced on almost all issues of global concern to the Muslim world. Starting from political issues such as the core issues of Palestine dispute, Kashmir cause, Middle East peace process, crisis in Balkans to conflicts in Somalia, Syria, Iraq, Myanmar, Somalia and Central African Republic, the OIC has always pronounced itself in favor of promoting and protecting the rights of the affected Muslims in these areas[35].

Contributions of the OIC countries to global peace and security are not limited to discussions in the UN forums alone. Their commitment is manifested by their contributions on the ground. Some of the top troops contributing countries[36] to the UN Peacekeeping Operations are from the OIC, which is crucial to maintaining international

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[34] The Second largest intergovernmental organization after the UN at OIC Homepage. Details available at www.oic-oci.org (accessed: March 28, 2022).

[35] Preamble of the OIC Charter.

[36] Data available at https://peacekeeping.un.org/en/troop-and-police-contributors (accessed: March 28, 2022).

peace and security, and remains one of the core objectives of the Organization. Likewise, the majority of the world's refugee population is hosted by the OIC countries[37], which shows their resolve to addressing these global concerns, head-on, despite their limited resources.

Similarly, the OIC countries have been actively involved, both individually and collectively, in the process of building and devising international human rights and humanitarian law/norms at the regional and global levels. Accordingly, as part of various regional groups (such as Arab League, African Union, Council of Europe etc.) or as members of the United Nations, OIC countries vigorously contribute to the codification of the relevant socio-cultural and human rights norms and standards.

However, despite completing fifty years[38] of its existence, the OIC remains more of a mystery or very less known to the greater part of the academic community. Though it plays an active role both at the regional and global levels, very few academic studies are available on the role, functions and objectives of this organization. Hence, the need to reflect on its genesis, aims and objectives as well as activities that would help explain how and where it stands among the comity of nations on various issues of importance to the international community. Accordingly, one of the key reasons and motivations behind writing this thesis has been to introduce this important organization i.e. OIC to the wider international community, (in particular to the Russian speaking countries from Commonwealth of Independent States (CIS)[39] – majority of which are Muslim States and became part of the OIC after the fall of Soviet Union), which represents almost the entire Muslim world on as diverse as socio-cultural, economic and political fronts.

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[37] Data available at https://www.unhcr.org/figures-at-a-glance.html (accessed: March 28, 2022).

[38] The Organization was established on 25 September 1969 following the criminal arson of Al-Aqsa Mosque in occupied Jerusalem. URL: https://www.oic-oci.org/page/?p_id=52&p_ref=26&lan=en (accessed: March 28, 2022).

[39] Commonwealth of Independent States. URL: https://en.wikipedia.org/wiki/Commonwealth_of_Independent_States (accessed: March 28, 2022).

Within this broad objective of introducing the OIC from different angles, including its role in maintenance of international peace and security/ conflict resolution, humanitarian activities or cooperation in the scientific, economic and development spheres, this paper would focus mainly on its human rights framework and activities in different areas both within its own membership as well as at the global scale.

There has been a sense of anxiety and misunderstanding about the compatibility of Islam and international human rights framework 'whether human rights are distinctively Western and fundamentally discordant with Islamic culture[40]. This paper/ thesis will also focus on this aspect by highlighting the OIC position/ Islamic perspective on a range of human rights issues of global concern, which will help better understand the difference/ similarities between the two aspects. Particular attention will also be paid to the role, activities, objectives and work done by the OIC Independent Permanent Human Rights Commission (IPHRC)[41], the principal human rights organ of the OIC, which was especially established to address this confusion as well as to strengthen the human rights edifice of the OIC in accordance with the universal human rights standards.

In my experience gained while working as the Executive Director[42] of the OIC Human Rights Commission for the last nine years, I consider myself an apt candidate to reflect and provide detailed analysis of the OIC's vision, conception and ongoing activities in the sphere of human rights. Based on my earlier experiences, as a diplomat of my country, working closely with the UN Human Rights Council, Third Committee of UN General Assembly and the UN Security Council, I have the additional advantage of detailed insights about universal human rights norms/standards and corresponding international implementation/ monitoring mechanisms. The opportunity of dealing with human rights issues both within the OIC and at the international level gives me the added

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[40] Ann E. Mayer, *Universal Versus Islamic Human Rights: A Clash of Cultures or a Clash with a Construct*?, 15 MICH. J. INT'L L. 307-404 (1994). P. 309.
[41] Official website of the IPHRC. URL: https://www.oic-iphrc.org/en/about (accessed: March 28, 2022).
[42] Official website of the IPHRC. URL: https://www.oic-iphrc.org/en/excutive-director (accessed: March 28, 2022).

advantage to comprehensively analyze and provide objective conclusions and recommendations in this field.

In the course of preparing my thesis/paper on the subject, I will use all the available research methodologies, which include my own knowledge of the universal/OIC human rights norms and standards, first-hand experience of working as one of the top human rights officials/experts in the organization, reviewing available research /academic literature by international experts in the field, all relevant OIC documents as well as the known techniques of interviews of the concerned OIC officials and decision-makers. I also intend to use the possibility of seeking views from the former decision-makers in the OIC, through written questionnaire or telephonic interviews to supplement the information available on line or existing records of the OIC.

In the following few pages, I will endeavor to provide a short introduction of the OIC that will include reflection on the history of the OIC, its aims and objectives, the structure of the Organization and the mandate of its principal and subsidiary organs. Additionally, it will reflect on the key issues dealt by the OIC with particular focus on international human rights.

The Muslim world refers to the worldwide community that adheres to or has been touched by the faith and history of Islam[43]. Islam has affected every aspect of their lives from political system, cultural practices to social and economic moors[44]. Spread over four continents the population of the Muslim world covers almost one fourth[45] (1.8 billion - 24.2% of the world population) of the humanity. The diversity of experiences among different Muslim countries and populations has created a unique mixture whereby these countries with different political systems, economic features and social structures remain greatly influenced by the teachings of Islam. Despite diversity of their experiences, a

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[43] İhsanoğlu, Ekmeleddin. (2010). *The Islamic world in the new century: the Organization of the Islamic Conference*. London: Hurst & Co. P. 1.
[44] Ibid.
[45] Statistical Yearbook on OIC Member Countries 2019 by SESRIC. P. 28.

cursory look at the administrative systems of Muslim States would reveal that the religion of Islam has constantly maintained its importance and sensitivity in both their internal and external politics.

From the end of nominal Ottoman Caliphate[46] (Khilafat - title for the leader of all Muslims) in 1924, there has been no unified source, authority or organization who could collectively speak for the concerns of Muslims around the globe. Whereas, the end of World War II paved the way for decolonization efforts around the globe, it also divided the world into two main blocs of capitalism and communism[47]. Most countries of the world saw themselves as part of either one or the other bloc based on their political alliance rather than their religious or cultural affinity. Despite the fact that Muslims constituted almost 1/5th of the total world population, there were no means or mechanisms available from where they could collectively raise or address their concerns at a regional or global level. This shortcoming was constantly felt by many Muslim countries and leaders around the world, who pursued several campaigns to reinstitute the concept of solidarity in the Muslim world[48].

Overtime, various Muslim leaders and States tried to bring the Islamic world into a single international organization. A number of landmark events laid the foundations of its final constitution, namely[49]: a) Third Islamic Conference (Jerusalem, 1931) that mostly gathered Muslim intellectuals; b) first conference of political leaders in August 1954[50], in which a bill was approved to that effect; and c) the Islamic Summit Conference held in Rabat in 1969[51], aimed at discussing the Muslim world's problems and interests. Finally,

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[46] Ottoman Caliphate. URL: https://en.wikipedia.org/wiki/Ottoman_Caliphate (accessed: March 28, 2022).
[47] Fraser, Cary. (2013). *Decolonization and the Cold War*. Oxford Handbook of the Cold War. Pp. 3, 7.
[48] Supra note p. 14.
[49] Gutiérrez Castillo, Victor. (2015). ISLAM AND INTERNATIONAL ORGANIZATIONS: THE ORGANIZATION OF ISLAMIC COOPERATION, in the book on *Evolutions in the Law of International Organizations*. Leiden, The Netherlands: Brill Nijhoff.
[50] Ibid.
[51]Declaration of the Rabat Islamic Summit Conference, 1969. URL: http://ww1.oic-oci.org/english/conf/is/1/DecReport-1st%20IS.htm (accessed: March 28, 2022).

in 1972, the Third Islamic Conference of Foreign Ministers (ICFM)[52] approved and adopted the Charter of the Organization of Islamic Conference, giving rise to a new organization that put special emphasis on the notion of Islamic solidarity.

Indeed, the criminal arson attack against the Al-Aqsa Mosque in Jerusalem on August 21, 1969 expedited and paved the way for the Kings and Heads of State and Government of Islamic countries to organize the First Islamic Conference in Rabat, Morocco from 22-25 September 1969. The outcome of this Summit was the expression of their solidarity with the Palestinian people and their commitment to foster mutual economic, cultural and religious cooperation[53]. From 23-25 March 1970, King Faisal of Saudi Arabia convened in Jeddah the First Islamic Conference of Foreign Ministers (ICFM), who decided to take steps for their own mutual international cooperation and create a forum for discussion about the main topics affecting the Muslim world[54]. This forum then laid the foundation of the Organization of the Islamic Conference, with concrete areas of priority, objectives and the need for cooperation and solidarity clearly laid out in the shape of a Charter, which was adopted during the Third ICFM[55] (held in Jeddah in March 1972) and put into effect on February 28, 1973.

Years later, on June 28, 2011, the organization would change its name and emblem and thereafter became the Organization for Islamic Cooperation[56]. Currently consisting of 57 Member States[57], the OIC is open to all Muslim States regardless of their geographical location. Thirty of its present members are called the founder members. The organization also grants "observer" status[58] to States (such as Central African Republic,

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[52] Communique of the Third ICFM, 1972. URL: https://www.oic-oci.org/docdown/?docID=4402&refID=1235 (accessed: March 28, 2022).
[53] Supra note 18.
[54] Declaration of the First Islamic Conference. URL: http://ww1.oic-oci.org/english/conf/fm/All%20Download/Frm.01.htm (accessed: March 28, 2022).
[55] Final Declaration of Third ICFM, Article 13. URL: http://ww1.oic-oci.org/english/conf/fm/All%20Download/Frm.03.htm (accessed: March 28, 2022).
[56] OIC- CFM Res 4/38-ORG. URL: https://www.oic-oci.org/docdown/?docID=385&refID=27 (accessed: March 28, 2022).
[57] Website of the OIC. URL: https://www.oic-oci.org/states/?lan=en (accessed: March 28, 2022).
[58] Website of the OIC. URL: https://www.oic-oci.org/page/?p_id=179&p_ref=60&lan=en (accessed: March 28, 2022).

Russian Federation, Thailand, Bosnia & Herzegovina and Turkish Cypriot State), other international bodies (such as the United Nations, African Union, Non-Aligned Movement, Economic Cooperation Organization, Gulf Cooperation Council or the Arab League) and even entities like (the Moro Islamic Liberation Front of the Philippines and True Representatives of Kashmiri People), who participate in its annual sessions and other activities.

The Organization of Islamic Cooperation (OIC) is an expression of a shared will for solidarity and cooperation that draws its binding force from these experiences[59]. These are mostly Muslim majority countries who use the platform of OIC to discuss and coordinate their roles and positions in global affairs. The OIC also creates frameworks for actions aimed at furthering the interests and objectives of Muslim countries in the economic, social, cultural and political fields. Overtime, the OIC has established itself as a unique platform where the external relations of Member States, primarily in the domain of religious sensitivities, cultural expressions and political aspirations are streamlined[60].

While there are a host of cooperation objectives laid out in the OIC Charter[61], some of the key objectives are to improve and strengthen Islamic friendship and solidarity among Member States; ensure active participation of Member States in the global political, economic and social decision making processes to secure their common interests; protect and defend Islam's true image and prevent its defamation; promote Islamic values of moderation and tolerance; promote dialogue among civilizations and religions; strive to achieve integrated and sustainable human development in Member States; promote and protect human rights and fundamental freedoms and to cooperate in combating humanitarian emergencies as well as to promote cooperation in social, cultural and information fields among the Member States.

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[59] Supra note 10, p. 1.
[60] Website of the OIC. URL: https://www.oic-oci.org/page/?p_id=52&p_ref=26&lan=en (accessed: March 28, 2022).
[61] OIC Charter, Chapter I, Article 1.

In line with the nation-States based international order, the OIC Charter, as a matter of principle, safeguards the right to self-determination and non-interference in the internal affairs of the Member States as well as their sovereignty, independence and territorial integrity[62]. It also affirms that in pursuit of the mentioned objectives, Member States will be guided by the noble Islamic teachings and values[63]; commit themselves to the purposes and principles of UN Charter[64]; and shall uphold and promote, at the national and international levels, good governance, democracy, human rights and fundamental freedoms, and the rule of law[65].

During the 11th OIC Summit held in Senegal (March 2008)[66], a new Charter[67] was adopted unanimously. The original objectives and the principles of the Organization whose fundamental purpose is to strengthen the solidarity and cooperation among the Member States have been clearly reproduced and reaffirmed in the present Charter. The new Charter has also created innovative mechanisms such as Executive Committee[68], which has enabled speedy decision-making processes within the OIC. Furthermore, it created new institutions such as the International Islamic Court of Justice[69] and the Independent Permanent Human Rights Commission (IPHRC)[70] as well as strengthened the existing institutions such as the Islamic Fiqh Academy, all of which follow the models of the other international organizations and give OIC the credibility of a democratic institution.

Based on the clear direction provided by the mentioned goals and objectives in the Charter, the organization has adopted certain political priorities on its practical agenda

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[62] OIC Charter, Chapter I, Article 1(3)(4).
[63] OIC Charter, Preamble: Para 2.
[64] OIC Charter, Preamble: Para 3.
[65] OIC Charter, Preamble: Para 9.
[66] 11th Session of the OIC Islamic Summit Conference. URL: https://www.oic-oci.org/confdetail/?cID=6&lan=en (accessed: March 28, 2022).
[67] OIC Revised Charter. URL: https://www.oic-oci.org/docdown/?docID=33&refID=9 (accessed: March 28, 2022).
[68] OIC Charter, Chapter VII, Art 12.
[69] OIC Charter, Chapter IX, Art 14.
[70] OIC Charter, Chapter X, Art 15.

with the "question of Palestine"[71] at the center of attention during all its meetings and pronouncements. Other issues addressed by the organization's agenda have been the right to self-determination of people of Jammu and Kashmir, countless past and present conflicts and their humanitarian consequences suffered by its Member States such as the Soviet intervention in Afghanistan, the Iran-Iraq conflict, the war in Bosnia-Herzegovina, situation of Rohingya Muslims in Myanmar, Armenian occupation of Nagorno-Karabakh, Turkish-Cypriot community, Central African Republic and Somalia etc.

Another key aspect of OIC's work has been its role to assist Muslim minorities[72] and communities outside the Member States to preserve their dignity, cultural and religious identity. Accordingly, it has remained actively involved in a number of cases involving Muslims in Europe, India, Myanmar, Philippines, Thailand, Greece and other places.

In addition to coordinating its activities and pronouncing its views on these political issues, the OIC has also endeavoured to promote and strengthen socio-economic development among its Member States through sharing of best practices and provision of development assistance through its specialized financial organ namely Islamic Development Bank (IsDB)[73]. It has also remained actively involved in coordinating and facilitating the relief assistance to Member States and Muslim communities in non-Member States during all sorts of humanitarian emergencies[74].

The strategic, political and economic affinity of its membership can be extremely helpful in resolving many of the existing international crisis, in particular those where its own members are involved such as Iraq, Afghanistan, Somalia and Syria. Similarly, common positions and unified stands on important global issues such as Palestine,

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[71] The only issue mentioned by name in the Charter of the OIC both in its preamble and Objectives.
[72] OIC Charter, Preamble: Para-19, Chapter I, Article 1(16).
[73] Sectors of cooperation covered by the IsDB on its website. URL: https://www.isdb.org/what-we-do/sectors (accessed: March 28, 2022).
[74] Role of the Department of Humanitarian Affairs as explained on OIC website. URL: https://www.oic-oci.org/dept/?d_id=18&d_ref=12&lan=en (accessed: March 28, 2022).

Kashmir, Myanmar and Islamophobia etc., are far more effective on international forums than isolated voices of concern from individual countries. The new Charter, therefore, enables the OIC to present itself as a strategic player in all the issues of its concern in the international relations.

The OIC has 57 member states and five observer states, which makes it the second largest intergovernmental organization in the world after the United Nations, with increasing number of countries interested in developing formal, institutional relations with the OIC through appointing special envoys. The first of which was the United States followed by the United Kingdom, Australia, France, Canada, and Italy. The Headquarters of the OIC is based in Jeddah, KSA but it also has regional offices[75] across the world, including in New York and Geneva (dealing with the UN), Brussels (European Union), Baghdad, Kabul, Jakarta and the two new ones in Ramallah (Palestine) and Mogadishu.

As explained earlier, the OIC is active in many fields striving to promote peace through conflict resolution, assist marginalized Muslim communities in non-Member States, promote socio-economic progress among Member States, facilitate humanitarian assistance to the needy as well as presenting a true image of the noble religion of Islam by combating its manifest defamation both from within and without, while promoting dialogue and understanding among civilizations and religions of the world.

To do these multidimensional tasks the organization has been structured in a multi-sectoral manner with different specialized and subsidiary organs, performing specifically mandated tasks in an organized manner. Activities of all these organs and entities are being coordinated through a General Secretariat which is headed by the Chief Administrative Officer called as the Secretary General of the OIC[76].

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[75] OIC Regional Offices and Missions. URL: https://www.oic-oci.org/page/?p_id=289&p_ref=100&lan=en (accessed: March 28, 2022).
[76] OIC Charter, Chapter XI, Article 16.

To ensure that the organizational structure of the OIC corresponds to the aspirations of its Member States and the mandated tasks, the new Charter duly reformed and strengthened the office of the Secretary General, created new offices within the General Secretariat dealing with the women's emancipation, family empowerment, conflict resolution, strategic planning unit and a consortium for higher education. It also created new institutions like IPHRC and reformed / strengthened other entities such as Islamic Fiqh Academy.

The OIC Charter lists the following organs and institutions, which all together form the OIC System[77]:

- Islamic Summit
- Council of Foreign Ministers
- Standing Committees
- Executive Committee
- International Islamic Court of Justice
- Independent Permanent Human Rights Commission
- Committee of Permanent Representatives
- General Secretariat
- Subsidiary Organs
- Specialized Institutions
- Affiliated Institutions

Islamic Summit is the highest decision-making forum of the OIC, which consists of the Kings and Heads of State and Government of Member States. In their capacity as the supreme authority of the Organisation, the Islamic Summit deliberates on all issues of concern to the Muslim Ummah, takes policy decisions and provides guidance for the realization of the objectives as provided for in the Charter[78].

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[77] OIC Charter, Chapter III, Art 5.
[78] OIC Charter, Chapter IV, Art 7.

The regular session of the Islamic Summit is held every two years in one of the Member States[79]. The agenda and all necessary arrangements for the convening of the Summit are prepared by the Council of Foreign Ministers with the assistance of the General Secretariat. So far 14 Regular Sessions[80] of Islamic Summit have been held, with the last one taking place in Kingdom of Saudi Arabia in May 2019.

It can also hold extraordinary sessions[81], which can be called upon the recommendation of either the CFM, one of the Member States or the Secretary General of the OIC to consider matters of vital importance to the Islamic Ummah, with a view to coordinating the Organisation's response to the particular situation. So far, the OIC has held seven extraordinary sessions.

The Council of Foreign Ministers (CFM) is the second highest decision-making body within the OIC. The regular meeting of the OIC CFM is held once a year in one of the Member States[82]. During these regular annual sessions, the CFM considers the means for the implementation of the general policy of the Organisation by[83]: a) adopting decisions and resolutions on matters of common interest in the implementation of the objectives and the general policy of the Organisation; b) reviews progress of the implementation of the decisions and resolutions adopted previously; and c) considers and approves the programme, budget and other financial and administrative aspects of the Organization.

So far, the CFM has held 46 Regular Sessions with the last one held in Abu Dhabi in February 2019[84]. An Extraordinary Session of the Council of Foreign Ministers may be convened at the initiative of any Member State or of the Secretary-General to consider

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[79] OIC Charter, End Notes, Art.3 (Resolution 3/44-ORG of the OIC).
[80] Sessions of the OIC Islamic Summit Conference. URL: https://www.oic-oci.org/confdetail/?cID=6&lan=en (accessed: March 28, 2022).
[81] OIC Charter, Chapter IV, Article 9.
[82] OIC Charter, Chapter V, Article 10(1).
[83] OIC Charter, Chapter V, Article 10(4).
[84] Sessions of the OIC CFM. URL: https://www.oic-oci.org/confdetail/?cID=11&lan=en (accessed: March 28, 2022).

any issue affecting one or more Member States with a view to taking appropriate collective measures in that respect[85].

In order to advance issues of critical importance to the Organisation and its Member States, the Organisation has formed the following Standing Committees[86]:

1.   Al Quds Committee, (Chaired by Morocco);

2.   Standing Committee for Information and Cultural Affairs (COMIAC), (Chaired by Senegal);

3.   Standing Committee for Economic and Commercial Cooperation (COMCEC), (Chaired by Turkey); and

4.   Standing Committee for Scientific and Technological Cooperation (COMSTECH), (Chaired by Pakistan).

The Standing Committees are chaired by Kings and Heads of State and Government and are established in accordance with decisions of the Summit or upon the recommendation of the Council of Foreign Ministers and the membership of such Committees[87]. These Committees are tasked to explore, promote and further avenues of cooperation amongst the Member States in their respective fields.

The Executive Committee is one of the innovations introduced by the new OIC Charter. The decision was taken to address the lacunae of non-availability of a mechanism, whereby the organization could take urgent decisions on matters of grave importance to the Ummah without resorting to the lengthy procedural requirements for convening the sessions of the CFM, the principal decision-making body. As a result, the mechanism of Executive Committee was established, which is sufficiently senior/representative and able to convene on short notice to take required measures to

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[85] OIC Charter, Chapter V, Article 10(2).
[86] OIC Charter, Chapter VI, Article 11(1).
[87] OIC Charter, Chapter VI, Article 11(2).

ensure follow up on resolutions of Summit and CFM and to address a particular situation of concern to the Islamic Ummah[88].

The Executive Committee is comprised of the Chairmen of the current, preceding and succeeding Islamic Summits and Councils of Foreign Ministers, the host country of the Headquarters of the General Secretariat as well as the Secretary-General as an ex-officio member[89]. The mechanism has proved useful in overcoming the logistics hassles of organizing bigger decision-making forums and in taking prompt decisions during crisis situations or urgent issues of concern to the OIC.

The Committee of Permanent Representatives comprises of the Permanent Representatives[90] of the Member States to the OIC, based in KSA. The key objective of this Committee is to be able to meet regularly on all issues of concern to the OIC, consider and discuss progress, coordinate and offer assistance to the General Secretariat for the smooth completion/follow up of different mandated tasks and resolutions[91]. Unfortunately, and despite repeated assurances by the host country for provision of required assistance, not all Member States have opened their Permanent Missions to the OIC in Jeddah. Thus, the mechanism remains under-utilized despite its obvious advantages.

The International Islamic Court of Justice established in Kuwait in 1987 shall, upon the entry into force of its Statute, be the principal judicial organ of the Organisation[92]. Despite the fact that the Court is yet to become active for lack of ratifications of its statute, its significance and originality cannot be denied. It is worth pointing out that the OIC's Charter did not set up its own judicial organ from the very outset, and it was not until the

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[88] OIC Ten Year Program of Action, Recommendation in the Document 2 on Policies and Programmes for Promoting enlightened moderation.
[89] OIC Charter, Chapter VII, Article 12.
[90] OIC Charter, Chapter VIII, Article 13.
[91] Supra Note 55.
[92] OIC Charter, Chapter IX, Article 14.

5th Islamic Summit –held in Kuwait in January 1987– that the Draft Statute of the International Islamic Court of Justice (IICJ) was conclusively approved[93].

As to the sources of law[94], Article 27 states that the Islamic Shar'iah is the fundamental law of the Court and can only abide by general sources of international law (treaties, customs, general law principles, and international jurisprudence) as the second choice. This means that, for the first time in international law, a court would adopt the Shar'iah, as applicable to solve international disputes.

As to its composition and functions, Article 3(a) of its Statute establishes that it shall be composed of seven judges, each elected to a four-year term and renewable only once. According to Article 4, these judges must be Muslim nationals of high moral standards, Shar'iah jurists of recognized competence, and experienced in international law. The jurisdiction of this organ, like other international courts, would be two-fold: contentious and advisory, (pursuant to Articles 21 and 42 of the Statute) respectively[95].

While the topic of human rights is not new to the OIC, the new OIC Charter had far reaching ramification for the promotion and protection of human rights and fundamental freedoms. It ushered in a new era for the OIC and its members.

Based on this new approach and to ensure that the topic of human rights is given due importance within the organization in an independent and apolitical manner, an Independent Permanent Human Rights Commission was established[96]. This Commission was created as an expert advisory body and given the status of one of OIC's principal organs working independently in the area of human rights. It comprised of 18 members with established distinction in the area of human rights. They are elected on the basis of the principle of equitable geographical representation (six members from each of the three

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[93] Final communique of the 5th Islamic Summit Conference, Para 41.
[94] Resolution 13/5-P(IS) on the establishment of Islamic Court of Justice adopted during the 5th Islamic Summit. URL: http://ww1.oic-oci.org/english/conf/is/5/5th-is-sum(political).htm#13 (accessed: March 28, 2022).
[95] Statute of the International Islamic Court of Justice.
[96] OIC Charter, Chapter X, Article 15 & Statute of the IPHRC, Chapter II, Article 2.

geographical regions i.e. Africa, Arab and Asia) and with due regard to gender balance. Members of the Commission are nominated by respective governments and are elected by the CFM for a three-year period renewable once[97].

The Commission was formally launched with the adoption of its Statute by the 38th Session of the CFM in June 2011. The principal task of the IPHRC is 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[98]. As an independent expert body on human rights, IPHRC not only advises the CFM on all issues of human rights concern to the OIC but has also been actively involved at the regional and global levels to address misconceptions about incompatibility of Islam with universal human rights. Another key task of this Commission is to review and revise the existing human rights instruments of the OIC in line with the universal human rights norms and standards.

IPHRC is supported by a permanent Secretariat, which is headed by an Executive Director[99], who in turn is assisted by a small team of officials/ secretariat staff. The headquarter /Secretariat is based in Jeddah, KSA.

The General Secretariat prepares the meetings of the Islamic Summits and the Councils of Foreign Ministers in close cooperation with the host country insofar as administrative and organizational matters are concerned[100]. The Headquarters of the General Secretariat is in the city of Jeddah, KSA until the liberation of the city of Al-Quds, that will become the permanent Headquarters of the Organisation[101].

The General Secretariat comprises of a Secretary-General, who is the Chief Administrative Officer of the Organisation assisted by such staff as the Organisation

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[97] Statute of the IPHRC, Chapter II, Art 3, 6.
[98] Statute of the IPHRC, Chapter II, Art 10-17.
[99] IPHRC Secretariat. URL: https://www.oic-iphrc.org/en/excutive-director (accessed: March 28, 2022).
[100] OIC Charter, Chapter XI, Art 20.
[101] OIC Charter, Chapter XI, Art 21.

requires. The Secretary-General is elected by the CFM for a period of five years, from among the nationals of the Member States with due consideration to competence, integrity and experience[102].

The Secretary General, assisted by his staff, performs a number of duties[103] including: a) bringing to the attention of the competent organs of the Organisation matters which, in his opinion, may serve or impair the objectives of the Organisation; b) following-up the implementation of decisions, resolutions and recommendations of the Islamic Summits, and Councils of Foreign Ministers and other Ministerial meetings; c) coordinating and harmonizing the work of the relevant Organs of the Organisation; and promoting communication among Member States and facilitating consultations and exchange of views as well as the dissemination of information that could be of importance to Member States.

Subsidiary organs are established within the framework of the Organisation in accordance with the decisions taken by the Islamic Summit or Council of Foreign Ministers and their budgets are approved by the Council of Foreign Ministers[104]. A list of the subsidiary organs is given below[105]:

1.   Statistical, Economic, Social Research and Training Center for Islamic Countries (SESRIC)

2.   Research Center for Islamic History, Art and Culture (IRCICA)

3.   Islamic University of Technology (IUT)

4.   Islamic Center for the Development of Trade (ICDT)

5.   International Islamic Fiqh Academy (IIFA)

6.   Islamic Solidarity Fund and its Waqf (ISF)

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[102] OIC Charter, Chapter XI, Art. 16.
[103] OIC Charter, Chapter XI, Art 17.
[104] OIC Charter, Chapter XII, Art 23.
[105] OIC Subsidiary institutions. URL: https://www.oic-oci.org/page/?p_id=64&p_ref=33&lan=en (accessed: March 28, 2022).

Specialized institutions of the Organisation are established within the framework of the Organisation in accordance with the decisions of the Islamic Summit or Council of Foreign Ministers. Membership of the specialized institutions is optional and open to members of the Organisation. Their budgets are independent and are approved by their respective legislative bodies stipulated in their Statute[106]. A list of these institutions is given below[107]:

1.	Islamic Development Bank (IDB)

2.	Islamic Educational, Scientific and Cultural Organization (ISESCO)

3.	Islamic Broadcasting Union (IBU)

4.	International Islamic News Agency (IINA)

5.	Islamic Committee of the International Crescent (ICIC)

6.	The Science, Technology and Innovation Organization (STIO)

Affiliated institutions are entities or bodies whose objectives are in line with the objectives of OIC Charter, and are recognized as affiliated institutions by the CFM. Membership of the institutions is optional and open to organs and institutions of the Member States. Their budgets are independent of the budget of the General Secretariat and those of subsidiary organs and specialized institutions. Affiliated institutions may be granted observer status by virtue of a resolution of the Council of Foreign Ministers. They may obtain voluntary assistance from the subsidiary organs or specialized institutions as well as from Member States[108]. A list of these institutions is given below[109]:

1.	Islamic Chamber of Commerce, Industry and Agriculture (ICCIA);

2.	Organization of Islamic Capitals and Cities (OICC);

3.	Islamic Solidarity Sports Federation (ISSF);

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[106] OIC Charter, Chapter XIII, Art 24.

[107] OIC Specialized institutions. URL: https://www.oic-oci.org/page/?p_id=65&p_ref=34&lan=en (accessed: March 28, 2022).

[108] OIC Charter, Chapter XIII, Art 25.

[109] OIC Affiliated institutions. URL: https://www.oic-oci.org/page/?p_id=66&p_ref=35&lan=en (accessed: March 28, 2022).

4. World Federation of Arabo-Islamic International Schools (WFAIIS);

5. Organization of the Islamic Shipowners Association (OISA);

6. Islamic Cooperation Youth Forum for Dialogue and Cooperation (ICYF);

7. International Union of Muslim Scouts (IUMS);

8. Federation of Consultants from Islamic Countries (FCIC);

9. Islamic World Academy of Sciences (IAS);

10. General Council for Islamic Banks and Financial Institutions (CIBAFI);

11. Federation of Contractors from Islamic Countries (FOCIC);

12. OIC Computer Emergency Response Team (OIC-CERT);

13. Standards and Metrology Institute for Islamic Countries (SMIIC);

14. Islamic Cement Association (ICA), Istanbul, Turkey;

15. International Islamic University Malaysia (IIUM);

16. Association of Tax Authorities of Islamic Countries (ATAIC);

17. Real Estate Union in Islamic States (REUOS);

18. Organization of Islamic Cooperation Broadcasting Regulatory Authorities Forum (IBRAF).

OIC is the sole existing organization based on an identifying religious conception as an element of unity among its Member States and in which Islam is the common denominator and the only source of identity and integration. In fact, the OIC Charter stipulates that its prime objective is to "promote Islamic solidarity among Member States"[110].

OIC is neither a regional body –its Member States are from four different continents– nor a universal organization, since only the States that practice Muslim faith can be granted membership[111]. At the same time, OIC is the world's second largest

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[110] OIC Charter, Chapter I, Article I (1).
[111] OIC Charter, Chapter II, Article 3(2).

organization after the UN, covering a geographical area of great strategic importance from an international standpoint[112].

Among the range of political issues addressed by the OIC, it does take a strong political stance on the question of Palestine[113], as it was the key motivating factor that helped establishment of this organization. No OIC meeting, therefore, goes without pronouncing its affirmation of support to the legitimate struggle of Palestinian people for their right to self-determination. The Charter indicates that the OIC will have its headquarters in Jeddah (Saudi Arabia) until the liberation of city of Al-Quds, which will become its permanent headquarters.[114].

Overtime, however, the organization has converted into a comprehensive outfit representing and cooperating all issues of mutual interest, not just to the Member States alone but the global Muslim community as a whole. Accordingly, the organization regularly pronounces itself on a range of political, peace and security, human rights, humanitarian, socio-economic and technological issues of interest to the Islamic Ummah.

Beyond its interventions in conflicts resolution, the OIC contributes in its capacity as subject of international law, to further institutionalize international society and develop its sources, but always from an Islamic perspective. Hence, it has not only developed a number of its own international conventions but also contributed to the development of various regional and international conventions by providing useful inputs based on best practices from its rich socio-cultural-religious and legal norms. Internally too, it has crafted a number of legal instruments in the fields of social, political, economic and human rights such as the Covenant on the Rights of Child in Islam[115], Cairo Declaration

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[112] Member States of the OIC hail from four continents namely, Asia, Africa, Europe and Latin America.
[113] The only issue mentioned by name both in the preamble and Objectives of the OIC Charter.
[114] OIC Charter, Chapter XI, Article 21.
[115] Covenant on the Rights of the Child in Islam. URL: http://ww1.oic-oci.org/english/convenion/Rights%20of%20the%20Child%20In%20Islam%20E.pdf (accessed: March 28, 2022).

on Human Rights[116], OIC Plan of Action on Advancement of Women (OPAAW)[117] and OIC Convention on Combating International Terrorism[118] etc.

The pursuit of global peace and security is one of the key objectives of the United Nations, which includes the Muslim world. Both the OIC and UN Charters also enshrine this objective as a major principle[119]. In pursuit of this objective, the Muslim world cooperates through the platform of the OIC with other international actors, including international organizations. The key to the OIC's external activities is to conduct advocacy on behalf of the Muslim world as a whole, and to engage with the wider world at all levels for this cause[120]. Internally, the OIC seeks to act as a platform and a forum to resolve differences between Member States, and thus further peace and security[121].

Indeed, it is worth pointing out that the role of OIC, as an international organization of a cross-regional nature is becoming ever significant in the peace and conflict management processes taking place in African and Middle Eastern countries. Even if there are many regional international organizations operating in these badly affected continents, the OIC has set the pace of the race to cope with the conflicts facing the Muslim world[122]. OIC's leadership in the Muslim world has become all the more noticeable in the last few decades on account of a number of circumstances, including a) its manifest independence from other regional organizations; and b) the criticism leveled at the UN Security Council for its discretionary attitude towards certain international conflicts[123]. As a result of all these determining factors, OIC's voice has become pivotal

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[116] The Cairo Declaration on Human Rights in Islam. URL: https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/571230.pdf (accessed: March 28, 2022).

[117] OIC Plan Of Action For The Advancement Of Women (OPAAW). URL: https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/38864.pdf (accessed: March 28, 2022).

[118] Convention of the Organisation of the Islamic Conference on Combating International Terrorism. URL: http://ww1.oic-oci.org/english/convenion/terrorism_convention.htm (accessed: March 28, 2022).

[119] OIC Charter, Chapter I, Article 2(5) & Chapter XV, Articles 27 & 28.

[120] Supra note 10, p. 97.

[121] Ibid.

[122] Supra note 16.

[123] Ibid.

around the world in dealing with any conflict involving OIC countries[124]. For the same reason, we see various international organizations and even non-Muslim States like USA, Russia, China, UK, France, Canada and others have shown great interest in formalizing relationship with the OIC.

The OIC has long sought the resolution of a host of conflicts that have troubled its Member States. The most prominent conflict affecting the Muslim world is no doubt the Palestine conflict, which, in fact, was the immediate reason for the establishment of the OIC in 1969. Israel's continued occupation of the Palestinian territories keeps the question of Palestine at the core of the OIC's activities, seeking to redeem the rights of the Palestinians, including their right to self-determination/statehood. The dispute over Jammu and Kashmir is another issue in which the OIC is actively involved in seeking a peaceful solution as per the relevant Security Council Resolutions[125].

Afghanistan used to be a permanent item on the OIC agenda when it was occupied by the former Soviet Union. It continues to be addressed by CFM[126] as the situation of peace and security in the country remains fragile. The occupation of Iraq in 2003 was also of major concern to the OIC, as well as the unstable and volatile situation in the wider Middle East. The war in Bosnia Herzegovina[127] was another matter that featured prominently on the OIC agenda. Similarly, the issue of Cyprus[128] has been on the OIC agenda for several years. In recent times, the ongoing conflicts in Somalia[129], Central African Republic[130], Syria[131] and Yemen[132] have featured prominently on the agenda of the OIC.

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[124] Supra note 16.
[125] OIC 46th CFM Resolution on Political Affairs: Res 10/46-Pol on the Jammu and Kashmir Dispute, 2019.
[126] OIC 46th CFM Resolutions on Political Affairs: Res. 4,5/46-Pol on the Situation in Afghanistan, 2019.
[127] OIC 46th CFM Resolution on Political Affairs: Res. 22/46-Pol on the Situation in Bosnia, 2019.
[128] OIC 46th CFM Resolution on Political Affairs: Res. 21/46-Pol on the Situation in Cyprus, 2019.
[129] OIC 46th CFM Resolution on Political Affairs: Res. 1,2,3/46-Pol on the Situation in Somalia, 2019.
[130] OIC 46th CFM Resolution on Political Affairs: Res. 9/46-Pol on the Situation in Central African Republic, 2019.
[131] OIC 46th CFM Resolution on Political Affairs: Res. 6/46-Pol on the Situation in Syria, 2019.
[132] OIC 46th CFM Resolution on Political Affairs: Res. 16/46-Pol on the Situation in Yemen, 2019.

At the same time, the OIC provides assistance to Muslim minorities and communities living in non-member states, who account for almost one-third of the world's Muslim population. Where such minorities and communities confront discrimination and infringement of their human rights, on the basis of their religion, the OIC actively voices its concern and works to secure their rights and the preservation of their distinct cultural and religious identities[133]. However, it has always done so by engaging in contact with the respective governments and working within the legal framework of the nations concerned.

Close interaction with the host countries of these communities on the basis of sovereign equality within the framework of relevant international / national legal frameworks have paved the way for productive and mutually beneficial results. In most cases the OIC Secretary General has appointed special envoys, who maintain close contacts with the host countries and endeavor to address the concerns in a non-confrontational manner in accordance with relevant provisions of international law / universal human rights standards. Prominent cases of Muslim minorities include the southern Philippines, southern Thailand, Myanmar, Western Thrace, and Xingjian Province of China.

Moreover, the OIC is also actively involved in combating misconceptions and certain antagonistic views about Islam emanating from divisive social, political and media quarters in Western societies, particularly in the aftermath of the 9/11 events[134]. Examples of these include the association of Islam with violence and terrorism and the publication of defamatory materials against Islam, in total disregard for the sensitivities of Muslims. Such defamatory environment has led to negative stereotyping, which resulted in manifest discrimination and even violence against Muslims[135]. Empirical evidence suggests that it

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[133] OIC 46th CFM Resolutions on Muslim minorities in the Non-OIC countries: Res. 46/2019/MM, 2019.
[134] Supra note 10, p. 98.
[135] Report of the UN Special Rapporteur on Racism on Islamophobia A/HRC/9/12.

even seriously undermined Muslims' ability to enjoy fair and just treatment in, amongst other areas, employment, housing and education. OIC, therefore, took this subject seriously at all levels and made strenuous efforts to expose the discriminatory intentions of Islamophobes as well as to address misconceptions behind material used for Islamophobic propaganda.

Proceeding from this firm belief that addressing incitement to hatred and discrimination based on religion helps promoting peace and harmony both within and among societies, the OIC also took up this matter from a legal standpoint by bringing relevant resolutions in the UN Human Rights Council and General Assembly, which aptly explain the difference between freedom of expression and hate speech. These resolutions also emphasize the need for combating all forms of incitement to hatred, discrimination and violence based on religion in accordance with the relevant provisions of international human rights law[136]. To complement these efforts, the OIC has also been involved in a range of interfaith and intercultural activities around the globe including those of the UN Alliance of Civilizations and other regional and global initiatives. Details of these activities to be covered in Islamophobia chapter of this Thesis.

In today's world good governance is considered as one of the key indicators in judging the quality and level of socio-political development and progress of any country. Lack of good governance and pluralistic institutions is often cited as one of the reasons for underdevelopment. But as it would be true in every case, socio-cultural, legal and political systems of any country depend on the unique history that country has weathered in terms of relevant experiences. Similarly, the present lot of OIC Member States, understandably with their own diversity of experiences, have varying types of governance systems. Accordingly, these countries not only differ in terms of their political orientation but also religious orientation and extent of socio-economic development. These

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[136] HRC Resolution on Combating incitement to hatred based on religion.

experiences have affected them in varying degrees; with some progressing faster on the graph of good governance while others remain struggling[137].

With the end of the Cold War, the Muslim world also felt the need to alter its responses to the global yearnings for more participatory forms of government. Accordingly, there have been progressive improvements in all OIC countries with more democratization of institutions and enhanced role of public in decision making processes. Different forms of governments in OIC countries do not necessarily mean lack of freedoms and rights for people in those countries[138]. In fact, freedoms emanating from religion and, in some instances, cultural traditions have allowed considerable fundamental rights[139] from the beginning. New winds of democratization in the form of Arab Spring etc., have further expedited the ongoing reform processes. Accordingly, there is a general desire and agreement both among the masses and the ruling elite on the need for more representative and participatory forms of government, which are essential to ensuring good governance and enjoyment of human rights.

Responding to these common desires, the OIC Ten-Year Programme of Action[140] declared in categorical terms the necessity to introduce good governance and uphold human rights in the Member States. It asserted the importance of good governance, human rights and representative institutions. This declaration was possible due to an overwhelming belief in the Muslim world that modernizing the State-structures and introducing reforms is a holistic process and the participation of its citizens is the only path towards progress. Judging from the progress in the last 15 years, it is evident that despite different models of governance, all OIC countries have made significant steps/ progress towards the objective of achieving economic progress and development with security of rights for its populations. Member States have also taken a keen interest in

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[137] Supra note 10, p. 182.
[138] Supra note 10, p. 182.
[139] Ibid.
[140] OIC Ten Year Program of Action.

enhancing the integrity of public institutions and governments including, measures to curb corruption[141].

As for promoting and protecting human rights, OIC has been abundantly clear from the beginning that it remains its core objective. All Member States of the OIC are in agreement that the Universal Declaration of Human Rights provides the contemporary framework of essential guarantees for protecting the human rights of their citizens[142]. OIC countries are also proud and firmly believe that their religion, Islam, provided fourteen centuries ago, an exemplary code of human rights, which conferred on all human-beings dignity and honour and condemned injustice, oppression and exploitation[143]. Human rights in Islam are firmly rooted in the concept of equality among all humans, transcending all ethnicities, colour, language and social status. These rights are the bedrock of Islamic teaching and no ruler, government assembly or authority can alter, curtail or violate them in any way[144].

The new OIC Charter has far reaching ramification for the promotion and protection of human rights and fundamental freedoms. It ushered in a new era for the Organization and its members. The objectives of the Charter, in many of its provisions, have highlighted the importance of good governance, human rights, and the upholding of universal common values[145]. The Charter also extends its resolve to protect the rights of Muslim communities and minorities in the non-Member States[146]. This new approach, in the objectives of the Charter, marked a great step forward in adapting to universal human rights values aligning its policies and practices with relevant international standards.

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[141] OIC Ten Year Program of Action.
[142] Supra note 10, p. 183.
[143] Ibid.
[144] Ibid. P. 184.
[145] OIC Charter, Chapter I, Article 2(7).
[146] OIC Charter, Chapter I, Article 1(16).

Particular emphasis was also placed on the rights of women, children, elderly, disabled and family[147].

In late 80s, the OIC adopted the Cairo Declaration of Human Rights in Islam (CDHRI)[148], its first formal expression of commitment to human rights, which has complemented the universal values enshrined in the Universal Declaration. However, this was not the end of the journey for the OIC. The OIC Ten-Year Programme laid the foundation for a major undertaking by the Member States, seeing the promotion of and respect for human rights as the cornerstone for reform in the Muslim world. To firm up its commitments on the rights of children, the OIC has also adopted its Convention on the Rights of Child in Islam (CRCI)[149].

Contrary to misperceptions, gender equality in the OIC is not disputable, as Islam aims to forcefully elevate the concept of equality among human beings. There is no concept of moral, spiritual or intellectual superiority in the context of men and women. The mere physical superiority of the male gender is not the yardstick through which gender rights are viewed in Islam[150]. However, OIC does believe that based on their natural differences, both men and women may have different needs, and roles, which must be taken into account while crafting relevant policies. Accordingly, the OIC prefers using the term Gender equity over gender equality that better explains and covers the needs of women while ensuring their equality of dignity at all costs. In line with its commitment to promote women empowerment, the OIC has also adopted a Plan of Action for the Advancement of Women in Member States (OPAAW)[151]. Progress against this Plan of Action is reviewed by the relevant OIC Ministerial meetings on a regular basis.

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[147] OIC Charter, Chapter I, Article 1(14).

[148] CDHRI. URL: https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/571230.pdf (accessed: March 28, 2022).

[149] CRCI. URL: https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/327425.pdf (accessed: March 28, 2022).

[150] Supra note 10, p. 186.

[151] OPAAW. URL:: https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/38864.pdf (accessed: March 28, 2022).

To affirm its commitment to protecting the institution of family and its values, the OIC also established a Family Unit[152] in the OIC General Secretariat and held a series of Ministerial meetings, which discussed and adopted OIC Strategy on the subject. The OIC countries have also led and presented a strong resolution in the UN[153], which supports the role of family in the sustainable development of societies. Based on their strong belief in the institution of family, OIC countries have also opposed the ill-conceived notion of sexual orientation as a fork in the road to common progress towards universal realization of human rights[154].

One of the novel and most significant steps taken by the OIC was to establish its own independent permanent human rights Commission. The new Charter of the OIC made the Independent Permanent Commission on Human Rights a principal organ of the Organization, on a par with the others, elevating the importance of human rights[155]. Establishment of this Commission conveys the resolve of the Member States that they were not only serious about the promotion and protection of human rights but were also ready to be observed and guided by the independent expert advice on the subject.

In a short span of eight years, despite lack of requisite resources, this commission has established itself as a well-reputed human rights body with firm and objective views on all issues of concern to the OIC. It has presented analytical views on major international human rights forums that have helped OIC positions as well as clarify misperceptions about Islamic perspective on these issues. Based on its objective views and effective reach out, the UN and its relevant entities, regularly cooperate and collaborate in its activities. As a recognition of the important and valuable work done by this Commission on different human rights issues, recommendations made by IPHRC are also corroborated in different relevant UN reports.

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[152] Ten Year Program of Action, Article 2(VI)(10).
[153] HRC Resolution A/HRC/RES/26/11 "Protection of the family".
[154] OIC 46th CFM Resolution 4/46-Cul on Social and Family Affairs, para 5.
[155] OIC Charter, Chapter III, Article 5(6).

The global architecture of human rights institutions and mechanisms has evolved in line with the growing challenges and ambitions to address human rights issues worldwide. Generally speaking, human rights architecture can be categorized into three different but complementary levels, which include global, regional, and national institutions. The multitude and interconnectedness of these human rights institutions often result in the intersection of human rights systems as States may be subjected to the jurisdiction of global as well as regional and national level human rights institutions. These different levels of human rights mechanisms play an important role in bridging the gap in implementing, monitoring, and protecting human rights under different circumstances. With the expansion of consecutive generations of human rights norms and standards, combined with increasing number of international human rights instruments and agreements, these institutions have become a primary instrument to translate human rights norms into practical policies and programs.

In recent times, the United Nations is the pioneer in establishing human rights instruments, institutions and mechanisms such as UN human rights conventions, Treaty Bodies, Office of the High Commissioner for Human Rights, UN Human Rights Council, which have worked for furthering the establishment of other international, regional and national human rights mechanisms. Other international and regional human rights mechanisms include European Court of Human Rights as well as the similar mechanism in Africa, South America and Asia. Alongside these commonly known human rights mechanisms, the past 50 years have seen a proliferation of numerous regional and national human rights institutions. In some instances, these mechanisms have provided the necessary foundation to develop further 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 these 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 can be applied, monitored and at times adjudicated.

In line with this global trend, the OIC has also made progress by devising its own human rights instruments and establishing its human rights mechanism to ensure the protection and promotion of human rights in the Member States. The first significant step in framing a human rights instrument by the OIC was materialized by adopting the Cairo Declaration on Human Rights in Islam in 1990. Subsequently, the OIC adopted other instruments, which include the Convention on the Rights of the Child in Islam and the OIC Plan of Action for the Advancement of Women. The adoption of these instruments implied the eventual need to establish institutions that can support the implementation and oversight of these human rights instruments both at the national and at the OIC level.

Here an important point to be remembered is that the OIC has not tried to build a new or distinct human rights architecture away from the universal human rights framework. Almost all the OIC countries are state parties to most of the UN human rights treaties, which show their commitment and adherence to the universal human rights architecture. Adoption of the OIC human rights conventions such as the CDHRI, CRCI and OPAAW are meant to highlight the positive and particular specificities on these topics from Islamic teachings, values and culture.

Accordingly, the CDHRI was finalized in 1989. However, the initial effort could not lay down a comprehensive framework, which could aptly explain and relate various human rights issues between the Islamic and UN human rights standards. The OIC CRCI was finalized in 1990. This was a better effort compared to the CDHRI. Yet there were areas, which needed more clarity. Resultantly, there was criticism on these documents both from within and outside the OIC. The process of review and up-gradation/revision are inherent in any legal instrument. Based on the above explanation, the OIC's human rights architecture required updating and adapting with universal human rights norms and standards while preserving the Islamic teachings and values. Accordingly, the OIC-CFM

mandated the OIC-IPHRC[156] to review and revise the CDHRI and CRCI with a view to streamlining the two documents in line with the existing universal human rights standards and the relevant Islamic teachings and principles of equality and justice.

The IPHRC, as it will be discussed in details in Section 2 of Chapter I, has the inherent mandate[157] to "submit recommendations on refinement of OIC human rights declarations and covenants", has judiciously worked on these mandates from the OIC CFM. After a careful review, the IPHRC presented a revised version of CDHRI to the CFM, with the name of Cairo Declaration of OIC on Human Rights (CDOHR), which was discussed in an Intergovernmental Working Group for finalization and adopted by the 47th Session of the OIC CFM. IPHRC also completed the review of CRCI and presented the revised draft of OIC Convention on the Rights of Child to the 47th CFM, which has asked the OIC Secretary General to form an Intergovernmental Working Group to finalize the revised instrument.

In regard to the situation of women in OIC Member States, the OIC took a major step in 2008 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 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 Member States, OIC Member States adopted the updated OPAAW that included an analytical structure along with an implementation matrix. Accordingly, the updated OIC's 2025 Programme of Action included crucial provisions aimed at promoting and protecting women's rights. Over the last several

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[156] 42nd OIC-CFM Resolution no. 1/42-LEG on Follow-up and Coordination of action in the Field of Human Rights. https://www.oic-oci.org/docdown/?docID=307&refID=23 (accessed: March 28, 2022); 45th OIC-CFM Resolution No.4/45-CUL on Social and Family Affairs. URL: https://www.oic-oci.org/docdown/?docID=1878&refID=1078 (accessed: March 28, 2022).
[157] Article 17 of the IPHRC Statute. URL: https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/802078.pdf (accessed: March 28, 2022).

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.

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". 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, empowered and considered as full active participants in social, political, cultural and economic domains. To this end, the OPAAW calls upon Member States to reduce inequalities and improve the status of women as well as to address the growing challenges faced by women in the OIC region.

In line with its focus on the rights of women, the OIC has also established a specialized organization called Women Development Organization (WDO), which is based in Cairo, Arab Republic of Egypt. The core objectives of this organization inter alia include helping Member States in their efforts to: promote and protect women's rights; implement OPAAW; and establish comprehensive standards, norms and mechanisms that are necessary for elimination of all forms of discrimination against women.

1.2. Competence of the IPHRC: the Principal Human Rights Organ of the OIC

Human rights issues have always been part and parcel of the OIC agenda. A variety of the thematic and country specific human rights situations are dealt by the OIC from its inception, including the right to self-determination, discrimination on the basis of one's

race or religion, plight of refugees, poverty alleviation, situation in Palestine and Kashmir as well as the protection of socio-cultural rights of Muslim minorities in different parts of the world. Overtime, the OIC has paid enhanced attention to the human rights issues and constructively contributed to the strengthening of the international human rights edifice.

Reflection of the enhanced interest in human rights was manifest during the review of the OIC Charter, when Member States included the ideals of promoting and protecting democracy, good governance and human rights as important objectives in the revised Charter[158]. This strengthened belief in human rights ideals has also transformed into concrete steps on ground including the review and revision of human rights instruments and establishing of new mechanisms for effective follow up and implementation.

Despite the existence of international human rights institutions, which play a prominent role in providing a general framework for countries to advance their human rights policies, the particularities of every region, context, and culture represent a unique environment that justifies the creation of regional institutions that can mitigate the context-sensitive application of international human rights norms and standards. In the case of OIC, we see that its Member States, despite being from different geographical regions, are linked through a unique string of faith. Accordingly, the OIC has established a dedicated institution to deal with human rights issues with the objective to uphold the universal human rights criteria, while paying due attention to the sensitivities across the OIC region.

With its Ten-Year Programme of Action (TYPoA) and the increasing recognition of the need for an independent body to promote human rights in its Member States, the OIC took a bold step toward laying the foundation of its human rights regime. Establishment of the Independent Permanent Human Rights Commission (IPHRC) was a clear sign of OIC's endeavors to institutionalize human rights standards and norms across

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[158] OIC Charter, Preamble, full text. URL: https://www.oic-oci.org/upload/documents/charter/en/oic_charter_2018_en.pdf (accessed: March 28, 2022).

the Member States. Broad contours of an effective and independent human rights mechanism were envisaged in the OIC TYPoA adopted by the 3rd Extraordinary Islamic Summit[159] on 7-8 December 2005 and the creation of IPHRC was enunciated in the New OIC Charter adopted by the 11th Islamic Summit in March 2008. IPHRC was formally launched with the adoption of its Statute by the 38th Session of CFM[160] in June 2011.

Creation of the IPHRC also signaled a move to generate a cohesive human rights strategy and guidance for all Member States that would incorporate universal human rights norms and standards with due regard and respect for regional contexts, cultural diversity and sensitivities. 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 the 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 and integrated into the international human rights discourse, processes and agenda, which also helped it to translate and transfer this international aspect into the Member States via its guidance and advisory role. Thus, the 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.

When compared to other regional human rights mechanisms, the IPHRC is situated in a unique position of a being a cross regional human rights mechanism. The 57 OIC Member States are spread over four continents, with many of the Members covered by their respective regional mechanisms[161]. Therefore, IPHRC is obliged to work as a cross-regional human rights mechanism that promotes the universal character of human rights

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[159] Ten-Year Programme of Action adopted by the 3rd Extraordinary Session of the Islamic Summit, December 2005, available at: https://ww1.oic-oci.org/ex-summit/english/10-years-plan.htm (accessed: March 28, 2022).

[160] OIC Resolution No 2/38 Legal on the establishment of IPHRC, available at: https://www.oic-oci.org/docdown/?docID=379&refID=27 (accessed: March 28, 2022).

[161] All the three regional groups of the OIC, mainly African, Arab, and ASEAN, have their own human rights mechanisms created by the African Union, the Arab League and the Asian Respectively.

with the added value of combining it with the pristine values and ethos of Islamic teachings and traditions. It also has a global dimension as its multifaceted role extends to issues on the international human rights agenda that equally affect the lives of human beings in Member and non-member States.

Establishment of the IPHRC, as one of the principal organs of the OIC, marked the beginning of a new era in the history of OIC. It overtly affirmed the resolve of the OIC Member States that the organization was fully committed to the principles and ideals of international human rights law and willing to scrutinize and improve its own human rights policies and practices independently and objectively. Furthermore, the establishment of IPHRC is also a reflection of OIC's efforts to bridge perceptional concerns and legal gaps between the 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.

Now an OIC-level institution can guide the Member States on implementing international norms and standards while preserving or not contradicting their sensitivities towards Islamic teachings, values, and traditions[162]. 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.

Establishment of the IPHRC shows the increasing importance and commitment of Member States to institutionalize human rights within the OIC. It is a step forward in establishing legitimacy amongst the Member States as well as involvement and credibility concerning human rights at the international level. Independence[163] granted to the work of the IPHRC also points to the considerable political motivation to build a human rights

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[162] IPHRC Statute, Article 8. URL: https://oic-iphrc.org/docs/en/legal_instruments/OIC_HRRIT/802078.pdf (accessed: March 28, 2022).

[163] IPHRC Statute, Preamble. URL: https://oic-iphrc.org/docs/en/legal_instruments/OIC_HRRIT/802078.pdf (accessed: March 28, 2022).

mechanism that is capable of helping in effective implementation of human rights policies through permanent institutional arrangements.

Majority of the OIC Member States have also established national human rights institutions (NHRIs) to promote and protect human rights in their countries. NHRIs work closely with the UN and OIC institutions and are part of the international human rights system. They aim to ensure that the international and regional norms and standards are applied, monitored and protected at the national level. Although these institutions face certain limitations in terms of function and capacity, there is reason to be optimistic for their strengthening and crystallization in the coming years to enhance human rights integration, protection and promotion across the OIC.

IPHRC is at the heart of the OIC institutional human rights architecture to achieve this goal. It has excellent 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 a crucial intra-OIC mechanism for the much-needed internal criticism and driving force for human rights. However, 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 including through country visits.

The Revised Charter (2008) established 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 universally agreed human rights instruments, in conformity with Islamic values.' (Article 15). Chapter III and IV of the IPHRC Statute provide further details of its objectives and mandates, which among other, include advancing human rights and fundamental freedoms in the Member States as well as the fundamental rights of Muslim minorities and communities in non-Member

States, in conformity with universally recognized human rights norms and standards, with the added value of Islamic principles of justice and equality[164].

As the human rights voice of the OIC, one of the defining missions of IPHRC is to highlight the importance and relevance of Islamic values and teachings to address serious challenges faced by present-day humanity. In this regard, IPHRC's mission 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 the Member States as well as Muslim communities and minorities in non-Member States[165].

In addition to its role as the principal advisory body to the CFM on all human rights issues of concern to the OIC, IPHRC offers its support to the Member States in their efforts to meet their human rights obligations[166]. The IPHRC does so by providing expert advice and technical support to Member States in crafting and implementing relevant policies and programmes in accordance with the relevant universal human rights instruments, norms and standards. Such guidance and support not only help Member States in strengthening and aligning their national legislation with universal human rights standards but also help in improving the human rights culture and corresponding socio-cultural and economic development.

Despite its envisaged role of being an advisory body with no monitoring or sanctioning mechanisms, IPHRC powers were advanced at its first session in Jakarta, where a remedial approach to human rights through the employment of thematic reports and resolutions instead of State-by-State review was adopted[167]. The thematic approach

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[164] IPHRC Statute, Article 17. URL: https://oic-iphrc.org/docs/en/legal_instruments/OIC_HRRIT/802078.pdf (accessed: March 28, 2022).

[165] Rules of Procedures of IPHRC. URL: https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/111912.pdf (accessed: March 28, 2022).

[166] Ibid.

[167] Turan Kayaoglu, A Rights Agenda for the Muslim World? The OIC's Evolving Human Rights Framework, Analysis Paper, published by Brookings Doha Center Publications 2013.

widened the influence of IPHRC, as it does not politicize or singles out States, rather provides thematic guidance and sets out general goals and objectives that would be more inclusive to all Member States. The remedial method combined with its members' geographical diversity and expertise also enable the IPHRC to comfortably engage with human rights issues at the international, regional and national levels. Accordingly, in addition to serving the human rights promotion and protection at the intra-OIC level, the diverse and expanded expertise of IPHRC enables it to cooperate with the non-Islamic world at the regional and international levels that helps in addressing misunderstandings and promoting better understanding on issues of mutual interest.

Based on the OIC Charter, IPHRC Statute and Rules of Procedures as well as other relevant Summit/ CFM resolutions, some of the key mandates and objectives of the Commission are summarized below:

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

- Undertaking studies and research in the field of human rights;

- Promoting and strengthening human rights in the Member States by providing "technical cooperation and assistance to the relevant national institutions";

- Advancing fundamental rights of Muslim minorities and communities in non-member States in conformity with the universally recognized human rights norms and standards and Islamic principles of justice and equality;

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

- Reviewing OIC's human rights instruments and recommending improvements, as and where appropriate, including the option of new mechanisms / covenants;

- Cooperation with relevant UN bodies and other human rights mechanisms to promote better understanding of OIC's position on different human rights issues;

- Promoting and supporting the role of Member States accredited civil society organizations; and

- Participating in Election observing Missions in the Member States.

In order to undertake its mandated tasks in line with the overall objectives outlined in the OIC Charter and its Statue, the IPHRC has devised a set of following five principles[168] that guide its work and activities:

1. Complementarity: IPHRC is not meant to duplicate the work of the existing human rights mechanisms or create new obligations. The value-addition of IPHRC's work lies in complementing or bridging the gaps vis-à-vis universal human rights framework for the benefit of the OIC Member States;

2. Introspection: IPHRC works through the lens of a remedial than a judgmental approach. IPHRC intends to build capacities and provide solutions for the OIC Member States in the area of human rights;

3. Prioritization: Being a regional human rights body, it dedicates to work on core / priority areas of concern to the OIC. This approach helps in focusing on key issues without distraction;

4. Incremental approach was used by the Commission to progressively work on issues from a list of priority to general areas of concern to the Member States. It also helped in covering the evolution process in an organized manner;

5. Credibility: is kept as guiding principle. An early harvest of doable was considered necessary to that end, which the IPHRC has achieved through its impartial and

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objective work on key human rights issues of concern both to the Member States and the international community.

The IPHRC is composed of 18 independent experts on international human rights law and Islamic jurisprudence[169]. These experts, who are called commissioners, are elected on the principle of equitable representation from the three regions of the OIC (Africa, Arab and Asia). Candidates are nominated by their respective governments and elected by the OIC-CFM for a three-year term, which can be renewed once. Once elected, these experts serve in their independent /personal capacities in the Commission. Upon election, Commissioners also take oath of their mandate which obliges them to faithfully discharge their duties with professionalism, truthfulness, independence, impartiality and integrity[170].

IPHRC jealously guards its independence and ensures that the Commissioners are always providing their independent and unbiased opinion on all issues of human rights concern to the OIC away from any political influences. Rules of procedures of the IPHRC fully support Commissioners' independence[171] urging them to: a) act in their personal capacity and to express their own convictions and views; b) uphold utmost professionalism, truthfulness, independence, impartiality and integrity; and c) not receive instructions from any state, including their own, or any other third party, while discharging their duties, free from any kind of extraneous influence.

When IPHRC was launched in 2011, an interim secretariat within the OIC General Secretariat was established to run the operational aspects of the new body. In due course IPHRC Secretariat was strengthened with requisite financial and personnel support for its independent and smooth functioning enabling it to serve the needs of the Commissioners.

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[169] Rules of Procedures of IPHRC, Section II, Rule 3. URL: https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/111912.pdf (accessed: March 28, 2022).
[170] Rules of Procedures of IPHRC, Section II, Rule 6. URL: https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/111912.pdf (accessed: March 28, 2022).
[171] Ibid.

Later as per the decision taken by the 41st CFM in its resolution[172] no. OIC/CFM-41/IPHRC, Kingdom of Saudi Arabia became the host country for IPHRC Headquarters. Accordingly, the IPHRC signed the Headquarters Agreement with the Government of KSA and shifted to its independent premises in March 2017. Since then, the IPHRC Secretariat is functioning in its new premises as an independent entity and principal human rights organ of the OIC.

In respect to the operational framework of the IPHRC, its 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[173]. It also observes and monitors the human rights situation of Muslim communities and minorities (Article 10) in non-Member States. IPHRC may also provide technical cooperation and support organizations that promote and enhance human rights in Member States[174]. IPHRC carries out these tasks through counseling and legal advice to the Member States, information campaigns, research and cooperation with other human rights organizations. However, the Charter has not mandated IPHRC to investigate specific cases of human rights violations in Member States; rather, it continues to serve as an advisory body on all human rights issues.

The IPHRC approach to address human rights issues is based both on thematic and fieldwork. Through its thematic work, i.e., providing its expert opinion on key human rights issues, both from the Islamic and international human rights law perspectives, IPHRC systematically engages and addresses the concerns of both the OIC Member States and the broader international community. In providing its expert opinion, IPHRC endeavors to highlight OIC countries' socio-cultural and religious particularities, while

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[172] Full text of the resolution. URL: https://www.oic-oci.org/docdown/?docID=323&refID=24 (accessed: March 28, 2022).
[173] IPHRC Statute, Article 10. URL: https://oic-iphrc.org/docs/en/legal_instruments/OIC_HRRIT/802078.pdf (accessed: March 28, 2022).
[174] IPHRC Statute, Article 14. URL: https://oic-iphrc.org/docs/en/legal_instruments/OIC_HRRIT/802078.pdf (accessed: March 28, 2022).

being fully mindful of the relevant universal human rights standards. Using the dual lens of Islamic principles and universal human rights standards helps IPHRC in providing a well-rounded perspective of the issue at hand and suggesting appropriate solutions to address related concerns. This approach also helps in bridging the perceptional gaps between the two frameworks, highlights the need for respecting cultural and religious particularities and contributes to bringing together the divine Islamic principles and universal human rights norms.

In the last few years, IPHRC has worked on a range of thematic issues that include topics such as the Rights of the Child, Rights of Women, Right to Development, Freedom of expression and combating incitement to hatred and hate speech, freedom of religion, Islamophobia, human rights education, protecting the institution of family, rights of refugees and importance of cultural diversity etc[175]. Conducting fact-finding missions i.e., the fieldwork is another important method of work of IPHRC through which it addresses situations of human rights concern across the world[176]. Overtime, as mandated by the CFM, the IPHRC has conducted numerous field visits to ascertain the situation of human rights in Occupied Palestine, Indian Occupied Kashmir, Rohingya Muslim minority and Central African Republic.

In addition to writing thematic studies, providing expert opinion on specific issues referred to it by the CFM and conducting field visits, IPHRC also carries out several activities each year, including holding of two regular sessions (where all issues on its wider agenda are discussed threadbare) and an annual seminar on a contemporary human rights issue of concern to the OIC. As part of its mandate to promote OIC's position on various human rights issues of global concern, IPHRC regularly participates and presents its views on relevant agenda items in the meetings of the UN General Assembly, UN

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[175] Details of all thematic debates and seminars organized by IPHRC. URL: https://oic-iphrc.org/home/post/34 (accessed: March 28, 2022).
[176] Reports of all IPHRC Field Visits. URL: https://oic-iphrc.org/home/post/32 (accessed: March 28, 2022).

Human Rights Council and other international and regional human rights forums. This particular activity has helped in addressing misperceptions while aptly conveying OIC's position from an apolitical perspective.

IPHRC Regular Sessions have a set agenda where a broad range of human rights issues are covered, including Islamophobia, human rights situation in Occupied Palestine and Indian Occupied Kashmir, rights of women and children, human rights situation in OIC and non-OIC countries, including the condition of Muslim Minorities as well as right to development and human rights education. Each Session also holds a thematic debate on an issue of contemporary human rights concern, where international human rights experts are invited to have in-depth discussions on different aspects of the chosen topic. At the end of each meeting, IPHRC also issues an Outcome Document on that particular topic, which provides its views on the subject. Some of the important issues dealt by the Commission in the recent past include topics such as "Protecting human rights while Countering Terrorism," "Importance of cultural diversity in the protection and promotion of human rights," "Promoting and protecting the rights of refugees and migrants; An Islamic and international human rights obligation," "The role of human rights in promoting Good Governance" "Climate change and Environmental protection; A human rights perspective," and "Promotion and Protection of Rights of Persons with Disabilities".

To streamline its work in an orderly manner, IPHRC has created four Working Groups that deliberate on priority areas of its work, namely: Palestine; Islamophobia and Muslim Minorities; Rights of women and children; and Right to Development. As mandated by the CFM, it has also established a standing mechanism to monitor human rights violations in Indian occupied Kashmir. Additionally, it has created several subcommittees, which work on ongoing thematic studies. IPHRC Working Groups regularly meet and discuss all issues on their agendas, details of which are fed to the Commission as a whole and the Member States through regular reports. Thematic studies

and fact-finding reports prepared by Commissioners and sub-committees are also discussed by the entire Commission during its regular Sessions before adoption and onward submission to the CFM for consideration.

IPHRC's thematic work can be divided into some key areas, which include: a) writing of thematic reports and studies on key human rights topics as well as providing expert opinion on specific issues referred to it by the CFM; b) pronouncing itself on important human rights developments and occasions in the shape of Outcome documents and press releases; and c) carrying out review and revision of OIC human rights documents as well as inputs for various human rights related meetings of the OIC.

To prepare its studies and reports on key human rights topics, the IPHRC, based on internally adopted decisions and work schedule, distributes the thematic work to the interested Commissioners and select sub-committees that carry out the necessary spadework of research, analysis and putting together a draft for the consideration of the entire Commission. These drafts are thoroughly studied by all Commissioners and required additions/ subtractions are made based on collective discussions. Finalized drafts are then sent to the CFM for its consideration. These studies and reports are always written from the standpoint of explaining the particular issue both from the Islamic and universal human rights standards as well as to counter any misperceptions on either side of the divide. A range of topics have been explored by the Commission in this area which inter alia include issues such as: Islamophobia and Counter-Terrorism Strategies; Right to Development from OIC Perspective; Rights of Minorities in Islam; Gender Equality, Gender Equity and Gender Justice; Sexual Orientation and Gender Identity in the Light of Islamic Interpretations and International Human Rights Framework; Women and men's inheritance in Islamic Sharia; and Human Trafficking in OIC countries. These

studies are regularly presented to the CFM and widely distributed to all relevant stakeholders[177].

As the principal human rights organ of the OIC, IPHRC regularly pronounces on important human rights developments and international human rights days to convey its views and to suggest possible ways forward on these issues. These pronouncements are based on the established IPHRC position on these issues, which is discussed and agreed to among Commissioners. Agreed statements are then released to the international media as well as put on the IPHRC website and twitter handle for wider publicity. These statements have proved to be an effective tool in bridging the gap of misunderstanding between the Muslim and western world as well as conveying OIC's perspective on particular human rights developments. Details of all the studies, reports and statements issued by the IPHRC are available on its website in three official languages of the OIC i.e. Arabic, English and French.

Yet another important thematic mandates of the IPHRC is to review the existing OIC human rights instruments vis-à-vis universal human rights standards and to propose revisions, where needed. In the past five years, the IPHRC has undertaken the review of the two core human rights documents namely the Cairo Declaration on Human Rights in Islam (CDHRI – considered as the UDHR of OIC) and the OIC Covenant on the Rights of Child in Islam (CRCI). Based on an elaborate review exercise, spread over three years - involving in-depth research on relevant regional/ international human rights instruments, inputs from international human rights experts and Islamic scholars as well as detailed discussions among the Commission Members on every aspect of these OIC instruments, IPHRC put forward two revised comprehensive documents for consideration of the CFM. These revised documents namely "Cairo Declaration of OIC on Human Rights (CDOHR)" and the 'OIC Convention on the Rights of Child (OCRC)" conform to

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[177] All adopted studies by IPHRC. URL: https://oic-iphrc.org/home/post/8 (accessed: March 28, 2022).

universal human rights standards while fully preserving their Islamic identity and values. After another extensive review by an Intergovernmental Working Group (IGWG), the 47th CFM has adopted the revised version of the CDOHR[178], whereas the IPHRC proposed draft OCRC is awaiting review by another IGWG, before its adoption by the next CFM.

As part of its mandate, IPHRC also offers technical assistance to the interested Member States in crafting their human rights policies and preparing their periodic reports to the UN Treaty Bodies or Universal Periodic Review (UPR) in the UN Human Rights Council. To this end, in collaboration with the relevant departments of the OHCHR, the IPHRC has conducted two training workshops on Treaty Bodies and UPR to help Member States in preparation of their periodic reports in an organized and comprehensive manner. IPHRC's future plans include more training workshops for concerned officials of the Member States dealing with women empowerment, youth rights and child protection.

Together with its thematic work, IPHRC regularly follows the human rights situations of Muslim communities across the world and provide its objective assessment of the situation in the light of relevant international human rights norms. Regular areas covered by the IPHRC include the human rights situation in Occupied Palestine, Indian Occupied Kashmir, Rohingya Muslims in Myanmar, the Muslim minority of the Central African Republic, Sri Lanka, India and other regions. In addition to basing its observations on relevant reports from credible international human rights bodies including the UN, IPHRC regularly seeks permissions from the concerned countries to undertake fact-finding Missions to affected areas for objective and impartial assessment of the situation.

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[178] The full text of the revised Cairo Declaration. URL: http://oic-iphrc.org/ckfinder/userfiles/files/FINAL%20OHRD%20CLEAN%20%20VERSION%2024_12_2020.pdf (accessed: March 28, 2022).

Such field visits have been undertaken to Occupied Palestine and Central African Republic. However, due to lack of response from India and Myanmar, IPHRC undertook visits to Rohingya Refugee camps in Cox's Bazar – Bangladesh and refugees from Indian occupied Kashmir (IoK) in Azad Kashmir to prepare its detailed reports on these human rights situations[179]. Detailed reports submitted by the IPHRC on these mandated visits, provide an objective assessment of the situation on ground with clear and practical recommendations for various stakeholders to address the situation. Veracity of these IPHRC reports has been authenticated by similar observations and recommendations cited in the relevant UN reports. Accordingly, objective feedback provided by the IPHRC on the human rights and humanitarian crisis in these areas has been appreciated by all and sundry.

To institutionalize its relations with various human rights stakeholders, IPHRC has adopted detailed Rules of Procedures and Working Methods of interaction. In recognition of the useful role played by the NHRIs in strengthening the human rights culture in each country, IPHRC regularly invites NHRIs into its activities and consults them on issues of common concern. Corresponding rules of engagement also help IPHRC for a cooperative and mutually beneficial relationship for promoting and protecting human rights in respective countries. IPHRC has also adopted its "Arrangements of Mutual Cooperation with Human Rights Organization and Research Institutions[180]." These arrangements define and organize ways of mutual cooperation with these entities on joint projects for the pursuit of common objectives in the human rights field, which may include scholarly research, organizing joint side-events at international forums on matters of mutual interest, promoting interfaith harmony, exchange of information and awareness-raising campaign, etc.

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[179] Reports of all IPHRC Field Visits. URL: https://oic-iphrc.org/home/post/32 (accessed: March 28, 2022).
[180] The arrangements document was adopted by the IPHRC 12th Regular Session in November 2017. URL: https://oic-iphrc.org/en/data/docs/session_reports/12th/12th%20Session%20Concluding%20Press%20Statement%20Final.pdf (accessed: March 28, 2022).

However, the involvement of civil society actors in the work of IPHRC remains limited. The effective mobilization of civil society groups would greatly complement IPHRC's influence, legitimacy, and operational capacity. Cooperation with the civil society actors will also help in strengthening advocacy and enforcement mechanisms of the IPHRC. Hence, IPHRC is working on finalizing its method of interaction with NGOs and civil society. In the meantime, regular interaction is kept alive with relevant human rights entities and stakeholders during IPHRC visits to the UN and other international forums.

As part of its mandate, IPHRC has also developed a good working relationship with important international human rights organizations such as the United Nations Office of the High Commissioner for Human Rights and other regional human rights bodies such as European, African, Arab, and ASEAN Human Rights Commissions. In addition to regularly participating in the relevant meetings of these entities and sharing its views on issues of concern to the OIC, IPHRC also involves these entities in its activities and also holds joint-workshops and Seminars, when possible, on issues of common interest.

The establishment of IPHRC has been widely acknowledged as a positive step both among the OIC Member States and in the international human rights circles. It has enhanced the visibility of the OIC's objective stance on global human rights issues and contributed to raising awareness and interest in multilateral human rights agenda among all OIC Member States. Also following the principle of incremental approach together with a remedial than a judgmental attitude, IPHRC was able to establish its credibility among all OIC countries including those who were initially skeptical about its establishment. As a result, most OIC countries willingly and actively engage in IPHRC activities and support its independent mandate on human rights.

However, there is a long way to go before the OIC can realize its vision for an independent, effective and consolidated cross-regional human rights mechanism. The required balance between the ambition to have an effective supranational human rights

mechanism and the need to protect the sovereignty of Member States is a complicated and time-consuming process[181]. On top it requires political commitment and support for accepting a body that can monitor and make recommendations to alter the national policies and action in support of universal human rights standards.

While these functions have yet not been granted to the IPHRC, it has made significant strides in consolidating its mandates, procedures and activities, which enable the Commission to justify its utility as an independent human rights body of international repute. Though IPHRC does not write country specific reports, its thematic reports not only cover the substance of the issue at hand but also provide tailored recommendations for addressing the situation in Member States. This strategy is efficient to build trust and helps in promoting and protecting the specific human right. The issue-specific focus of IPHRC reports also helps to depoliticize the human rights problems it addresses and allows Member states to address relevant concerns without losing face.

By following this approach, commonly known as human rights diplomacy[182], IPHRC has evaded the political sensitivities of Member States. At the same time, its respect for primacy of sovereignty and acknowledgment of working with the State authorities, has enabled it to skillfully reason with governments to improve human rights. Within a susceptible political framework about sovereignty issues, human rights diplomacy represents an effective foot-in-the-door strategy toward building a more substantial human rights agenda at the OIC level. IPHRC has a promising future to move from human rights diplomacy to advocacy, which will allow more mobilization of international and non-state actors to apply moral pressure to induce States to address human rights violations.

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[181] Turan Kayaoglu, The OIC's Independent Permanent Human Rights commission: An early assessment The Danish Institute for Human Rights, January 2015.
[182] Ibid.

In the future, IPHRC is likely to demand greater independence and the ability to monitor and raise human rights issues in Member States[183]. Such a transfer of authority will be necessary to achieve the vision of a solid cross-regional human rights mechanism. To achieve this objective, both the Member States and the Commission would have to build on the ongoing positive momentum to effectively portray the OIC vision of "moderation and modernization". It will also help in consolidating the coveted Charter principles of "good governance, democracy, human rights and fundamental freedoms and the rule of law", at the national and international levels.

As part of its human rights diplomacy, IPHRC regularly engages the international civil society, including NGOs and by using their leverage/influence, tries to supplement its efforts in consolidating the human rights culture in Member States. Interaction with these NGOs / civil society actors also help IPHRC in fulfilling its mandate of protecting the interests of Muslim minorities and communities by gaining credible and timely information about various human rights discriminations faced by them. Close cooperation with these civil society actors also helps in building required momentum at international forums such as the UNHRC etc. to address the human rights violations against Muslims in different parts of the world. IPHRC needs to further strengthen this relationship including with Muslim communities worldwide and to work in collaboration with non-Islamic human rights actors to protect, promote and monitor the situation of Muslim communities and minorities.

Article 17 of its Statute allows IPHRC with a degree of independence to submit recommendations on the refinement of OIC human rights declarations and covenants. In other words, just as UN human rights bodies tend to provide authoritative interpretation of UN human rights documents, IPHRC can legitimately claim this role for OIC human rights documents. In line with this mandate, IPHRC reviewed and revised the two major

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[183] Turan Kayaoglu, A Rights Agenda for the Muslim World? The OIC's Evolving Human Rights Framework, Analysis Paper, published by Brookings Doha Center Publications 2013.

OIC human rights instruments and made them compatible with the universal human rights standards, a development which is widely acknowledged and appreciated by the global human rights community.

Establishment of the IPHRC is a significant step forward in creating an OIC-level human rights system. With progressive strengthening of its role and mandate, IPHRC will have significant impact in promoting human rights culture in Member States in line with the universal standards while preserving Islamic teachings and values. Such a development would not only improve the credibility of OIC's human rights credentials but would also be in line with the values of equality and justice that are the hallmark of any Islamic society.

In addition to providing an overview of the human rights architecture in the OIC, this chapter showcases the substantive work done by the IPHRC in translating Islamic values and teachings into a practical framework to address contemporary human rights issues and challenges confronting the Muslim world. Created as a humble effort to bring to fore the subject of human rights on the OIC agenda as well as to help the Member States in their efforts to strengthen the promotion and protection of human rights, it has since evolved and become a more robust body that independently analyses different situations based on their merits, issues pronouncements on the subject and makes relevant recommendations.

The key achievement of IPHRC is twofold. On the one hand, it has laid the foundation for a shared human rights agenda in a systematic manner among the OIC Member States. On the other hand, it has significantly contributed to bridging the gap in understanding human rights both within the Member States as well as between the Muslim world and the broader international community. In fact, the promising role of IPHRC goes beyond finding compatibility between Islamic values and the international human rights framework to actually enriching the universal human rights framework with the Islamic teachings and principles of equality and justice.

Despite its advisory role and limited monitoring/adjudicating authority over OIC countries, IPHRC holds significant potential to advocate and protect human rights across the Muslim World. More than any other human rights organization, IPHRC is better situated to utilize Islamic values/ teachings for advancing human rights and creating a legitimate environment for internal criticism of human rights practices. In fact, IPHRC has already contributed in many instances to separate cultural practices that violate human rights norms from the Islamic principles that protect them. Examples of this can be found in IPHRC pronouncements openly denouncing practice of Female Genital Mutilation; need to combat extremism and following the median path; combating terrorism while protecting human rights and explaining the right of women inheritance in Islamic jurisprudence.

Building new human rights systems is a slow and complicated process. However, it can be said with certainty that by establishing the IPHRC with a comprehensive human rights agenda, the OIC has taken a huge and essential step in the right direction.

CHAPTER II. OIC/IPHRC POSITION ON KEY HUMAN RIGHTS ISSUES

2.1 Protection of Civil and Political Rights

2.1.1 OIC/IPHRC's Position on Combatting Islamophobia, a Violation of the Right to Freedom of Religion or Belief and Discrimination Based on One's Religion

All Abrahamic religions as well as most other belief systems promote the ideals of compassion, tolerance and respect for the rights of others as core human values. Modern day democracies and pluralistic societies have also embraced these values as fundamental for civilized behavior and peaceful co-existence. Unfortunately, however, history is replete with the examples of intolerance and bigotry, used by people and groups for vested interests. As a result, human civilization has seen worst examples of racism, xenophobia and hatred of individuals, groups and religions that have not only compromised peace and security of affected societies but also led to worst forms of discrimination and violence against targeted individuals and groups.

Despite facing the horrors of World Wars and despicable acts of holocaust in the recent past, which have been condemned by all as bigoted views of racial supremacy, religious hatred and xenophobia, the world is threatened by yet another trend of hatred and discrimination against Islam and Muslims. Without paying heed to the peaceful message of Islam that calls for tolerance, compassion and peaceful co-existence, certain

individuals and groups are purposefully involved in denigrating and defaming the religion of Islam and negative stereotyping of Muslims.

It is rightly argued that negative stereotyping based on one's religion is a manifest example of religious hatred, discrimination and xenophobia. Such stereotyping covers not only the targeted religion but also results in negative profiling of its adherents. Thus, exposing them to incitement to hatred, discrimination, xenophobic behaviors and violence. It also affects the socio-cultural harmony of affected societies and duly threatens the global peace, stability and security. From this angle, Islamophobia falls in the category of contemporary manifestation of racism and racial discrimination, that has paved the way for physical and psychological attacks on Muslim minorities around the globe. Use of derogatory terms such as Islamic terrorism and Islamo-fascism have further polluted the mindsets of individuals in countries with Muslim minorities with severe consequences on the enjoyment of their basic human rights.

The situation has gradually worsened in the last three decades, which observed the mass killings of Muslims in the Balkans during the 1992–95 war in Bosnia[184], the incendiary and inflammatory remarks and denigrating publications against the sacred symbols of Islam, including the publication of caricatures of the Prophet Muhammad (Peace be Upon Him) and the disparaging of the Holy Quran and Islamic teachings as well as acts of violence against Muslim individuals and groups in the last two decades[185]. These are deliberate attacks on Muslims, targeted to damage their dignity and denigrate their right to be treated with equal respect, has exposed them to all forms of discrimination and violence as a fair game. The former UN Secretary General, Kofi Annan, was, therefore, forced to state on 7 December 2004 that, 'Today, the weight of history and the fallout of recent developments have left many Muslims around the world

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[184] Ihsanoğlu, E. (2010). The Islamic world in the new century: The Organisation of the Islamic Conference (1969-2009), p. 144.

[185] Modood, Tariq & Hansen, Randall & Bleich, Erik & O'Leary, Brendan & Carens, Joseph. (2006). The Danish Cartoon Affair: Free Speech, Racism, Islamism, and Integration. International Migration - INT MIGR. 44. 3-62.

aggrieved and misunderstood, concerned about the erosion of their rights and even fearing of their physical safety[186].

In today's world, the so-called global village, cultural harmony and peaceful coexistence among different religions and cultures is not a luxury but an essential trait to survive and endure, absence of which would lead us to hostility and instability. The task of addressing this global concern and ensuring the exercise of human rights by all affected individuals and communities befalls on the shoulder of everyone. International community as a whole should be concerned and must make concerted efforts to address this situation as a shared responsibility.

Pending an agreed legal definition in academic literature or policy circles, the growing literature on Islamophobia includes numerous definitions, which are based on specific socio-cultural and historical interactions and experiences. It is commonly known as a condition of phobia vis-a-vis Islam and Muslims, which develops into hostile behavior, including verbal and physical abuse against Muslims, their scripture, holy personalities and symbols, based mostly on ignorance and religious bias, which fuses discrimination and profiling, thus stereotyping a Muslim as an ominous figure: "the bearded, dark-skinned, turban-wearing terrorist… guided by perceived archaic religious strictures"[187].

Joycelyne Cesari of Harvard University, in the introduction to a report[188] on 'Securitization and Religious Divides in Europe', mentions that although the term Islamophobia first appeared in an essay by the Orientalist Etienne Dinet in L'Orient vu de I'Occident (1922), it was only in the 1990s that the term became common. The

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[186] Secretary-General Kofi Annan's address to the Department of Public Information (DPI) seminar, "Confronting Islamophobia: Education for Tolerance and Understanding", in New York on 7 December 2004. URL: www.un.org/Pubs/chronicle/2004/issue4/0404p4.html (accessed: March 28, 2022).

[187] Singh, J. (2016). The Death of Islamophobia: The Rise of Islamo-Racism. Race Files. February 23. URL: http://www.racefiles.com/2016/02/23/the-death-of-islamophobia-the-rise-of-islamo-racism/ (accessed: March 28, 2022).

[188] Jocelyne Cesari. (2006). 'Securitization and Religious Divides in Europe. Muslims in Western Europe after 9/11. Why the Term Islamophobia is more a Predicament than an Explanation', Submission to the Changing Landscape of Citizenship and Security, GSRL-Paris and Harvard University, 6th PCRD of the European Commission.

Runnymede Report is notable for being the first attempt at operationalizing Islamophobia, defining it as the "unfounded dread or hatred of Islam" that encompasses the "fear and dislike of all Muslims"[189]. The report underlines that the "animosity harboured against Islam and Muslims in Western societies is unique and can only be grasped using an equally unique concept, hence the justification of the term Islamophobia[190]. Another widespread definition among the scientific community labels Islamophobia as "indiscriminate negative attitudes or emotions directed at Islam or Muslims"[191]. Islamophobia also involves the generalization of multiple people who identify as Muslims into a singular and negatively predefined "Muslim Identity"[192]. In doing so, Islamophobia ignores the diverse range of identities that an individual is comprised of and reduces that person to nothing but a Muslim[193].

Some of the academics like Tariq Modood[194], Nathan Lean[195] and Vincent Geisser[196] have also defined Islamophobia as "anti-Muslim or anti-Islamic racism"[197] and "hostility towards Islam and Muslims". It relies on Muslim identity abstraction that does not only generalize, but also racializes a plethora of different individuals who may have nothing in common apart from their Muslim identities, into a socially constructed "Muslim Race"[198]. Some international organizations like OSCE as well as human rights

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[189] Green, T. H. (2015). The Fear of Islam: An Introduction to Islamophobia in the West. Minneapolis: Augsburg Fortress Publishers.

[190] The Runnymede Trust, "Islamophobia: Still a Challenge for Us All", a 20th Anniversary Report London 2017.

[191] Bleich, Erik. (2011). "What is Islamophobia. And How Much is There? Theorizing and Measuring an Emerging Comparative Concept." American Behavioral Scientist 55 (12): 1581-1600.

[192] Meer, N., and T. Madood. (2009). "The Multicultural State We're In: Muslims, 'Multiculture' and the 'Civic Rebalancing' of British Multiculturalism." Political Studies 57: 473-97.

[193] Sen, A. 2006. Identity and Violence: The Illusion of Destiny. New York: Norton.

[194] Modood, Tariq. (2020). Islamophobia and normative sociology. Journal of the British Academy. 8. 29-49, p. 37

[195] Nathan L. (2012). The Islamophobia Industry: How the Right Manufactures Fear of Muslims. Pluto Press.

[196] Islamophobia and its consequences on Young People European Youth Centre Budapest 1–6 June 2004, Seminar report Ingrid Ramberg. URL: https://rm.coe.int/16807037e1 (accessed: March 28, 2022).

[197] Pointing, S.; Mason, V (2002), The resistible rise of islamophobia: Anti-Muslim racism in UK and Australia before September 11 2001. Journal of Sociology 43:61. URL: http://statecrime.org/data/2011/10/poynting2007a.pdf (accessed: March 28, 2022).

[198] Bjoernaas, T. I. (2015). "Saving Muslim Women: A Feminist-Postcolonial Critique of Veiling Legislation in Norway." Islamophobia Studies Journal 3 (1): 78-89.

activists prefer to use the term "intolerance and discrimination against Muslims"[199] to highlight the human rights aspect of the problem. As such, the term Islamophobia seems to convey prejudice, intolerance and discrimination against Muslims and Islam.

Islamophobia goes far beyond the fear factor and incorporates intolerance, hatred and discrimination against Muslims based on their race and religion. In his report to the Sixth Session of the UN Human Rights Council (UNHRC) in 2006, the UN Special Rapporteur on Contemporary forms of Racism defined Islamophobia as "baseless hostility and fear directed at Islam and, resulting from this, a fear of and aversion towards all or most Muslims". He added that "Islamophobia refers to the practical consequences of this hostility in terms of discrimination, prejudices and unequal treatment of which Muslims are victims"[200]. The UN Special Rapporteur on Freedom of Religion or Belief (FoRB) in his 2021 report on the subject has used the term "Islamophobia" to characterize the complex and diverse set of processes that accommodate exclusionary paradigms which are anchored in the use of essentializations and misperceptions of Islam to stigmatize Muslim individuals and communities. He further explains that Islamophobia can be fuelled by various overlapping prejudices that include ethnic, racial, xenophobic, economic, gendered and religious, subjecting targets to discrimination based on multiple or concurring grounds[201].

Placing Islamophobia into the well-worn context of racism provides clear illustrations to study and understand the multi-dimensional manifestations of the phenomenon in the social and political spheres, and makes it less anomalous and less mysterious. Building on the United Nations definition of racism, the Runnymede Trust has proposed a comprehensive definition to put Islamophobia in the context of "anti-Muslim racism". According to which Islamophobia can be defined as "any distinction,

[199] Guidelines for Educators on Countering Intolerance and Discrimination against Muslims; Addressing Islamophobia through Education. URL: https://www.osce.org/files/f/documents/4/2/84495.pdf (accessed: March 28, 2022).
[200] UN Human Rights Council Report (A/HRC/6/6), 21 August 2007, p. 8, para 19.
[201] UN Human Rights Council Report (A/HRC/46/30), 25 February 2021, p. 3, paras 7, 9.

exclusion, or restriction towards, or preference against, Muslims (or those perceived to be Muslims) that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life"[202].

Based on above considerations, the OIC adopted a working definition of Islamophobia as "a contemporary form of racism[203] and xenophobia motivated by unfounded fear, mistrust and hatred of Muslims and Islam. Islamophobia is also manifested through intolerance, discrimination, unequal treatment, prejudice, stereotyping, hostility and adverse public discourse. Differentiating from classical racism and xenophobia, Islamophobia is mainly based on stigmatization of a religion and its followers. As such, Islamophobia is an affront to the human rights and dignity of Muslims"[204].

Despite difference of views on the meaning, history and causes of Islamophobia, there is near unanimity on the prevalence of practices associated with this concept. Accordingly, whatever terminology or definition is to be accepted, this phenomenon is an affront to the dignity and human rights of Muslims. It also represents an irrational attitude, based on fear, prejudice and hostility towards Muslims, which affect their enjoyment of basic human rights[205].

While racism has always been present in the history of human being, Islamophobia is the latest to play an increasing role in the social construction of modern racism, with roots that extend far deeper in history than recent waves of anti-Muslim hatred. Islamophobia finds its reasons in a variety of fields that range from historical

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[202] The Runnymede Trust, "Islamophobia: Still a Challenge for Us All", a 20th Anniversary Report London 2017.

[203] Ihsanoğlu, E. (2013). Islamophibia: From confrontation to cooperation, the task ahead. (IRCICA, Istanbul). p. 17.

[204] Fourth OIC Observatory Report on Islamophobia, May 2011. URL: http://ww1.oic-oci.org/uploads/file/Islamphobia/2011/en/islamphobia_rep_May_2010_to_April_2011_en.pdf (accessed: March 28, 2022).

[205] Ihsanoğlu, E. (2013). Islamophibia: From confrontation to cooperation, the task ahead. (IRCICA, Istanbul). p. 16.

hostility, religious and political ideology and behaviours, socio-cultural difference, economic fears and concerns related to loss of identity etc.

In terms of Islamophobia antecedents, it is a commonplace to acknowledge that the West has associated Islam with negative images and stereotypes for hundreds of years[206]. Negative stereotyping of Islam is as old as Islam itself. Since its birth in the 7th century, Islam has been encountering hostility as a religion and a challenge to Judaism and Christianity alike[207]. During this interaction a number of stereotypes and distorted images of Islam were developed, which gave way to the state of mutual fear and suspicion. Going back to the 1st Crusades time, Islam was not simply perceived as a tradition rivalling Christianity, but was also mistakenly associated with paganism and fanatism in a way that distorted the facts about Islam in early Western societies. Pope Urban II, who launched the campaign of the crusades, in a sermon delivered in 1095, portrayed Muslims as "a despicable and vile race, which worships demons"[208].

The offensive discourse against Islam and Muslims continued over different historical periods and persisted well into the Renaissance and the Enlightenment, long after the role of Church in the society had receded. Voltaire, a French philosopher from the Enlightenment era, wrote a play in the mid Eighteenth century entitled "Mohammed", in which he depicted the Prophet Mohammed (Peace be Upon Him) as a "hypocrite, and deceitful who loves physical pleasures"[209]. In many parts of the Western world, the offensive stereotypical and distorted discourses against Islam and

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[206] Gert Pickel1 and Cemal ztürk, 2018. Islamophobia Without Muslims? The "Contact Hypothesis" as an Explanation for Anti-Muslim Attitudes – Eastern European Societies in a Comparative Perspective". Journal of Nationalism, Memory & Language Politics, Volume 12 Issue 2-2018.

[207] Iqbal, Zafar. Islamophobia: History, Context and Deconstruction, SAGE Publications, 2019. ProQuest Ebook Central. URL: http://ebookcentral.proquest.com/lib/tamucs/detail.action?docID=5976603 (accessed: March 28, 2022).

[208] Bongars, Gesta Dei per Francos, 1, pp. 382 f., trans in Oliver J. Thatcher, and Edgar Holmes McNeal, eds., A Source Book for Medieval History, (New York: Scribners, 1905), 513-17.

[209] Khaled Suleiman "Islamophobia: Analytical reading". URL: http://www.asharqalarabi.org.uk/markaz/m_abhath-56.htm (accessed: March 28, 2022).

Muslims established a collective mindset that is difficult to uproot and is invoked whenever clashes occur, which happen to involve Muslims.

In modern times, Islamophobia has been expanding beyond its traditional hotspots; however, its manifestations remain similar everywhere. In early post-colonialism time, Islamophobia was initially perceived as a European hostility and prejudice towards Arabo-Muslim people in light of their increasing migration from former colonies to various European countries. Towards the end of the cold war in 90s, Willy Claes, who served as the NATO Secretary General in 1994-95, declared Islam as the new world enemy stating that "Islamic fundamentalism is at least as dangerous as Communism was"[210]. Similar ideas were promoted by the American intellectual Samuel P Huntington who predicted that cultural and religious identities would be the main source of clash in the post-Cold War era and that Islamic values were at divergence with Western values[211]. The provocative attitude towards Muslims and Islam goes beyond thoughts and opinions and involve effective discrimination and violence, examples of which are replete in history. The gruesome mass killings of Muslims in early 90s after the breakup of Yugoslavia are the most recent phenomenon[212].

The post 9/11 era has seen an extraordinary proliferation of political mobilization against Islam, particularly in the Western world, including campaigns against building mosques and minarets, and imposing various restrictions against 'hijab' and other Islamic customs. Labelling of Muslims and hostility towards Islam transcended national boundaries, expanded outside the European context, and took different shapes and varied interpretations; yet, it was nothing but fundamentally a negative posturing of the religion and its followers who grew manifold despite being hated in a variety of ways[213].

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[210] Willy Claes, Secretary General of the North Atlantic Treaty Organization was quoted in Browers, M., & Kurzman, C. (2004). An Islamic reformation?. Lanham, Md: Lexington Books. P. 174.
[211] Huntington, Samuel P. (1997). The Clash of Civilizations and the Remaking of World Order. New York: Touchstone.
[212] Ihsanoğlu, E. (2010). The Islamic world in the new century: The Organisation of the Islamic Conference (1969-2009), p. 144.
[213] Browers, M., & Kurzman, C. (2004). *An Islamic reformation?*. Lanham, Md: Lexington Books. P. 21.

Some Islamic countries even faced armed interventions with longstanding negative consequences on the human rights of their populations. It would not be wrong to state that negative profiling and discrimination against Muslims around the world, in the aftermath of 9/11, was quasi legalized.

On the other hand, Islamophobia in Asia is much more rooted in the historical context of the colonial experience[214]. The rise of religious nationalism in many parts of the region can also explain the rising anti-Muslim feelings as seen from the cases of India and Myanmar which have seen a significant rise in anti-Muslim violence. This religious nationalism is often either pushed for by radical politicians and extremist religious civil society actors, or have economic reasons, such as the dominance of Muslim businesses in certain industries, which have also led to the rise of Islamophobia.[215] In the case of India, far right religious nationalism also rode on the back of incitement to hatred and discrimination against minorities, in particular Muslims, who were portrayed as disloyal, impure and alien to the majority Hindu culture, thus requiring to prove their identity/loyalty. Tacit support by the ruling party (Bharatiya Janta Party-BJP), which came to power on far-right slogans/ agenda strengthened such stigmatization and negative profiling that led to anti-Muslim riots[216], anti-Muslim legislations[217] and even prompted a backlash by general public by way of boycotting Muslim businesses and violence against Muslim individuals and religious places[218].

Islamophobia should not be perceived simply as a reflection of "attitudes and beliefs" toward Muslims, but it is also rooted in the political contestation of the

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[214] Mohamed Nawab Bin Mohamed Osman: Understanding Islamophobia in Asia: The Cases of Myanmar and Malaysia, ISJ 4(1).
[215] Ibid.
[216] Times Magazine. URL: https://time.com/5794354/delhi-riots-muslims-india/ (accessed: March 28, 2022).
[217] BBC Asia. URL: https://www.bbc.com/news/world-asia-india-50670393 (accessed: March 28, 2022).
[218] Al Jazeera. URL: https://www.aljazeera.com/news/2020/04/buy-muslims-bjp-leader-india-calls-boycott-200429034119722.html (accessed: March 28, 2022).

signification of Islam and Muslims between Muslims and non-Muslims[219]. One major example of this contestation is the discursive conflation of Islam with terrorism, violence, and authoritarianism by some non- Muslims[220]. Since the 9/11 attacks, Islamophobia is no longer a spontaneous expression of emotions, instead, it turned into an ideology that found its way into the political agendas of right-wing extremist groups, seeking to make political gains by promoting hatred against Islam and Muslims.

The political reasons of Islamophobia are represented by many right-wing extremist movements, which employ Islamophobia as a means to gain popularity by intimidating Muslims and promising their electorates, if elected, to enact strict laws against Muslims[221]. The rise of Islamophobia both reflects and strengthens the normalization of far-right discourse in the political spectrum across Europe. The neo-fascist parties have entered the German Bundestag, accessed strategic ministries in Austria and registered historical gains in the French, Dutch, Italian, Polish and Hungarian elections[222]. In many cases, these far-right parties also used the bogey of the need to combat the extremist/intolerant version of Islam and Muslims in their societies[223].

Success of President Trump in the United States and far-right parties in Europe clearly show that white-supremacist movement in the US and far right movement in Europe are gaining ground and have been able to influence large segment of their societies. While right-wing forces are responsible for the majority of acts involving the promotion of hate speech against Islam and Muslims, for both religious and political

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[219] Sayyid, S. 2014. Recalling the Caliphate: Decolonization and World Order. London: C. Hurst.

[220] Helly, D., and J. Dubé. 2014. "The Socio-political Context of Islamophobic Prejudices". Islamophobia Studies Journal 2 (2): 143-56.

[221] Considine, C. The Racialization of Islam in the United States: Islamophobia, Hate Crimes, and "Flying while Brown". Religions 2017, 8, 165.

[222] Is Europe on the Right Path? Right-wing extremism and right-wing populism in Europe. A Report by Forum Berlin. URL: http://library.fes.de/pdf-files/do/08338.pdf (accessed: March 28, 2022).

[223] Tenth OIC Observatory Report on Islamophobia, 2017. URL: https://www.oic-oci.org/upload/islamophobia/2017/10th_islamophobia_rep_en.pdf (accessed: March 28, 2022).

reasons, secular forces are also responsible for wanton acts of defamation. In addition to their avowed ideological dismissal of religion in general, they are also known for their particular contempt of Islam. In the eyes of those secularists, Islam is a backward religion, opposed to freedom, democracy and human rights, degrades women, intolerant of and hostile towards minorities. Therefore, it is only natural that they should oppose this religion. Islam, in their view, is a threat not only to freedom of expression, but also to contemporary Western way of life and democratic system, which is why, it should be opposed vehemently[224].

Various international reports including the 11th OIC Observatory Report on Islamophobia[225] observed that anti-Muslim hate crimes are either underreported or `not recorded as Islamophobic hate crimes` at all. The fact that police and intelligence officials in the West still refuse to rank violent attacks towards Muslims as anti-Muslim hate crimes independently, but group them within the broad category of just any xenophobia, means that hostility against Islam is purposefully blurred out. A report published in the United States by the Council of American Islamic Relations in 2013[226], revealed the existence of a network of more than 37 groups, which engage in the systematic promotion of hatred against Islam and which played a role in introducing 78 legal amendments to Congress and other legislative bodies between 2011 and 2012, all of which aimed at distorting the image of Islam.

The first decade of this century has witnessed a further decline in relations between the West and the Muslim world. They have been impaired following the actions of misguided extremists who were responsible for the tragic terrorist attacks in New

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[224] OIC-IPHRC Thematic Study on 'Countering Islamophobia: An Unfinished Business' (2015). P. 52. URL: https://www.oic-iphrc.org/en/data/docs/studies/388003.pdf (accessed: March 28, 2022).

[225] 11th OIC Observatory Report on Islamophobia, 2017. URL: https://www.oic oci.org/upload/islamophobia/2018/11th_Annual_Report_on_Islamophobia_English.pdf (accessed: March 28, 2022).

[226] A Report by the Council on American Islamic Relations. (2017) "Confronting Fear: Islamophobia and its Impact in the U.S. 2013-2015" URL: http://www.islamophobia.org/images/ConfrontingFear/Final-Report.pdf (accessed: March 28, 2022).

York and Washington (2001), Madrid (2004) and London (2005), together with the murder of Dutch filmmaker Theo Van Gogh in November 2004 and other heinous crimes. The OIC and its Member States condemned these heinous acts in the strongest terms but the Western media completely ignored their position. Regrettably, the blame fell collectively on Muslims and the situation was exploited by the extremists on both sides to vilify the peaceful image of Islam[227].

Although Islamophobia has become a permanent feature of Western societies, there has also been a direct correlation between the rise in this phenomenon and acts of terrorism involving Muslim individuals. At the behavioural level, the conduct of these extremist individuals and groups within the Muslim world may reinforce a distorted image about Islam. Indeed, the western or any other society should not be expected to make an effort to draw a distinction between true Islam and the acts of some individuals and groups, especially that the media tends to focus on and amplify their heinous acts, thus increasing the sensational flavour, which helps them gain in popularity ratings[228].

The UN Special Rapporteur on FoRB in his 2021 report stressed that Islamophobic mindset treats Islam as a monolithic and fundamentalist creed that advocates violence, sexism and homophobia. Accordingly, Muslims are demonized as disloyal "others" who are intent upon imposing their values on non-believers through violence, overbreeding and radicalization of good Muslims. Similarly, Muslim women — particularly "veiled" Muslim women—are cast as agentless subordinates, while Muslim men, and those who "look" Muslim by virtue of their skin colour and facial hair, are deemed to be intrinsically violent[229].

Emergence of the Islamic State of Iraq and the Levant (ISIS) in Iraq during 2014, a terrorist organization banned in Russia and by the UN Security Council, and the wide

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[227] OIC-IPHRC Thematic Study on 'Countering Islamophobia: An Unfinished Business' (2015). p. 52. URL: https://www.oic-iphrc.org/en/data/docs/studies/388003.pdf (accessed: March 28, 2022).
[228] Ibid, p. 53.
[229] UN Human Rights Council Report (A/HRC/46/30), 25 February 2021, p. 4, paras 12, 13.

publicity of their barbaric acts of terrorism vastly tarnished the image of Islam[230]. These gruesome acts also exacerbated fear of Islam and Muslims, hampering efforts made to counter Islamophobia. What made matters worse is the fact that the rise of this terrorist organisation coincided with the growth in popularity of right-wing parties in Europe and a corresponding rise in the number of Muslim immigrants fleeing the deteriorating situation in their home countries, particularly those affected by the Arab spring.

Despite efforts on many fronts both by the States and the UN to disassociate terrorism or terrorist acts with any religion or its adherents[231], there has been a gradual increase in stereotyping Islam as the proponent of extremist ideologies. At present, manifestations of Islamophobia are rampant in the Western media, films, literature, cartoons and public and work places. Here, it would be pertinent to share an interesting analysis by Craig Considine, an American sociologist who has researched that out of more than 1,000 Hollywood films depicting Arabs, 932 of these films depicted Arabs in a stereotypical or negative light as bearded, dark-skinned, turban-wearing terrorists[232].

Similar stereotyping and excuses are being used by some State authorities to discriminate their Muslim minorities. Hence, the situation of Muslim minorities in the Western societies as well as in some non-western societies continue to worsen. Accordingly, some have gone so far as to draw a comparison between the status of Muslims in Western societies today to that of the so-called Jewish issue of the inter war period, which is reflective of the seriousness of the matter. Therefore, it looks like we should be bracing ourselves for a new and stronger wave of Islamophobia about to set in, calling for swift action on all fronts.

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[230] Levitt, M. (2015). "The Rise of ISIL: Counterterrorism Lectures 2015". The Washington Institute for Near East Policy. URL: https://www.washingtoninstitute.org/uploads/Documents/pubs/PolicyFocus148_CT7.pdf (accessed: March 28, 2022).

[231] UN General Assembly Resolution No. 64/168. Protection of human rights and fundamental freedoms while countering terrorism. URL: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/168&referer=/english/&Lang=E (accessed: March 28, 2022).

[232] Considine, C. The Racialization of Islam in the United States: Islamophobia, Hate Crimes, and "Flying while Brown". Religions 2017.

Cultural and convictional differences are a reality. This reality should not be portrayed and designed in a divisive manner, rather in an embracing fashion. History also shows in great detail the success and achievements of those civilizations that embraced diversity and promoted peaceful coexistence. One must, therefore, learn to take delight in the essential differences between humans and their cultures, a coveted ideal shared by all major religious traditions[233].

Unfortunately, however, in addition to bigotry by populist media and political parties, the growth of Islamophobia is also intensified by the intellectual legitimization of racist and xenophobic discourse and rhetoric, which favors an ethnic or racial interpretation of social, economic and political problems and immigration. Accordingly, some intellectuals portray anti-Muslim hostility as natural and 'normal'[234], and associate Islamophobia exclusively with an emotional state characterised by fear directed against Muslim communities living in the West. They deny the existence of any hatred directed against Islam as a religion per se, alleging that those who prefer to use the term Islamophobia only do so in order to shield the Islamic religion itself against criticism.

In fact, the rationalizing of bigotry is not new, as discrimination has always been subject to ideological and intellectual justification. Whether this is directed against women, black people, Jewish people or other religious communities, history shows that it's always possible to rationalize racism and couch bigotry in 'acceptable' arguments. Muslims are the latest in a long line caught in the crossfire of these so-called rational arguments, which is the most dangerous form of hatred. Since 9/11, this systematic campaign to distort the image of Islam and Muslims continues unabated to the extent that the most venerated personality of Islam Prophet Muhammad (PBUH) and other

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[233] Butt, M. (2016). (The Istanbul Process: More Timely than Ever" published in Global Policy Blog. URL: https://www.globalpolicyjournal.com/blog/06/04/2016/istanbul-process-more-timely-then-ever (accessed: March 28, 2022).

[234] Allen. C. (2007). "The 'first' decade of Islamophobia: 10 years of the Runnymede Trust report "Islamophobia: a challenge for us all ". URL: http://www.islamiccouncilwa.com.au/wp-content/uploads/2014/05/Decade_of_Islamophobia.pdf (accessed: March 28, 2022).

religious and cultural symbols like Minarets and Hijab have become a subject of assault by rightists in the liberal Western societies.

Notwithstanding individual acts of extremism and violence from Muslim world, the proliferation of Islamophobia has been mainly fed by ignorance or insufficient knowledge of Islam, a deliberately skewed interpretation of Islamic teachings, and the abuse or misuse of freedom of expression by some vested interests in the West. Indeed, contrary to the bigoted claims, Islam does promote critical thinking, manifestation of which is evident in numerous schools of thoughts followed by Muslims around the world. However, it does make distinction between criticism or constructive discussion and sheer disrespect, defamation, insult and negative stereotyping that falls into the category of inciting hatred. Also, those involved in such defamation and negative stereotyping of Islam, wilfully ignore the professed Islamic principles of tolerance, compassion and peace towards other religions and their followers.

This is not to absolve those Muslims who are misguidedly involved in isolated acts of violence and intolerance. The discourse adopted by certain radical preachers living in Western societies tends to corroborate the negative image of Islam and Muslims. The state of backwardness, illiteracy, authoritarianism and political conflicts in the Muslim world equally contribute to making the inevitable association between Islam and these conditions. These factors have also led to falsely portray image of Muslims being unable to integrate in Western societies. While there have been some cases of extremism within Muslim communities in these countries (which are overtly projected) the majority of the Muslim communities have been actively and productively contributing to the economic and social progress of their host societies thus adding to the cultural diversity that is the essence of true multiculturalism[235].

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[235] OIC-IPHRC Thematic Study on 'Countering Islamophobia: An Unfinished Business' (2015). p. 53. URL: https://www.oic-iphrc.org/en/data/docs/studies/388003.pdf (accessed: March 28, 2022).

While the Western countries are unanimous in their opposition against racism, intolerance and discrimination, their understanding about Islam and its pristine values remain incomplete. The latest manifestation of this lack of understanding is reflected in the Report of the European Union's Special Committee on Terrorism[236], which has recommended that for EU Member States to effectively counter terrorism, they may coopt or tolerate only those "practices of Islam" that are in full accordance with EU values and accordingly, urges Member States to close mosques and places of worship and ban associations that do not adhere to EU values. This attempt to twist and mold other cultures to adjust to majority belief/values is full of pitfalls, would further polarize the western societies and endanger the carefully nurtured values of multiculturalism and pluralism.

Though all members of Muslim minorities face discriminatory acts motivated by Islamophobia, women in particular, seem to suffer the most because of their outward appearance, which readily symbolizes the difference between Muslims and non-Muslims in the West[237].

There are also certain factors, internal to European societies, such as declining economies and growing unemployment, falling rate of population growth and an identity crisis, which contributed to the spread of hatred against Islam and Muslims. Due to their cultural differences, Europeans suffer an identity crisis, which they blame on immigrants in general, though Muslims tend to bear the brunt of that blame, probably because of the stark contrast of their cultural and religious heritage compared to their host societies. Population growth among Muslim communities in the West, whether as result of natural growth or immigration, along with the falling rates of fertility among

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[236] European Parliament resolution of 12 December 2018 on findings and recommendations of the Special Committee on Terrorism (2018/2044(INI). URL: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2018-0512+0+DOC+XML+V0//EN (accessed: March 28, 2022).

[237] OIC-IPHRC Thematic Study on 'Countering Islamophobia: An Unfinished Business' (2015). p. 53. URL: https://www.oic-iphrc.org/en/data/docs/studies/388003.pdf (accessed: March 28, 2022).

Europeans also create concern among the latter over their European Christian identity. Extremists play on these fears and warn of an Islamic population time bomb, threatening to irreversibly transform European identity[238].

During the migration crisis of 2015, some EU countries even closed their borders to the Muslim refugees from Syria and Iraq. In most cases these were the far-right governments who took these steps by raising fears of economic difficulties, cultural divergences and loss of identity by host community to an overwhelming influx of refugees from a different socio-cultural and religious setup, which were considered as alien to the European ethos. An ever-increasing racist, Islamophobic, anti-immigrant political cultural discourse has emerged in the Western geopolitical landscape. Thus, Islamophobia has come to exist not as an expression of a hostile attitude vis-a-vis Islam, but Muslims have come to be the target of a complex form of hatred against their religion and xenophobia. It is exactly this which has turned Islamophobia into the most dangerous manifestation of racism in Europe[239].Based on these realities, including racial profiling of Muslims, Islamophobia has become a form of racism mixed with cultural intolerance as a whole, rather than simply intolerance of Muslims and Islam[240].

It is a proven fact that during the times of socio-economic difficulties, vulnerable segments of society such as minorities etc. are more susceptible to different forms of discrimination. The recent example is the post Covid-19 scenario, where Muslim community was negatively stereotyped as the source of spreading the virus due to their religious gatherings/practices, which led to widespread socio-economic boycott and violence against Muslim businesses and individuals. Similar cases were also reported in other parts of the world. The UN Secretary General rejected this anti-Muslim bigotry/

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[238] OIC-IPHRC Thematic Study on 'Countering Islamophobia: An Unfinished Business' (2015). p. 53. URL: https://www.oic-iphrc.org/en/data/docs/studies/388003.pdf (accessed: March 28, 2022).

[239] Kaya, Ayhan. (2016). 'Islamophobism' as an Ideology in the West: Scapegoating Migrants of Muslim Origin. 10.1007/978-3-319-23666-7_18

[240] Considine, C. The Racialization of Islam in the United States: Islamophobia, Hate Crimes, and "Flying while Brown". Religions 2017, 8, 165.

hatred and expressed his commitment to challenging the ethno-nationalism and all other forms of intolerance, which rose in the post Covid-19 scenario[241].

In recent times, there has been a gradual rise in the far-right policies and discourse that have not been checked by the Western world under the garb of freedom of expression. This has led to extreme polarization, whereby Muslims have been portrayed as the symbol of repression and a misfit to Western values. A European Union funded research project on Countering Islamophobia confirms that there is an increasingly acceptable hostility against Muslims in everyday life including at workplace and education system, which has led to the progressive ghettoization of Muslim communities[242].

Given the ease of communication in today's global village, Media can drastically and rapidly influence the minds of large segments of population both in positive and negative manners. If used positively, it can promote tolerance and inter-communal harmony by better understanding of divergent views and avoidance of distortions and misrepresentations. The opposite of this is equally true. In our era of post-truth politics and growing populism, Islamophobia increases within the gap between what the media portrays about Islam and Muslims, and what real life experience with Islam and Muslims is about. This systematic effort to distort the image of Islam and Muslims continues to worsen, and undermines the potential for meaningful inter-faith dialogue and rapprochement in affected societies and beyond.

Looking at the coverage/description of Muslim communities in Western world, one gets the impression that they: a) don't share the democratic values and human rights standards; b) want to create parallel societies or to turn Europe in an Islamic continent;

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[241] UN Secretary-General's remarks to OIC Member States on "COVID-19 Solidarity: Promoting Co-Existence and Shared Responsibility". URL: https://www.un.org/sg/en/content/sg/statement/2020-05-22/un-secretary-generals-remarks-oic-member-states-covid-19-solidarity-promoting-co-existence-and-shared-responsibility (accessed: March 28, 2022).

[242] Law, Ian & Sayyid, Salman & Easat-Daas, Amina. (2019). A New Counter-Islamophobia Kit. 10.1007/978-3-030-16260-3_11. URL: https://cik.leeds.ac.uk/wp-content/uploads/sites/36/2018/09/2018.09.17-Job-44240.01-CIK-Final-Booklet.pdf (accessed: March 28, 2022).

c) would outnumber Europeans soon; d) practice medieval and primitive traditions, oppress women and children; e) practice extremism and terrorism; and in sum don't fit into a modern and secular Europe[243].

Ironically, Islamophobia has also been growing in regions where Muslim communities are virtually nonexistent because of the widespread negative image put forward by the media, which creates "an islamophobia without Muslims" [244].News coverage of events linked to Muslims and Islam usually shapes the prevailing image of Muslims in the collective mindset of public who are not able to get a second opinion about the subjects reported. In this way, biased media does facilitate prejudice against Muslims, which is intensified by the rhetoric and political communication strategies of right-wing populist parties that use different media platform to aggravate these emotions and spread fear about Muslims[245].

A Council of Europe report by Ms. Elvira Kovács in March 2019 affirmed that "hate speech and intolerance are on the rise in Europe, with increasing use of expressions that spread, incite, promote or justify racial hatred, xenophobia, antisemitism or other forms of hatred. Hate speech has become part of political discourse, not only among populist and extremist groups but also across the political spectrum and information technology contributes to spreading and amplifying it. Hate speech dehumanizes the persons it targets and makes them more vulnerable to discrimination; erodes the social fabric and hinders peaceful living together in diversity[246].

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[243] Ihsanoğlu, E. (2013). Islamophibia: From confrontation to cooperation, the task ahead. (IRCICA, Istanbul). p.34.

[244] Pickel1, G. and Ztürk, C. (2018). Islamophobia Without Muslims? The "Contact Hypothesis" as an Explanation for Anti-Muslim Attitudes – Eastern European Societies in a Comparative Perspective". Journal of Nationalism, Memory & Language Politics, Volume 12 Issue 2.

[245] Wodak, Ruth. 2015. The Politics of Fear: What Right-Wing Populist Discourses Mean. London: SAGE.

[246] Ms. KOVÁCS, E.(2019). Report of Council of Europe on "The role and responsibilities of political leaders in combating hate speech and intolerance". URL: http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=27481&lang=EN (accessed: March 28, 2022).

The European Union's Monitoring Centre (EUMC) in a wide-ranging study on Islamophobia and discrimination against Muslims in the EU[247] reported in 2006 that many Muslims felt that incidents of open hostility towards them had increased since 9/11 and that their lives had come under increasingly intense scrutiny. This study also stated that a mainly negative image of Muslims in the media fuelled this hostility by presenting Islam repeatedly as violent, authoritarian and oppressive. The report concluded that although discrimination against Muslims was often implicated with other factors such as race, ethnicity, language, nationality, gender and legal status, religion was undoubtedly the major aspect of Islamophobia. Racism, xenophobia and Islamophobia, therefore, become mutually reinforcing phenomena.

The combined effect of vilified political and media discourse on Islam has brought about a 'banalisation' of Islamophobia and led to many far-right ideas affecting the mainstream with inaccurate perceptions of the Muslim communities everywhere especially in the West[248].

Ideas, and words that convey these ideas, have power. That power can be used positively for the good of all or negatively to undermine the ideals of democracy, freedoms, equality, and stability. In that sense, hateful words and action also have the power to harm. They can isolate and marginalize certain people, not because of what they have done, but solely because of their personal characteristics, such as ethnicity, race, religion and the like.

The phenomenon of Islamophobia, intolerance and discrimination against Muslims fuelled mainly by negative propaganda from xenophobic parties, circles, individuals and groups causes serious concern. This phenomenon attempts to distort the

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[247] European Union's Monitoring Centre (EUMC) Report on "Muslims in the European Union: Discrimination and Islamophobia". URL: http://fra.europa.eu/sites/default/files/fra_uploads/156-Manifestations_EN.pdf (accessed: March 28, 2022).

[248] Perocco. F. (2018). "Anti-migrant Islamophobia in Europe. Social roots, mechanisms and actors- REMHU - Revista Interdisciplinar da Mobilidade Humana, 2018, 26(53). URL: https://www.scielo.br/pdf/remhu/v26n53/2237-9843-remhu-26-53-025.pdf (accessed: March 28, 2022).

image of Islam and by extensions negatively stereotypes all Muslims irrespective of their geographical location, ethnicity, race or origin. It constitutes a contemporary form of racism and racial discrimination that provides room for resurgence of physical and psychological attacks on Muslim minorities; affects the enjoyment of their human rights as well as paves the way for serious disturbances to public order, peace and international stability.

Discrimination, intolerance, and incitement to hatred based on race or religion are matters addressed by laws and legal instruments. The right to be free from discrimination based on race and religion are enshrined in international laws, particularly the UN Charter[249], the Universal Declaration of Human Rights (UDHR)[250], the International Covenant on Civil and Political Rights (ICCPR)[251], International Convention on Elimination of Racial Discrimination (ICERD)[252] and the Council of Europe Convention on Human Rights (ECHR)[253]. Such considerations have also been incorporated into the laws of many countries.

There is no denying the fact that freedom of expression is an essential human right, which is vital for the development of stable, peaceful and progressive societies. Both the International human rights law and the international community attach high importance to the freedom of opinion and expression. However, the scope of freedom of expression as expressed in the international human rights covenants stipulate that this right is not 'absolute' rather its exercise is subject to 'special duties and corresponding responsibilities' based on the principle of 'avoidance of harm to others'. This balance is beautifully explained in Articles 19 and 20 of ICCPR. This principle is also affirmed in Article 29 of UDHR, which provides that the exercise of all rights and freedoms is

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[249] UN Charter. URL: https://www.un.org/en/charter-united-nations/ (accessed: March 28, 2022).
[250] UDHR: URL: https://www.un.org/en/universal-declaration-human-rights/ (accessed: March 28, 2022).
[251] ICCPR: URL: https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx (accessed: March 28, 2022).
[252] ICERD: URL: https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx (accessed: March 28, 2022).
[253] ECHR: URL: https://www.echr.coe.int/Documents/Convention_ENG.pdf (accessed: March 28, 2022).

subject to limitations set by law that include purposes such as recognition and respect for the rights and freedoms of others.

Article 20(2) of the ICCPR places limitation to the right to free speech which, in keeping with Article 19 of the ICCPR, is a clear indication that human rights instruments have provisions prohibiting incitement to religious hatred that are considered as a legitimate safeguard against abuse of the right to free speech. In yet another clear guidance, Article 4 of the ICERD and the corresponding General Comment No. 15[254] affirm that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression. Therefore, State parties are obliged to adopt necessary legislative measures prohibiting the actions referred to therein. Unfortunately, there continue to be some countries who tend to ignore these laws, which stipulate that freedoms are invariably linked to responsibility, including the need to avoid all forms of incitement to hatred based on religion.

Islamophobia or incitement to hatred against Muslims negates the underlying reason for freedom of expression as it eliminates the space for pluralism. In multicultural societies, it is imperative to reconcile the right to freedom of expression with other rights, such as the right to freedom of religion or the right to be free from discrimination. It is because of this rationale that certain countries, depending on their socio-cultural and historic development of legal norms, have imposed legitimate restrictions on this freedom when it indulges into incitement to hatred, discrimination or violence.

In short, we can assert that the international and national norms place limits on hate speech and incitement to hatred and discrimination. What is needed is their effective implementation. Indeed, freedom of expression is neither sacrosanct nor gives a right to vilify or incite hatred.

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[254] General Comment 15, ICERD: URL: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7487&Lang=en (accessed: March 28, 2022).

Addressing or treatment of a problem starts with the recognition of the problem. Unfortunately, Islamophobia as a form of discrimination and racism against Muslims and those who 'look Muslims' is yet to be recognized in legal terms. Hence, Islamophobia as a global pandemic cannot be addressed effectively as there is no legally binding obligation on States to lawfully combat or address this menace in an organized or institutional manner.

On the other hand, anti-Semitism, in traditional Western legal discourse is included in various racial discrimination laws under the category of ethno-religious prejudice. Accordingly, criminalization of holocaust denial is well ingrained in many Western countries' legal system including criminal law making it indisputable[255]. In the case of Islamophobia, however, it is argued that since Muslims are not a race, therefore, racially based anti-discrimination legislations are not applicable to counter Islamophobic discrimination. However, this argument does not hold ground as Muslims too are subjected to negative stereotyping, discrimination and violence as one distinct entity, irrespective of their ethnicity, origin or social status.

Therefore, a legal definition of Islamophobia is needed to create a commonly accepted understanding of the phenomenon and to unify efforts to address it at different fronts. In order to gain such recognition and institutional accommodation, Islamophobia should be studied and defined within a specific normative framework, such as that of human rights and multiculturism[256]. Defining Islamophobia must be situated within a broader 'struggle for recognition' frame, a normative framework, which prioritizes Muslims, both as individuals and groups, in fighting negative outsider perceptions by giving normative and political weight to insider identifications in all their plurality[257].

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[255] Legality of Holocaust denial. URL: https://en.wikipedia.org/wiki/Legality_of_Holocaust_denial (accessed: March 28, 2022).

[256] Modood T. (2017). "Islamophobia and the Muslim struggle for recognition", Islamophobia: Still a Challenge for Us All - a 20th Anniversary Report, the Runnymede Trust, London.

[257] Ibid.

While the international community has made a lot of efforts to combat racism, racial discrimination, xenophobia, and related intolerance, these initiatives are encountering a number of serious challenges manifested by the worrying trends of modern forms of discrimination, such as Islamophobia, which is not fully captured by these mechanisms.

The United Nations has developed a number of instruments, including treaties, conventions and protocols with regards to religious and racial discrimination. For instance, the International Covenant on Civil and Political Rights (1966) specifically prohibits religious discrimination, while the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted in 1981[258] provides a comprehensive list of rights regarding freedom of thought, conscience and religion. The World Conference on Human Rights in 1993 in Vienna reiterated the importance of taking all appropriate measures to counter intolerance and related violence based on religion or belief, and invited all States to put into practice the provisions of the 1981 Declaration[259]. The 1993 Vienna Conference also set the speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance as priority task for the international community. In Art-13 of the Amsterdam Treaty, the European Union too asserted the principle of non-discrimination on the basis of religion[260].

The 2001 World Conference against Racism[261] and its Review Conference in 2009 clearly recognized the increase in anti-Semitism and Islamophobia in various parts of the world and urged all States to take effective measures to prevent the emergence of

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[258] Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. URL: https://www.ohchr.org/EN/ProfessionalInterest/Pages/ReligionOrBelief.aspx (accessed: March 28, 2022).
[259] Vienna Declaration and Program of Action, para 22. URL: https://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx (accessed: March 28, 2022).
[260] Amsterdam Treaty, Article 13. URL: https://www.runnymedetrust.org/uploads/publications/pdfs/article13.pdf (accessed: March 28, 2022).
[261] DDPA. URL: http://www.un.org/en/durbanreview2009/ddpa.shtml (accessed: March 28, 2022).

movements based on racism and discriminatory ideas concerning these communities[262]. Since its inception in 2005, the UN Alliance of Civilizations has also recognized the dangers of rising Islamophobia in spreading hatred and mistrust, and has been consistently highlighting its consequences as a threat to peace, security and values of modern multicultural societies.

Despite this rich international framework dedicated to combatting various forms of discrimination, Islamophobia is yet to gain appropriate framing at the international level. As the concept doesn't hold a legal description, governments and international organizations are yet to produce a binding international legal document to address Islamophobia. Also, there are those who are against such a conceptualization and legal definition to begin with. However, the fact that the term has found its place in the areas of interest and activity of certain main international organizations such as the United Nations, the Council of Europe (CoE), the Organization for Security and Cooperation in Europe (OSCE) and the OIC, has led to its general acceptance. Based on the urgency of combating the menace of Islamophobia, the OIC has also been actively lobbying the international community at all levels to devise a legally binding instrument that can address incitement to hatred, discrimination and violence based on religion or belief in a systematic / organized manner.

As discussed above, it is imperative to have a legal definition as well as a legally binding instrument to systematically address the menace of Islamophobia. Unfortunately, however, the political leadership in the West is still wary of adopting a specific legal instrument against Islamophobia /incitement to religious hatred. It is considered as a ploy by Muslims to undermine freedom of expression by imposing their religiously-informed vision of what form of expression is permitted. West is also apprehensive that such an instrument would be used to legalize blasphemy and to curb

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[262] Paragraph 61 and 150 of Durban Declaration and Program of Action.

opposition against the undemocratic and authoritarian regimes in these countries. These concerns may not be totally out of place. Yet, these should not be used as a ploy to avoid working on addressing the genuine concerns about Islamophobia / incitement to hatred and discrimination based on religion, which must be dealt squarely with lawful prohibitions.

During the 2nd decade of 21st century, lack of political will among Western leaders coupled with a host of crisis in the Muslim world such as Syria, Iraq, Yemen, Libya and rise of ISIS etc. led to an increase in the Islamophobic incidents around the world. As a result of huge migration from the troubled Muslim countries towards the peaceful lands in Europe, far-right forces/ views became hardened and more popular among masses in Western societies. Consequently, number of hatred related incidents against Muslims including violence increased manifold in Western societies. Unfortunately, the rise in far-right politics has also spread to non-Western societies such as Myanmar, Thailand, India, Sri Lanka and Central African Republic etc. where Muslim minorities are facing growing discrimination and violence either at the hand of State authorities or under the State patronage.

Freedom of expression is an important right, but so is the much- touted right to be protected from discrimination that might endanger the safety and well-being of minorities and other vulnerable segments of society. It is in the interest of all societies to fulfil this obligation if they want to live in harmony, concord and peace. Political leaders in the West must raise awareness in their own constituencies at the grass roots of the dangers of discrimination against any religion, in particular its contemporary manifestation i.e., Islamophobia.

While addressing Islamophobia from various perspectives, the stakeholders and international actors should be mindful of its gravity, comprehensiveness and correlation, as well as interaction with other human rights principles. The lack of political will, particularly among the western leaders, is seriously hindering progress to address the

issue in definitive terms. Islamophobes, therefore, remain free to carry on their murky business as there are no legal mechanisms to prevent the abuse of the right to freedom of expression.

Apart from the absence of a legal definition/instrument and laggard political will there are a number of other challenges that are hindering progress on this important subject. No one can deny the strength of media especially the new social media networks in quickly disseminating views and forming opinions including its misuse by terrorist and extremist groups for fomenting hatred and intolerance as well as new recruitment in their ranks. In recent years, we have seen a gradual increase in fake news/ negative stereotypes and incitement to hatred by the far-right media outlets. Islamophobia is a phenomenon that holds true to these accounts through which Islamic culture has been other-ised in the West.

During the last three decades we have seen numerous examples of incitement to hatred and wilful defamation of Islam in the garb of freedom of expression. Starting from the despicable caricature printed by the Danish newspaper Jyllands-Posten in September 2005 to its reprinting in various other newspapers including incidents of Charlie Hebdo in Paris, release of Dutch Movie Fitna in March 2008 or art exhibitions such as the one in Garland Texas US[263] were all part of this increasing movement to stereotype and defame Islam, its sacred symbols and personalities and by extension incite hatred and discrimination against Muslims.

A UN report on the subject also quotes various studies that show that media in several countries disproportionately focus on negative angles for news stories involving Muslims, such as reporting on their perceived failure to integrate, and disproportionate media attention is often paid to a terrorist attack committed by Muslims than coverage of terrorist attacks committed by far-right extremists. Harmful stereotypes and tropes

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[263] New York Times Editorial "Free Speech Vs. Hate Speech" on 5 September 2016. URL: https://www.nytimes.com/2015/05/07/opinion/free-speech-vs-hate-speech.html (accessed: March 28, 2022).

about Muslims and Islam are chronically reinforced by mainstream media, powerful politicians, influencers of popular culture and in academic discourse[264]. A European Commission against Racism and Intolerance ("ECRI") study reported, for example, that in over 600,000 Dutch news items in 2016 and 2017, the adjectives most used to describe Muslims were "radical", "extremist" and "terrorist;" in contrast, Dutch people are often described as "known", "average" and "beautiful"[265].

The OSCE's 2018 report[266] on hate crimes acknowledges that Anti-Muslim rhetoric over the years has increased, which portrays Muslims as incompatible with human rights and democracy, associates them with terrorism and extremism as well as a threat to national identity. In 2018, Anti Muslim offences were reported in 30 countries of the OSCE. Indeed, the UK's Home Office statistics for 2018/19 state that there were about 103,379 hate crimes offences, which showed an increase of 10% compared to 2017/18. The report also showed a steady increase in these crimes for the last five years. Religious hate crimes increased by 3% and around 12% of hate crimes offences involved both the race and religion factors[267]**.** On the other hand, as per the FBI's 2018 Hate Crimes Statistics there were 8496 hate crimes (57.5% race and 20.2% religiously motivated offences)[268]. Anti Jewish and anti-Muslim hatred topped the religious hate crimes.

Here it would be pertinent to recall the apt reminder by the UN Special Rapporteur on Minority Rights, who pointed out that, "although not all hateful messages result in actual hate crimes, hate crimes rarely occur without prior stigmatization and

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[264] UN Human Rights Council Report (A/HRC/46/30), 25 February 2021, p. 5, para 15.

[265] ECHR. https://rm.coe.int/fifth-report-on-the-netherlands/168094c577. Para 34 (accessed: March 28, 2022).

[266] OSCE explanation of Bias against Muslims. URL: https://hatecrime.osce.org/taxonomy/term/230 (accessed: March 28, 2022).

[267] Hate Crime, England and Wales, 2018/19. URL: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839172/hate-crime-1819-hosb2419.pdf (accessed: March 28, 2022).

[268] Incidents and Offenses. URL: https://ucr.fbi.gov/hate-crime/2018/topic-pages/incidents-and-offenses (accessed: March 28, 2022).

dehumanization of targeted groups and incitement to hate incidents fuelled by religious or racial bias"[269].

Yet another obstacle that continues to impede the progress in combating hate speech and religion-based discrimination is the lack of strong involvement by the religious and community leaders to dispel misperceptions. They have a crucial role to play in combating the manifestations of discrimination and hatred by promoting awareness and improved understanding of the true and positive message of their religions as well as the common values shared by all humankind. Active civil society role in raising awareness about the pitfalls of religious hatred, discrimination and violence on the ideals of multiculturalism as well as the peace and security of respective societies is also absent to a large extent. States must make concerted efforts to involve religious leaders, civil society actors and relevant State institutions in combating hate speech, incitement to hatred and discrimination including through building their capacities to counter negative stereotypes and engage in interfaith and intercultural dialogue aimed at peaceful and harmonious coexistence.

Rise of Islamophobia has been one of the top concerns of the Islamic countries and their leaders. Accordingly, these concerns were voiced very strongly by the Heads of State and Governments and leaders of delegations during all OIC Summits and Ministerial meetings. During its 34th Session of the Council of Foreign Ministers in 2007, the OIC adopted for the first time a resolution fully dedicated to 'Combatting Islamophobia and Eliminating Hatred and Prejudice Against Islam'[270]. Ever since, the OIC has been adopting a resolution on Islamophobia annually, and engaging constructively with all stakeholders and influential public opinion makers, particularly in the West, with a view to combating Islamophobia by evolving a comprehensive

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[269] Report of the Special Rapporteur on minority issues, Rita Izsák, 2015. URL: https://undocs.org/A/HRC/28/64 (accessed: March 28, 2022).

[270] Resolution No.34/36 POL, adopted by the 36th Session of the OIC Council of Foreign Ministers, 2009. URL: https://www.oic-oci.org/docdown/?docID=407&refID=29 (accessed: March 28, 2022).

strategy, …in the interest of creating an international environment conducive to interfaith and inter-civilizational harmony[271].

Aware of the importance of collective action in addressing Islamophobia, the 11th Islamic Summit in 2008, recognized the "need to further institutionalize cooperation among Member States to effectively combat Islamophobia and initiated the preparation of a draft comprehensive strategy to combat Islamophobia"[272]. The latest 14th Islamic Summit[273], again expressed concerns that Islamophobia, as a form of racism and religious discrimination, is spreading across the world with increased acts of intolerance, negative stereotyping, hatred, discrimination and violence against Muslims. It also urged to finalize a comprehensive strategy to combat this phenomenon and asked the OIC Contact Group on Peace and Dialogue to develop a corresponding Plan of Action. Similar calls were made by various meetings of the OIC Foreign Ministers. These meetings also urged the OIC to foster close ties with the UN and other international organisations, such as the EU and the OSCE, at all levels to combat Islamophobia and promote dialogue.

Based on the guidelines from the political leadership the OIC has taken a series of steps at different levels to combat this phenomenon. Broadly, the OIC adopted a three-tier approach[274] to: a) closely monitor the campaign of hatred against Islam as well as discrimination against Muslims and to take remedial action through diplomatic means; b) raise global awareness about the negative repercussions of Islamophobia both on the rights of Muslim populations as well as the grave threat it poses to global peace and security; and c) make serious efforts to stem the growth of Islamophobia through

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[271] Paragraph 17 of the Resolution No. 34/ 38-POL, adopted by the 38th Session of the OIC Council of Foreign Ministers, 2011. URL: https://www.oic-oci.org/docdown/?docID=375&refID=27 (accessed: March 28, 2022).

[272] Final Communique of the OIC 11th Summit. URL: https://www.oic-oci.org/docdown/?docID=32&refID=9 (accessed: March 28, 2022).

[273] Final Communique of the OIC 14th Summit. URL: https://www.oic-oci.org/docdown/?docID=4496&refID=1251 (accessed: March 28, 2022).

[274] Ihsanoğlu, E. (2010). The Islamic world in the new century: The Organisation of the Islamic Conference (1969-2009), p.163.

adoption of adequate legal instruments that would make Islamophobes accountable for their actions.

As part of this approach, the OIC has undertaken an intensive advocacy effort in the West to emphasise the need for political engagement, for politicians and the media to assume an ethical responsibility, and for meaningful dialogue aimed at ushering in a historic reconciliation between the Christian and Islamic worlds. There are also host of other initiatives and activities undertaken by the OIC in the Member States and at all levels to draw attention to discrimination and intolerance towards Islam and Muslims, which included holding series of workshops and Seminars involving intellectuals, academia, politicians, religious leaders and members of civil society.

OIC's position in firmly grounded in Articles 19 and 20 of ICCPR, which provide clear limitations, including the duty of the State to prohibit, by law, "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". In this spirit, the OIC has been active in engaging in constructive debate at the international level to further delineate boundaries between the free speech and hate speech, including incitement to violence. This exercise is crucial to strike the right balance and avoid all kinds of speech that constitute a threat to public order and social cohesion.

It is also important to highlight that OIC has always upheld the principle of openly discussing all ideas, values or beliefs in an environment of tolerance and respect. Its position on the need to protect the sanctity of religions and their symbols is not to accord exceptional protection to the particular set of values but to avoid defamatory stereotyping and insults that result in negative profiling of their adherents and lead to undue discrimination, hostility and violence against them. Hence, the beneficiary remains the individual, which is a legitimate subject of international human rights law. The OIC's main interest is to combat the rise of Islamophobia and engage with the West

to ensure that freedom of expression is not used in irresponsible ways amounting to incitement to hatred and/or violence.

For international cooperation to bear fruits in the area of combating religious intolerance, the OIC has repeatedly emphasized to: a) de-politicize the international discourse on religious intolerance; b) properly gather and analyze information on new trends and manifestations of discrimination; and c) strengthen and rationalize various international expert mechanisms working on these issues with a view to better interpreting and implementing already existing international obligations.

The OIC also took an early and proactive role in underscoring the dangerous implications of Islamophobia and to raise awareness at all levels of the gravity and dangers of this issue. In 1999 and for almost 12 years, the OIC submitted a resolution to the UN HRC for combating "defamation of religions"[275], as a means of expressing its growing concern over the emergence of new forms of intolerance and hatred with regard to Islam and Muslims in various parts of the world. Though initially adopted by consensus, the resolution gradually lost support, mainly from Western Countries, on the grounds that it unduly limits freedom of expression and seeks to protect religions or set of beliefs instead of individuals and communities, which is beyond the scope of human rights law[276].

This put the whole debate of Islamophobia and discrimination on the basis of religion in a negative light. In order to salvage this situation and to make progress on this subject, the OIC embarked on a new approach by devising a new resolution that addresses the whole issue from the lens of existing human rights law. At the 15th Session of the UN HRC, the OIC Secretary General provided a breakthrough by outlining an

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[275] UNHRC Resolution 10/22. URL: https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_10_22.pdf (accessed: March 28, 2022).
[276] URG Policy Report on Combating Global Religious Intolerance (Page 10-12). URL: https://www.universal-rights.org/wp-content/uploads/2015/02/URG_report-1618-Dec2014.pdf (accessed: March 28, 2022).

eight-point approach for action[277], aimed at addressing the issue of religious intolerance at all levels. The US Secretary of State, in acknowledging the importance of these eight points towards building a consensus asserted that "it is time to overcome the false divide that pits religious sensitivities against freedom of expression and pursue a new approach based on concrete steps to fight intolerance wherever it occurs"[278].

The positive momentum to address the issue was duly reflected in the new OIC sponsored resolution on the subject i.e., "Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination Incitement to Violence, and Violence Against Persons Based on Religion and Belief" (commonly known as Resolution 16/18)[279], was adopted by consensus at the 16th Session of the HRC in March 2011 and later by the UN General Assembly. Since then, the resolution is adopted by consensus every year and provides for various substantive administrative, political and legislative actions to be taken at the national and international levels to address the concerns relating to freedom of religion or incitement to religious hatred and discrimination. The resolution was dubbed as a triumph of multilateralism[280] and is considered as one of the most important texts ever adopted by the HRC on this subject. It provides international community the best chance, since the UN began considering the issue in in 1940s, to strike a decisive blow against discrimination, intolerance and hatred based on religion[281].

In July 2011, taking full advantage of the renewed international commitment to combating incitement to hatred based on religion, the OIC Secretary General along with

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[277] Universal Rights Group Report of the 5th Meeting of the Istanbul Process held in Jeddah, p.2. URL: http://www.universal-rights.org/wp-content/uploads/2015/02/URG-DIHR-Report-on-the-5th-Meeting-of-the-Istanbul-Process-Jeddah-20152.pdf (accessed: March 28, 2022).

[278] Remarks by US Secretary of State, Ms. Hilliary Clinton at the Organization of the Islamic Conference (OIC) High-Level Meeting on Combating Religious Intolerance, 15 July 2011. URL: https://2009-2017.state.gov/secretary/20092013clinton/rm/2011/07/168636.htm (accessed: March 28, 2022).

[279] The full text of the Human Rights Council Resolution 16/18. URL: https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18_en.pdf (accessed: March 28, 2022).

[280] Universal Rights Group Report of the 5th Meeting of the Istanbul Process held in Jeddah, p.3. URL: http://www.universal-rights.org/wp-content/uploads/2015/02/URG-DIHR-Report-on-the-5th-Meeting-of-the-Istanbul-Process-Jeddah-20152.pdf (accessed: March 28, 2022).

[281] Ibid.

former US Secretary of State, Hillary Clinton, held a meeting in Istanbul on the subject and initiated an intergovernmental Follow-up mechanism (commonly known as Istanbul Process) for implementing Resolution 16/18. The meeting was attended by Foreign Ministers and officials of 28 countries from around the world. The joint statement issued at the end of the Istanbul Meeting, called upon all relevant stakeholders throughout the world "to take seriously the call for action set forth in resolution 16/18, which contributes to strengthening the foundations of tolerance and respect for religious diversity as well as enhancing the promotion and protection of human rights and fundamental freedoms around the world"[282].

Resolution 16/18 and its follow up Istanbul Process reflect the OIC's maturity and ability to engage effectively towards evolving consensus on the most sensitive issues in contemporary international relations. Through these steps, OIC aims to focus on its core concern i.e., to combat incitement to hatred and discrimination based on religion such as Islamophobia and to initiate discussion on defining clearly the bounds of hate speech or acts that may fall under that category. Unfortunately, however, though expected, there is a clear divergence of views on this important subject between the Western and OIC interlocutors. While the Western countries are ready to speak out against intolerance and discrimination, they are clearly not ready to determine threshold between freedom of expression and hate speech and least to even discuss its criminalization. Lack of a unified approach or even an effort to delineate or discuss this important shortcoming continues to be a source of concern for many. Thus, consensus on Res 16/18 would remain fragile unless it stands the test of implementation, which in turn can only be achieved through open and candid discussions to address concerns of all parties while ensuring results on ground.

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[282] Joint Statement on Combating Intolerance, Discrimination, and Violence Based on Religion or Belief, 15 July 2011. URL: https://2009-2017.state.gov/r/pa/prs/ps/2011/07/168653.htm (accessed: March 28, 2022).

The OIC has also initiated various policies and measures to monitor and combat Islamophobia, including the establishment of an OIC Islamophobia Observatory, which issues regular reports on the trends of Islamophobia worldwide. Since its creation in 2008, the Islamophobia Observatory at the OIC General Secretariat, has been monitoring and cataloguing Islamophobic acts, utterances and events with a view to raising awareness and highlighting the imperative of sustained and constructive engagement aimed at combating this negative trend. Its monthly and annual reports[283] have provided a rich resource to understand the trends and track the spread of Islamophobia worldwide. With a view to bridging the information and interpretation gap, the OIC also supported the UN High Commissioner for Human Rights Ms. Navi Pillay's suggestion[284] to establish an international observatory on incident, trends and new manifestations of racism, racial discrimination, xenophobia and related intolerance.

In addition, the OIC also established a Contact Group on Muslims in Europe, which was formed during the 43rd session of the CFM in Tashkent (2016)[285], to address the Islamophobia related issues faced by Muslims in Europe, including misrepresentation of Islam and Muslims in the media, which fuels hatred against them. One of the key objectives of forming this group was to encourage Muslim communities in Europe to be active and positive members of their host societies in all fields in accordance with domestic laws. Thus, presenting the true image of their religion, which promotes peace, tolerance, understanding of and co-existence with all religions and cultures.

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[283] Full reports of the OIC islamophobia Observator. URL: https://www.oic-oci.org/page/?p_id=182&p_ref=61&lan=en (accessed: March 28, 2022).

[284] Report of the UN High Commissioner for Human Rights, 2009 on Implementation of the Durban Declaration and Program of Action. Para 60-64 of the Report. URL: https://www.un.org/en/durbanreview2009/pdf/Report_of_the_High_Commissioner.pdf (accessed: March 28, 2022).

[285] Report of the 43rd Session of the OIC Council of Foreign Ministers. URL: https://www.oic-oci.org/subweb/cfm/43/en/docs/fin/43cfm_final_report_en.pdf (accessed: March 28, 2022).

Realizing the importance of harnessing the far-reaching influence / positive potential of media, the OIC has paid special attention to engaging the media on the issue of Islamophobia. The 8th Session of the Islamic Conference of Information Ministers in 2009, initiated a 'wise media interaction' with the outer world with a view to restoring … the image of Islam in foreign media outlets, display its lofty values, its rich cultural heritage and ancestral civilization, and highlight its contribution in the long course of human history and its creative achievements"[286].

Building on its accumulative experience and engagement with intelligentsia, academia and think tanks, the 11th Session of the OIC Information Ministers (2016) also adopted a comprehensive Media Strategy[287] to counter Islamophobia. The Strategy which seeks to challenge stereotypes and correct the image of Islam and Muslims across the world includes implementation mechanisms with various programs and media campaigns to prevent and counter intolerance against Islam and discrimination against Muslims. Use of social media as an effective tool to address the growing Islamophobic presence online was particularly highlighted in this strategy. Specifically, the Strategy designed a roadmap of measures in short, medium and long terms to effectively engage various stakeholders in forming an informed global public opinion, and building a true and positive image of Islam.

In line with its Media Strategy to combat Islamophobia, the OIC in 2016 established the "Voice of Wisdom Center (Saut-al-hikma)"[288] within the OIC General Secretariat. The key mandate / objective of this Centre is to counter the extremist discourse and Islamophobia through the social media. The Centre does so by providing

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[286] Final Communiqué of The Eighth Islamic Conference of Information Ministers (ICIM), 2009, paragraph 6. URL: https://www.oic-oci.org/docdown/?docID=545&refID=52 (accessed: March 28, 2022).

[287] "The OIC Media Strategy in Countering Islamophobia and its Implementation Mechanisms", adopted during the 11th Islamic Conference of Information Ministers (ICIM), 2016. URL: https://www.oic-oci.org/docdown/?docID=7&refID=2 (accessed: March 28, 2022).

[288] The Voice of Wisdom Center was activated in 2019 as an independent center. URL: https://sawtalhikma.org/en/about-us (accessed: March 28, 2022).

a strong counter narrative, which advocates moderate and authentic concepts of the Quranic and prophetic methodology in combating extremism, promoting tolerance and building peaceful societies. The Centre projects these values as high models for the achievement of the mission of brotherhood among humans as well as provides explanation of the noble Islamic philosophy on controversial issues that are open to misunderstanding.

As part of wider effort to reach out to the global political leadership as well as other important stakeholders in the media, academia and civil society, the OIC Secretary General in January 2010 also appointed a Special Envoy on Islamophobia. The task of the Special Envoy was to raise awareness on the negative implications of Islamophobia at all levels by engaging relevant officials/ actors among governments, academic, religious, media and civil society circles. The Special Envoy also served as the OIC's focal point for coordinating all relevant activities with national and international interlocuters on the subject. Due to sustained efforts from his office, the OIC was able to coordinate and issue joint statements on Islamophobic incidents with other political entities such as the EU and UN high officials. Such pronouncements helped in conveying the resolve of global leadership to combat religious hatred and incitement as a common threat.

With a view to highlighting the pitfalls associated with the scourge of Islamophobia on the peace and security of affected societies, OIC CFM has declared 15 March as the International Day to combat Islamophobia. OIC has also called upon the UN to observe this day to sensitize the wider international community on the need to combating this inhuman practice[289]. Other non-Muslim countries are also following this practice such as Canada which declared 29 January as a National day for remembrance

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[289] OIC CFM Resolution No. 71/47-Pol, OP, 1. URL: https://www.oic-oci.org/docdown/?docID=6626&refID=3255 (accessed: March 28, 2022).

of Quebec City Mosque attack and vows to use the day to promote action against Islamophobia.

Role of civil society actors and religious leaders in promoting tolerance, understanding through interfaith and intercultural dialogue to combat racial/ religious hatred cannot be overemphasized. Accordingly, the OIC has remained actively involved with the UN Alliance of Civilization and the King Abdullah International Centre for Interfaith and Intercultural Dialogue to promote better understanding of Islam's noble values and ideals, combat misperceptions about Islamic culture and to strengthen the bonds of fraternity among different cultures and religions by highlighting the benefits of multiculturalism and peaceful coexistence.

Based on the importance and impact of this subject on the enjoyment of human rights by the Muslims around the world, the OIC Independent Permanent Human rights Commission (IPHRC), the principal human rights organ of the OIC, from its inception, has kept this subject as one of its priority areas of work. IPHRC has also established a special Working Group on Islamophobia and Muslim Minorities that regularly discusses the phenomenon from a human rights perspective and issues detailed studies, reports and recommendations to all stakeholders. Keeping in view the importance of the subject, the IPHRC has thoroughly discussed the issue from its different angles including its internal and external dimensions. On the one hand, the Commission has aptly exposed the untenable narrative of the Islamophobes and their supporters who hide behind the guise of Freedom of Expression. On the other hand, the Commission has squarely condemned and highlighted that "extremist ideologies, radicalism, intolerance and terrorism have nothing to do with Islam… and the need to curb such tendencies by promoting the ideals of tolerance, moderation, mutual respect and peaceful co-

existence" [290]. The 12th Islamic Summit[291] and the 41st CFM[292] tasked the IPHRC to address the malaise of Islamophobia and to present a comprehensive report on the subject. Accordingly, the Commission has produced two comprehensive studies titled "Countering Islamophobia: An Unfinished Business"[293] (2016) and "Islamophobia and the Counter-Terrorism Strategies"[294] (2017), with the purpose to help understand various nuances of the issue from a human rights perspective.

In 2018, IPHRC also organized an international Seminar on "Islamophobia as a Human Rights Violation and a Contemporary Manifestation of Racism", which made concrete recommendations on how to address this menace[295]. Based on the factual data and on ground observations during various field visits[296], the IPHRC could also establish the extent and impact of Islamophobia faced by Muslims in Occupied Palestine, Indian Occupied Kashmir, Myanmar and Central African Republic. It was evident that discriminatory treatment meted out to Muslims in these areas was fanned by the Islamophobic sentiments and hatred deliberately promoted /ignored by relevant authorities. It was also observed that adding Islamophobic rhetoric in the society helped the occupying States in institutionalizing discrimination against Muslims.

To conclude, living in peace and security can be realised only when one fully understands not only the culture and thinking but also the concerns as well as the ways and manners of others. It has to be understood that in many societies, religious

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[290] OIC-IPHRC Outcome Document of Thematic debate on "Combating extremism and intolerance". URL: https://oic-iphrc.org/en/data/docs/session_reports/6th/theme%20combating%20extremism%20and%20intolerance.pdf (accessed: March 28, 2022).
[291] Final Communique of the 12th OIC Islamic Summit, para 105. URL: https://www.oic-oci.org/docdown/?docID=19&refID=7 (accessed: March 28, 2022).
[292] Res 32/41-Pol of 41st Session of the OIC-Council of Foreign Ministers, para 13. URL: https://www.oic-oci.org/docdown/?docID=321&refID=24 (accessed: March 28, 2022).
[293] OIC-IPHRC Thematic Study on 'Countering Islamophobia: An Unfinished Business' (2015). p. 53. Accessed on 1st April 2020 at https://www.oic-iphrc.org/en/data/docs/studies/388003.pdf (accessed: March 28, 2022).
[294] OIC-IPHRC Study on: "Islamophobia and the Counter-Terrorism Strategies". URL: https://www.oic-iphrc.org/en/data/docs/studies/818084.pdf (accessed: March 28, 2022).
[295] OIC-IPHRC issued a comprehensive Declaration titled "Istanbul Declaration on Islamophobia". URL: https://www.oic-iphrc.org/en/data/docs/seminars/339401.pdf (accessed: March 28, 2022).
[296] OIC-IPHRC field visit reports. URL: https://www.oic-iphrc.org/en/field-visits (accessed: March 28, 2022).

convictions or spiritual and ethical values constitute an integral part of an individual believer or their collective identity. Hence, disrespect of religious beliefs could be considered as an attack on individual and collective identity. Discrimination based on one's religion or belief not only affects the human rights of affected individuals and groups but also ruptures the socio-cultural harmony of the affected societies. It is, therefore, essential to draw a line between free and hate speech to maintain social cohesion.

Discrimination based on Islamophobia also leads to violation of many of the human rights of Muslim individuals and communities. Worst still, the hatred of Islamophobes serves as fodder for legitimizing activities of extremist elements in Muslim countries, thus generating a vicious cycle of hatred, discrimination and violence. This state of perpetual conflict, confrontation and mistrust affects the cooperative relationships between societies and religions as well as threatens the global peace and security. Hence, combating Islamophobia or incitement to hatred, discrimination and violence based on one's religion is in the interest of all societies.

As a result of determined efforts of the OIC, there has been a gradual awareness and willingness among Western political leadership over the grave dangers posed by Islamophobia. This has enabled enhanced dialogue among the Muslim and Western leaders on the subject. Yet another positive development is the growing realization among the common people in Western countries about the threats posed by Islamophobia to the unity and stability of their societies. There also have been a number of positive studies and reports on incitement to religious hatred and discrimination, which helped better understanding of this phenomenon within the western culture. Over time, Muslim populations, at the grass roots level, have also shown restraint, remained less emotional and more rational in their reaction to the successive Islamophobic incidents. Despite these positive developments at different levels, it is striking to note

that the level of Islamophobia continues to rise, and has even spread to new regions, which underscores the urgent need for a concerted global effort to combat it, on priority.

Three key challenges stand out to be addressed, on priority. Firstly, there is a need to reach an internationally agreed legal definition of Islamophobia. This step would lead to the next logical step of crafting a legally binding instrument to combat incitement to hatred and discrimination based on religion. Secondly, existing strategies and institutional frameworks should be strengthened by upscaling political will to implement existing / already agreed upon measures. Thirdly, more investment is needed to mobilize and equip media's ethical capacity to serve as a frontline in combatting the breeding grounds of Islamophobia industry.

The primary challenge in combatting Islamophobia worldwide remains that of recognition. Islamophobia as a global pandemic cannot be addressed effectively without being recognized as such. A legal definition of Islamophobia is a precondition to creating a commonly accepted understanding of the phenomenon and unify efforts to address it at different fronts. In order to gain such recognition and institutional accommodation, Islamophobia should be studied and defined within a specific normative framework, such as that of human rights and multiculturism.

The world has suffered a lot on the basis of discrimination towards other races, religions or beliefs. The horrors or brutalities faced by humanity begs for a new social order that calls for upholding multiculturalism and pluralistic values. Divergence of political and religious views must not be the source of discrimination. All humans are equal in dignity and must enjoy equal rights, irrespective of their cast, color, creed, race or religion[297]. Efforts should be made to include discrimination on religious grounds as unlawful acts in all national legal systems, in accordance with the internationally agreed human rights instruments to prevent the growing acts of religious intolerance, hatred

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[297] UDHR. URL: https://www.un.org/en/universal-declaration-human-rights/ (accessed: March 28, 2022).

and discrimination, including Islamophobia. Indeed, finding a comprehensive solution to Islamophobia relies on collective work and active contributions from all stakeholders, including governments, international organizations, non-governmental organizations, civil societies, religious leaders, media and communities.

In pursuit of its policy to combat Islamophobia, the OIC has adopted important resolutions and measures, and established constructive partnerships with other international actors. Strong political commitment from all stakeholders is required to strengthen these mechanisms to implement agreed upon measures to combat all forms of religious hatred and discrimination including Islamophobia. Resolution 16/18 and the corresponding Istanbul Process are the latest examples in this regard. All countries need to shun their parochial interests and lend all out support to the full and effective implementation of the Action Plan contained in Res 16/18. To this end, Istanbul Process can be used as a vehicle to meticulously discuss and address the triple gap of interpretation, implementation and information through a soft law approach by consensus.

In addition to formal measures to combat Islamophobia, more investment is needed to enhance media outreach as a frontline in combatting breeding grounds of the Islamophobia industry. The objective to put an end to Islamophobia cannot be achieved without cultivating relationships at the global level to clear the misperceptions about Islam, and to win the hearts and minds of those who have been misinformed about the facts on Islam and Muslims. Broader and consistent mobilization to counter stereotyping and stigmatization of Islam and Muslims is needed to defeat the forces of intolerance that preach and perpetrate Islamophobia through distortions and by spreading misconceptions about the religion. Muslim communities should engage interactively within their host societies, especially to enhance their participation in social and political life through, inter alia, representative organizations.

Islamophobic acts are often borne out or exacerbated by misleading information about Islam in the media, and that's where the solution starts from, as well. Hence, the need to effectively use the strength of media in combatting hate speech cannot be over emphasized. The crucial role and impact of Media must be used to combat the menace of Islamophobia. The media must work to counter hate speech and discrimination in all media frameworks, both on and offline, by promoting ethical standards, while maintaining respect for freedom of expression. All media stakeholders must also work to reduce the stimulus that incite hate speech and play a positive role in the overall promotion of mutual respect and understanding by taking strong positions against all instances of hate speech.

In order to combat Islamophobia, as a multidimensional human rights violation, which goes against the multicultural values of modern societies, an all-inclusive strategy must be devised that enlists specific actions by different stakeholders at all levels, including at the local, national and international levels.

Based on the above, both the OIC as a political organization and its human rights organ i.e., IPHRC have made following suggestions/ recommendations for different stakeholders to combat Islamophobia in a comprehensive manner:

At the national level

• The primary responsibility for addressing acts of Islamophobia or incitement to religious hatred rests with the States. Strong legislation and law enforcement are key to preventing / combating these crimes including their violent manifestations. States must develop legislations and other measures to fulfill their obligations under the international human rights law, including ICCPR and ICERD. Concrete steps be taken by all States to ensure active/meaningful participation of all minorities and relevant civil society groups in formation of relevant policies;

• As a minimum, all States should ensure that existing legal measures and best practices used to address hate crimes, incitement to hatred, discrimination and

violence based on one's religion, are universally applied to provide equal protection to all targeted groups and individuals, without any discrimination or hierarchy;

• As a key aspect of a strategy to prevent religious discrimination, States should facilitate open and transparent interfaith and intercultural dialogue and partnerships to promote tolerance, mutual respect and diversity. To this end, States must work with political, religious and community leaders to promote better understanding of the common values shared by all humankind and mainstream human rights education in national curricula with emphasis on tolerance and respect for cultural sensitivities;

• To develop effective political, legal and cultural frameworks and strategies, all States must identify and combat the root causes of old and new forms of prejudices, racism and xenophobia, including Islamophobia. Deliberate efforts must be made by each State to monitor causes of extremism/ communal tensions in their societies and use innovative and culturally sensitive methods to address these. Protection of the rights of religious minorities including their full integration into mainstream national policies be also ensured by each State;

• To reach a lasting agreement on how to address the incitement to hatred, discrimination and violence based on one's religion, the debate be moved from theology to ethics i.e., jointly identifying, recognizing and implementing the common values of different religions and spiritual traditions. The fundamental goal should be to rely, promote and practice the basic fundamental human rights, enshrined in the international human rights instruments. Hence, States must make corresponding intellectual, cultural and legal strategies to translate into law the common human values for peaceful co-existence[298];

• Media plays a key role in building opinions and creating/destroying stereotypes. Relevant State authorities should work with all media actors (social, print

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[298] Report of the Special Rapporteur on Racism Mr. Doudou Diene, 2007. URL: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/137/32/PDF/G0713732.pdf?OpenElement (accessed: March 28, 2022).

and electronic) to prioritize respect for human rights, preventing incitement to hatred and stereotypes with positive messages of inclusivity, multiculturalism and interfaith harmony while building trust and promoting reconciliation through effective Media strategies. Media houses may also be encouraged to counter all manifestations of racism, incitement to religious hatred and discrimination by promoting ethical standards, through voluntary Codes of Conduct[299];

•   States should also submit regular reports on their efforts to combat discrimination based on race and religion to the relevant UN Treaty Bodies[300] as well as brief the Human Rights Council during their Universal Periodic Review[301].

At the international level:

•   Muslim communities across the world should engage interactively within their host societies, especially to enhance their participation in social and political life through, inter alia, representative organizations. Their political, religious and community leaders have a crucial role in raising awareness about the true image of their religion; combating all forms of incitement to hatred and violence; as well as promoting improved understanding of the common values shared by all humankind;

•   OIC Resolution 16/18 rightly changed the focus of the debate on countering Islamophobia from theology to ethics and values as well as from ideology to human rights-based approach. This course of action needs to be pursued vigorously including by combating extremism in the Muslim world and criminalizing incitement to hatred against Islam and Muslims in the Western world. OIC must also work with

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[299] Outcome Document of the 4th OIC-IPHRC International Seminar on "Role of Media in Combatting Hate Speech", held in Rabat, Morocco on 23-24 October 2017. URL: https://www.oic-iphrc.org/en/data/docs/seminars/568730.pdf (accessed: March 28, 2022).

[300]   Committee   on   the   Elimination   of   Racial   Discrimination.   URL: https://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx (accessed: March 28, 2022).

[301] Universal Periodic Review. URL: https://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx (accessed: March 28, 2022).

partners to re-activate and strengthen the Istanbul Process to promote full and effective implementation of UN HRC Res 16/18;

• To shun the culture of impunity international community must urge the concerned governments and the relevant UN Mechanisms to investigate all Islamophobic incidents and take credible actions to prevent further violence against Muslims;

• OIC Member States should use/employ different Media platforms to promote the true Islamic values and its rich cultural heritage that embraces diversity and promotes culture of tolerance and moderation to counter misperceptions and stereotypes about Islam and Muslims;

• To effectively monitor, analyze and counter incitement to religious hatred and discrimination including Islamophobia, the international community should create an Inter-governmental Working Group in the HRC or establish an Observatory within OHCHR to monitor and report on incidents of hate speech and incitement to religious hatred including in the print and social media, as an early warning mechanism;

• To raise awareness on the negative consequences of incitement to religious hatred including its contemporary manifestation i.e., Islamophobia, regular general debates be held in UN General Assembly and HRC with the participation of relevant Special Procedures and stakeholders to ascertain its root causes, share best practices and discuss all possible legal, legislative and criminal procedures to combat it;

• All States in the international community should be engaged and encouraged, through different means, including with the help of relevant UN mechanisms, to: a) undertake serious introspection of national policies, legislations and administrative actions to bring them in conformity with their relevant international human rights obligations for providing protection against all forms of discrimination based on race and religion including Islamophobia; b) formulate additional legally binding instruments, where necessary, to cover the new manifestation of racism and

religious intolerance such as Islamophobia; c) build the capacity of national authorities, security officials and media to prevent acts of incitement to hatred by sharing best practices and extending technical assistance; and d) formulate and implement integration policies for migrants and refugees enabling them to integrate into the local societies and contribute to their respective communities;

• Improved understanding of each others values and reconciliation among followers of different religions greatly helps defusing hostility and promoting interfaith harmony. UNAoC must take a lead role to initiate comprehensive interfaith / intercultural dialogue among all stakeholders to address Islamophobia and to come up with appropriate recommendations within the framework of international human rights law that ensure the promotion of and respect for cultural diversity;

• To prevent the appalling impact of incitement to religious hatred on peace and security between and among societies, all well meaning political leaders must act together and openly and jointly renounce any act of incitement to religious hatred, discrimination and violence against all religions and its followers. It would help defuse negative fallout of such incidents as well as promote respect for cultural diversity and harmony;

• As a last resort, international community must unite and be ready to take "collective action" at all levels whether to condemn or boycott those involved in promoting, encouraging or tolerating acts of religious hatred, discrimination and violence including Islamophobia. Cases of best practices include the impact of ongoing BDS (Boycott, divestment and Sanctions) movement against Israel and the case of Genocide brought against Myanmar in the International Court of Justice[302].

At the OIC General Secretariat level:

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[302] Case of Genocide of Rohingyas against Myanmar. URL: https://www.icj-cij.org/en/case/178 (accessed: March 28, 2022).

• The OIC Secretary General should appoint, on priority, a well-known / reputable international figure from the Muslim world to be the OIC's Special Envoy on Islamophobia who may coordinate all matters relating to Islamophobia. He/she should actively engage with Muslim minorities/ communities in non-Muslim countries to shun the victimhood narrative and address the challenge of Islamophobia by encouraging them to be good law-abiding citizens while actively employing all legal means to claim their due rights;

• OIC Special Envoy on Islamophobia, focal points in the OIC General Secretariat and the IPHRC should establish close cooperation with the UN Special Rapporteurs on: a) freedom of expression; b) freedom of religion; and c) Racism as well as with entities like OSCE, EU, CoE to devise ways and means that contribute to intercultural harmony, enhance mutual understanding, respect and tolerance and to develop legal basis for preventing incitement to hatred and discrimination on the basis of religion and belief. Concerned authorities of the States with significant Muslim minorities may be part of this process to ensure that followers of all religions are treated impartially and given equal protection;

• The OIC Observatory in close cooperation with the UN Special Rapporteurs should also devise a list of common practices, which may lead to incitement to hatred and discrimination based on religion / Islamophobia, as early warning signs for governments to take necessary preventive measures /corrective steps;

• OIC should allocate sufficient human and financial resources to strengthen the capacity of its Islamophobia Observatory and Saut-al-Hikmat Centre to enhance collaboration and networking with its counterpart organizations at the regional and international levels to raise awareness about Islamophobic manifestations as well as to combat misperceptions in a coordinated and systematic manner;

• Establish regular dialogue on the subject with reputable NGOs from all countries, who can raise awareness on the negative implications of incitement to hatred,

discrimination and violence based on one's religion on the communal harmony of multicultural societies and broader peace and security among different countries and religions.

2.1.2 OIC/IPHRC's Position on the Right to Freedom of Expression; Hate Speech; Incitement to Hatred, Discrimination and Violence

Development of a peaceful, progressive and democratic society is dependent on the enjoyment of the right to freedom of opinion and expression by its inhabitants, which includes the right of every person and all people to hold opinions, and to seek, receive and share information and ideas in different formats. Throughout the history, this right has been recognized by various religions and cultures, and was instrumental in building scientific knowledge, advancing human civilizations, and fostering understanding among various peoples. Based on its established value, freedom of expression in present times is duly recognized and protected under various United Nations (UN) treaties, regional conventions and national constitutions and legislations, across the world. This established principle of international human rights law finds its place among the core principles needed to promote and secure human rights respecting societies.

On the other hand, hate speech construction and its normalization, are based on the notion of superiority, be it based on ethnicity, religion or nationality that legitimizes incitement to hatred, discrimination and even violence towards targeted individuals and groups. Such legitimization is based on false narratives/ideas that tend to reduce a given ethnicity or religion to a devaluing identity on the basis of nature / biology or culture such as linking violence with Islam, cultural or biological inferiority for blacks and Jews, and subsequently, their exclusion from and discrimination within a society.

In Islam, suppression and repression are not acceptable. Accordingly, Islamic teachings uphold freedom of expression and recognize the role of critical thinking in empowering human beings as an honorable and responsible creation of God. The Quran

maintains and upholds the right to freedom of religion, speech, and expression, and teaches that one should express oneself through gentleness, courtesy, calmness and respect, such as when Allah commands the prophet Mohammed peace be upon him to "call the people to the way of your Lord with wisdom and goodly and kind exhortation, and argue with them in the most pleasant and best manner" (Verse 125, Surat An-Nahl). Accordingly, the objective of expression in Islamic philosophy is to build up love, tolerance, social harmony, and understanding among different members of society in order to ensure a peaceful coexistence.[303]

Within the Quran, there is no text that forbids the freedom of expression, or suppresses it by any means. On the contrary, the Quran encourages people to discuss matters openly and accept or reject ideas, and even challenges them to bring about all pretexts and evidences that might be available to contest the divine wisdom of the Quran. In fact, Islam does not only respect, but also demands freedom of expression. This is understood in the context that many Quranic injunctions, such as the order to enjoin good and to forbid evil, are impossible to act upon if people are not allowed to speak and act freely[304]. Many actions that are deemed praiseworthy in Islam, such as speaking up the truth, providing sincere advice, spreading knowledge, and helping to lift injustices; can only be undertaken if one has the ability to express oneself freely.

Islam also guarantees the right of everyone to express opinions and to argue for them without any kind of intimidation or fear, to the extent that even the devil has been allowed to speak openly. Describing a conversation between Allah and Iblis (devil), the Quran says: "And (remember) when your Lord said to the angels, I am going to create a human being (Adam) from sounding clay of altered black mud. So, when I have fashioned him completely and breathed into him of My spirit, then fall you down

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[303] Jallow AY (2015), Freedom of Expression from the Islamic Perspective. Journal of Mass Communication Journalism 5: 278.

[304] Bhat AM (2014), Freedom of Expression from Islamic Perspective. Journal of Media and Communication Studies 6: 69-77.

prostrating yourselves unto him. So, the angels prostrated themselves, all of them together. Except Iblis, he refused to be among the prostrators. Allah said O Iblis! What is your reason for not being among the prostrators? Iblis said I am not the one to prostrate myself to a human being, whom You created from sounding clay of altered black mud" (Verses 29-33, Surah Al-Hijr). The conversation which goes on between Allah and the devil is an ultimate Quranic illustration of the Islamic perspective on the freedom of expression.

If the devil is given the freedom to speak up and try to convince people with his views, then one can easily conclude that ordinary people have the freedom to do so in Islamic teachings. That has been said, Islam does limit freedom of expression where it is blasphemous or creates social disorder.[305] In line with this spirit, Islam gives everyone the right to exercise freedom of expression as long as they do not intrude upon the freedom and dignity of other people. The Islamic moral constraints on freedom of expression are built-in safeguards that prevent injustice, abuse, wickedness, and strife, which can lead to abusive or offensive language in the name of criticism and freedom of speech[306].

Under the international law framework, the legal understanding, standards, and definition of freedom of expression have been evolving for many decades. When the UN General Assembly (UNGA) met for the first time in January 1946, it passed a resolution recognizing freedom of information as a fundamental human right and "the touchstone of all the freedoms to which the UN is consecrated."[307] Furthermore, it provided an early definition of freedom of expression as: "Freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without

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[305] Bhat AM (2014), Freedom of expression from Islamic Perspective. Journal of Media and Communication Studies 6: 69-77.
[306] Kamali MH (1988), Freedom of Expression in Islam. Ilmiah Publishers, Kuala Lumpur.
[307] UN General Assembly, Calling of an International Conference on Freedom of Information, 14 December 1946, UNGA Res 59(1), UN Doc A/229, A/261. [UN Res 59(1)].

fetters. As such it is an essential factor in any serious effort to promote the peace and progress of the world.[308]".

In December 1948, the UNGA adopted the Universal Declaration of Human Rights (UDHR), which formally protected freedom of expression under Article 19, which states: 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.[309] Since then, several international human rights treaties and reports by the various human rights bodies and Special Rapporteurs have expanded on the definition of this right and how it relates to its practical exercise. Accordingly, freedom of expression is recognized under various terms, such as in Articles 19 & 20 of the International Covenant on Civil and Political Rights (ICCPR), Article 21 of the OIC Declaration on Human Rights, Article 32 of the Arab Charter of Human Rights, Article 10 of European Convention on Human Rights, Article 13 of American Convention on Human Rights, Article 9 of African Charter on Human and Peoples' Rights, and Article 23 of the ASEAN Human Rights Declaration.[310]

Furthermore, as with most human rights, limitations and restrictions apply to the freedom of expression under special circumstances. These restrictions are also included in various legal frameworks that stipulate how the right can be legitimately and responsibly exercised. Under all conventions and declarations mentioned above, freedom of expression is defined in specific terms which declare that this right is not 'absolute', rather its exercise is subject to special duties and corresponding responsibilities, based on avoidance of harm to others to ensure societal cohesion.

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[308] UN General Assembly, Calling of an International Conference on Freedom of Information, 14 December 1946, UNGA Res 59(1), UN Doc A/229, A/261. [UN Res 59(1)].

[309] Universal Declaration of Human Rights, 10 December 1948, GA Res 217 A(III), art 19.

[310] Full text of relevant articles on freedom of expression. URL: https://en.unesco.org/sites/default/files/international_standards_on_freedom_of_expression_eng.pdf (accessed: March 28, 2022).

Specifically, these measures seek to draw a line between legitimate freedom of expression and illicit forms of expression such as hate speech and incitement to hatred.

In order to provide guidance for the application of the treaty-based mechanisms discussed above, Special Rapporteurs and other functionaries have been established to investigate and report on issues related to freedom of expression. For instance, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression is an independent expert appointed by the UN Human Rights Council to investigate and report on freedom of expression[311]. Other organizations such as the Inter-American Commission on Human Rights (IACHR) and the African Commission on Human and Peoples' Rights (ACHPR) have also established Special Rapporteur mandates to gather relevant information on violations of the right to freedom of expression wherever it occurs; to coordinate with various stakeholders, including governments, and to make recommendations and provide suggestions for how to better protect freedom of expression in general and where violations occur in particular[312].

Unfortunately, however, the focus of these Special Rapporteurs mandate has remained at the promotion aspect of this right by reporting and criticizing the limits imposed on this freedom. There had been no effort on part of these mandate holders to point out, criticize or suggest remedies for violation, misuse or abuse of this important right. This one sided and biased perspective has led to many ills in the society whereby extremist elements have used this uncharted freedom to stereotype, defame, discriminate and incite hatred against minorities as well as other vulnerable segments of society, which have led to acts of manifest discrimination and violence including the loss of life.

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[311] Human Rights Council, Mandate on the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, 28 March 2008, Res 7/36, art 3.

[312] Detailed information about the mandates and work of these mechanisms can be found here: OAS, Mandate of the Office of the Special Rapporteur for Freedom of Expression. URL: http://www.oas.org/en/iachr/expression/mandate/ (accessed: March 28, 2022); ACHPR, Special Rapporteur on Freedom of Expression and Access to Information. URL: https://www.achpr.org/specialmechanisms/detail?id=2 (accessed: March 28, 2022).

Despite the consensus that freedom of expression is a fundamental human right for everyone, most of the countries around the world have domestic laws that censor, restrict or limit certain types of expression, including speech that incites violence and hatred, or threatens their social cohesion, ethics, national security and identity. While some free speech advocates prefer an open marketplace of ideas, where no expression is restricted, considering that the best response to harmful speech is through debate that lets different ideas freely challenge it[313]. Others argue that restrictions on freedom of expression are vital for the protection of other human rights, including rights to privacy and security, and protection of minority communities from the harm that such speech may cause.[314] Hence, the relationship between freedom of expression and protection against discrimination or the threshold where the freedom of expression turns into hate speech are legitimate topics of discussion among relevant stakeholders including the international human rights community.

Different approaches to draw the line for acceptable freedom of expression can be seen around the world. Even in countries such as the United States of America, which has traditionally been a country where the constitutional protection of free speech is vigorously defended, there are many restrictions on freedom of expression, such as those against speech that incites "imminent lawless action" and those that censor obscenity.[315] Based on historical considerations, some other countries have a greater tendency than others for prohibiting certain forms of speech and even the expression of certain opinions. For instance, many European countries have passed laws in accordance with a European Union Council decision to make it a punishable offence not only to incite hatred, but also to publicly deny crimes of genocide (e.g., the Holocaust) or war

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[313] Julian Walker, "Hate Speech and Freedom of Expression: Legal Boundaries in Canada", Publication No. 2018-25-E 29 June 2018. Legal and Social Affairs Division, Parliamentary Information and Research Service. Ottawa 2018.

[314] Ibid.

[315] These restrictions have been imposed by the US Supreme Court under various cases such as Brandenburg v. Ohio, 395 U.S. 444, para. 447 (1969). And Jacobellis v. Ohio, 378 U.S. 184 (1964).

crimes[316]. In other countries including in many of the Muslim countries, limitations on free speech may go as far as to impose the death penalty for such crimes as apostasy, blasphemy or other statements that threatens the spiritual cohesion of society, national security and identity[317].

In recent years, in the context of fighting terrorism, many countries have excluded the glorification of terrorism from the freedom of expression, accordingly, legislations were introduced to the criminal code to create a new offence of advocating or promoting terrorist behaviors, otherwise referred to as the glorification of terrorism, which includes all expressions and reckless communications that seek to inspire violent negative behavior against others[318]. Among the other laws that have restricted freedom of expression are those referred to as anti-hate laws, for their purpose is to restrict the publication and public expression of messages intended to incite hatred towards members of particular groups. In other words, they prohibit hate propaganda that represents a violation of social cohesion, national interest and the stability of society as a whole[319].

Despite the existence of national restrictions on the freedom of expression in almost every country, a common understanding on how to define and apply these restrictions at the international level is yet to be achieved. As discussed above, the right to freedom of expression enjoys fairly broad protection in international law. However, conflicting interpretations of the concept by each country have prevented building

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[316] European Union, "Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law," Official Journal of the European Union, L 328/55, 6.12.2008. A European Commission report found in 2014 that most EU member states had not yet correctly implemented the rules designed to tackle racist and xenophobic hate crimes: European Commission, Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, COM/2014/027, 27 January 2014.

[317] For a list of countries that outlaw apostasy and blasphemy, see, for example, Angelina E. Theodorou, "Which countries still outlaw apostasy and blasphemy?" Facttank: News in the Numbers, Pew Research Centre, 29 July 2016.

[318] Julian Walker, "Hate Speech and Freedom of Expression: Legal Boundaries in Canada", Publication No. 2018-25-E 29 June 2018. Legal and Social Affairs Division, Parliamentary Information and Research Service. Ottawa 2018.

[319] Ibid.

consensus on its threshold and where it converts into hate speech and incitement to hatred needing criminalization.

Furthermore, the recent rise of populism and its use of offensive language against people from specific races or religions is a case in the point that highlights the need to differentiate hate speech from freedom of expression. The absence of clear terms in this regard have intensified the rhetoric and political communication strategies of right-wing populist parties that exploit media platforms to aggravate negative emotions and spread fear about immigrants and religious minorities, such as in the cases of Islamophobia and antisemitism.[320] The misuse of freedom of expression in this way does facilitate prejudice against minorities, and normalize racist and xenophobic discourse and rhetoric, which favors an ethnic or racial interpretation of social, economic and political problems and immigration as well as increases acts of religious intolerance, hatred and discrimination against minorities.

The Organization of Islamic Cooperation (OIC) has taken an early and proactive role in underscoring the importance of distinguishing between freedom of expression that is a fundamental human right for all, and hate speech that promotes discrimination and intolerance on ethnic, religious and other grounds. In this context, the OIC considers that the fight against hate speech is the best way to serve freedom of expression, and has been accordingly leading efforts to raise the international awareness at all levels of the gravity and dangers of hate speech, which constitutes a threat to the values of pluralism, global peace and harmony.

In 1999 and for almost 12 years, the OIC submitted a resolution to the Human Rights Council for combating "defamation of religions", as a means of expressing its growing concern over the emergence of new forms of intolerance and hatred with regard to Islam and Muslims in various parts of the world. However, a sharp division over the

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[320] Wodak, Ruth. 2015. The Politics of Fear: What Right-Wing Populist Discourses Mean. London: SAGE.

legal and conceptual grounds by Western countries against the concept of defamation of religions prevented reaching an international agreement.

In this long fight against discrimination on the basis of religion, which is particularly fueled by the misuse of the freedom of expression concept i.e., hate speech, the OIC has adopted a consensus-building approach at the International level with the adoption, in 2011, of the United Nations Human Rights Council Resolution 16/18[321] on "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief". This resolution, commonly known as Res. 16/18, calls upon all Member States to foster religious freedom and pluralism, to ensure religious minorities are properly represented, and to consider adopting measures to criminalize incitement to imminent violence based on religion or belief. Consensus adoption of this resolution since 2011, both by the Human Rights Council and UN General Assembly, highlights its importance as an effective tool for combating the scourge of hate speech, incitement to hatred, discrimination and violence.

The OIC knew from the beginning that mere adoption of texts in the UN halls wouldn't have an impact on the ground, unless there are follow up actions by all stakeholders. Accordingly, to ensure the effective implementation of the milestone HRC Resolution 16/18, the OIC also launched a follow up process in June 2011, which is commonly known as the Istanbul Process. This initiative was launched in partnership with the United States, the EU and a number of other interested countries who all agreed on the need for a transparent, sustained and structured process of engagement with a view to following up on the implementation of Resolution 16/18. It aims to provide a framework for a better understanding of stakeholder's different views, interests and concerns and accordingly shaping an appropriate plan of action based on positive and

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[321] The full text of the Human Rights Council Resolution 16/18. URL: https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18_en.pdf (accessed: March 28, 2022).

effective good practices shared in the meetings held under this Process. So far Seven meetings of this process have been held in different countries where all stakeholders such as governments, civil society actors, academia and religious leaders have shared their insights as well as best practices on how to combat the menace of hate speech, incitement to hatred and discrimination.

Resolution 16/18 constitutes, by its consensual character and the principles established for its implementation, a major historic progress in terms of clarification and quest for a balance between freedom of expression and prohibition of incitement to racial, religious or nationalistic hatred. It also contains a specific Eight-points Action Plan, which provides for a range of measures that not only cater for positive actions such as reaching out to minorities, training of officials and intercultural dialogue, but also calls for stricter actions such as the need for criminalization of acts of incitement that lead to imminent violence. However, the difficulties and hurdles encountered in its implementation, since its adoption, call for a critical and prospective reflection on their root causes and the conditions required for the execution of the Istanbul Process.

The Independent Permanent Human rights Commission (IPHRC), the principal human rights organ of the OIC, has also tackled the issue of delineating the limits of freedom of expression as per the existing international human rights standards. In dealing with this delicate subject the IPHRC has always highlighted the importance of the right to freedom of expression for the development and progress of democratic, peaceful and progressive societies. However, it has also gone at length to deconstruct and expose the myth of absolute or unchecked freedom of expression, which is against the international human rights law and seriously impacts the human rights of affected individuals, groups and societies. IPHRC has also endeavored to promote a shared understanding of the fine line between freedom of expression and hate speech which helps societies in combating incitement to hatred and discrimination while promoting multicultural ethos, development, peace and security.

To this end the IPHRC has organized various discussions and events, including thematic debates and international seminar, which dealt with various aspects of the right to freedom of expression and hate speech. These meetings were participated by all concerned stakeholders such as Member States, relevant UN Special Procedures such as Special Rapporteurs on Freedom of Expression and Racism as well as Special Rapporteur on Freedom of Expression from the African Commission on Human and Peoples Rights. Both the Thematic debate and the International Seminar discussed various aspects of this important debate and after thorough deliberations came up with comprehensive declarations, which clarify these concepts and make concrete recommendations on how best to protect the freedom of expression and tackle hate speech[322].

One of the modern manifestations of racism that has prolificated because of hate speech is Islamophobia, accordingly, IPHRC has also organized an international Seminar (2018) on "Islamophobia as a Human Rights Violation and a Contemporary Manifestation of Racism" in which many experts from academia and international organizations were brought together and discussed the complexities, dilemmas, and paradoxes of Islamophobia in the context of hate speech and racism, with a view to proposing possible remedies to combat Islamophobic discrimination and racism worldwide[323].

IPHRC holds the view that whereas freedom of expression is one of the key factors for creation of modern day inclusive, tolerant and multicultural societies; the hate speech motivated by racism, xenophobia and intolerance, coupled with impunity for perpetrators create a climate of fear and social exclusion of the targeted persons and

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[322] Full text of the IPHRC 8th Session Outcome Document on 'Freedom of Expression and Hate Speech". URL: https://www.oic-iphrc.org/en/data/docs/session_reports/8th/8th_iphrc_thematic_debate_outcome_en.pdf (accessed: March 28, 2022).; Full text of the Outcome Document of the IPHRC International on role of Media in combating hate speech. URL: https://oic-iphrc.org/en/data/docs/seminars/568730.pdf (accessed: March 28, 2022).
[323] IPHRC issued a comprehensive Declaration titled "Istanbul Declaration on Islamophobia". URL: https://www.oic-iphrc.org/en/data/docs/seminars/339401.pdf (accessed: March 28, 2022).

groups, which is anathema to the ideals of pluralism and democracy. Hence, the need for responsible use of freedom of expression to ensure protection of the right of others, respect the right of privacy and personal dignity and maintenance of socio-cultural harmony. All these elements are aptly reflected in the relevant article of the Cairo Declaration of OIC on Human rights (CDOHR) dealing with freedom of Expression[324].

In an environment infused with populist discourses focused on xenophobic narratives and incitement to hatred against minorities to make electoral gains, it has become a daunting challenge for policy makers and academics to define the narrow line between legitimate space for freedom of expression and the dangerous zone of hate speech. As discussed above, the right to freedom of expression enjoys fairly broad protection in international law. However, since this right is not absolute, it must be balanced in consideration of other rights, notably the right to protect dignity, privacy, and the right to non-discrimination.

Governments have the double obligation to promote freedom of expression as well as to restrict its misuse/ practice in certain circumstances in accordance with the guidance outlined in Articles 19 & 20 of the ICCPR, mainly to guarantee respect of the rights or reputations of others, the protection of national security or of public order, or of public health/morals, or as necessary in the case of a national emergency as purported in Article 4 of the ICCPR[325]. As indicated in General Comment No. XV on Article 4 of International Convention on the Elimination of All Forms of Racial Discrimination by CERD Committee, "prohibition of the dissemination of all ideas based upon racial

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[324] Art 21 of the Cairo Declaration of OIC on Human Rights available here at: http://oic-iphrc.org/ckfinder/userfiles/files/FINAL%20OHRD%20CLEAN%20%20VERSION%2024_12_2020.pdf (accessed: March 28, 2022).

[325] Katie Bresner, "Understanding the Right to Freedom of Expression: An International Law Primer for Journalists. The International Human Rights Program (IHRP) at the University of Toronto, Faculty of Law and Journalists for Human Rights (JHR). 2015 IHRP | JHR.

superiority or hatred is compatible with the right to freedom of opinion and expression"[326].

Unfortunately, however, the rise of far-right movements in recent years represents a real security threat that must be taken seriously. Indeed, the prospects seem to be worrying if the current trend of rising hate speech and identity politics continue in the future. In this regard, what may distinguish a healthy practice of freedom of expression from a toxic one is the resolve of governments to take significant steps towards protecting the achievements in keeping the balance between freedom of expression and fighting hate speech, which undermines people's security and increases the risks of triggering violence in society. It has become apparent that the global politics of hate unleashed by right-wing populists and likeminded political figures in the West and beyond have also galvanized white supremacist / racist ideologies, identities, movements and practices across the globe[327]. Similar voices are rising in Myanmar, India and Sri Lanka, targeting the Muslim minorities of their countries at all levels of their livelihood, and causing unprecedented tensions and human rights violations against a large segment of their societies.

Ironically, hate speech narratives against ethnic and religious minorities by the far-right extremists give undeserved legitimacy to the narratives of extremist voices on the other side of the spectrum, such as the terrorist organization like ISIS and other religious fanatics. This irony reflects the reality that hate speech does nurture extremism. Similar to terrorism recruitment online, right-wing extremism has developed an ability to use the internet and social media to propagate its cause, in a determined effort to be transnational, benefiting from a free ride on some of globalization's advantages, such as

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[326]Full text of the general recommendations on combatting hate speech. URL: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGC%2f35&Lang=en (accessed: March 28, 2022).
[327] Ibid.

the ease of global travel and communication[328]. These abilities are highly efficient in motivating lone wolves through hate speech to take action anywhere in the world, and are well demonstrated in the case of Christchurch attack and Manifesto.

The current rise in far-right extremism represents a cultural cold war over the values of multiculturalism in modern democracies. It also threatens societal peace and security with possible violent acts, including terrorist attacks, similar to those of Christchurch attacks. The ability of radical voices to misuse the freedom of expression to promote ethnocentric and racist values reflects the success of contemporary right-wing extremists, like their predecessors, in acquiring the façade of legitimacy[329]. This, in fact, provides greater capacity to connect with the public and enables the radicalization of youth that are looking for meaning outside traditional political parties which are becoming less attractive to the young generations across the world.

The social dynamics that are being created through the use of hate speech in the political landscape and media, benefiting from the grey area between freedom of expression and incitement to hatred, are real global challenges, which encourage the passive voices of right-wing extremists to take the stage and be more proactive about their radical perspectives to change society, and to undo achievements of modern societies that recognize equal rights for all.

The OIC and IPHRC have repeatedly raised concerns on these negative developments and also highlighted importance of combating hate speech, which directly affects the rights and reputation of others in particular the vulnerable segments of societies as well as undermines the democratic / multicultural values of affected societies. In her annual report to the Human Rights Council, the UN Special Rapporteur

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[328] Canada has taken an important step in the fight against right-wing extremism. URL: https://www.theglobeandmail.com/opinion/article-canada-has-taken-an-important-step-in-the-fight-against-right-wing/ (accessed: March 28, 2022).

[329] Barbara Perry & Ryan Scrivens (2016) Uneasy Alliances: A Look at the Right-Wing Extremist Movement in Canada, Studies in Conflict & Terrorism, 39:9, 819-841.

on Minority Rights, has rightly concluded that "although not all hateful messages result in actual hate crimes, hate crimes rarely occur without prior stigmatization and dehumanization of targeted groups and incitement to hate incidents fueled by religious or racial bias"[330]. This is an apt reminder about the need for addressing the misuse or abuse of freedom of expression in a world where fake news is used by politicians, governments and social groups for myopic socio-political and economic gains with no regard for the individual and collective human rights of targeted individuals and communities resulting in inhuman consequences such as wide-spread socio-economic discrimination and violence including genocide.

In light of these disturbing developments worldwide, OIC and IPHRC believe that there is a need to build consensus on the threshold of freedom of expression where it converts into hate speech and incitement to hatred needing criminalization as provided in Article 20 of the ICCPR and para 7(f) of the Res.16/18, which calls for "adopting measures to criminalize incitement to imminent violence based on religion or belief". Furthermore, while such legal response involving affirmative punitive action is of key importance, it also important to adopt a 'multilayered approach', which promotes human rights and tolerance, encourages dialogue and understanding among different groups and builds the capacity of national authorities, including security officials as well as media, thus creating an environment conducive to preventing acts of incitement to hatred, discrimination and violence[331].

Such a multilayered approach to promote freedom of expression while combatting hate speech must start from deconstructing the narratives of hate speech and conduct a proper analysis to understand the processes that underpin the observed rise of hate speech in our modern societies. At the core of hate speech construction and

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[330] UNHRC Report of Special Rapporteur on Minority rights No. A/HRC/28/64.
[331] Outcome Document of the 8th IPHRC Session Thematic Debate on 'Freedom of Expression and Hate Speech". URL: https://www.oic-iphrc.org/en/data/docs/session_reports/8th/8th_iphrc_thematic_debate_outcome_en.pdf (accessed: March 28, 2022).

normalization, is the intellectual legitimization of ethnic, religious and national discrimination which justifies hate speech. Such legitimization is based on promoting ideas that elaborate explanatory concepts to reduce a given ethnicity or religion to a devaluing identity on the basis of nature / biology or culture such as linking violence with Islam, cultural or biological inferiority for blacks and Jews, and subsequently, their exclusion from society. These constructed concepts are used to build social perceptions that feed the deep roots of different political parties and social movements' platforms to thwart and antagonize multicultural dynamics in their societies.

Emerging political platforms, built around the notions of defending an old identity and ensuring its security and protection against 'new comers', are translated in the electoral success and political credibility for political parties which instrumentalize the democratic processes and values, particularly the ideals of freedom of expression, to explicitly champion racist and xenophobic programs all across the world. Incitement to racial, religious or national hatred constitutes the key mechanism in the service of this edifice. During 2019, far-right political parties in Europe made significant electoral gains, many of which are unprecedented since the Second World War[332], and in many cases forced other secular parties to make alliances for political power. This growing momentum around identity politics increases the risk of violent acts by inspired far-right extremists against ethnic and religious minorities across the world.

This political instrumentalization of hate speech at the name of freedom of expression must be seen as, not only a threat to democracy, but also a catalytic for conflicts between groups and countries in multicultural societies. In fact, intellectual legitimization and political instrumentalization work on giving legitimacy to the passage to symbolic violence, whether verbal, physical or social against targeted minorities.

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[332] BBC News. URL: https://www.bbc.com/news/world-europe-36130006 (accessed: March 28, 2022).

In order to address these dynamics at a global level, both the OIC and IPHRC have emphasized the need to depoliticize the international discourse on the subject by moving away from an ideological debate to a legal, moral and ethical discussion within the human rights framework[333]. Governments should promote an intellectual, moral and ethical strategy to bridge the gap of misunderstanding or 'clash of ignorance' by countering the increasingly negative political rhetoric and biased media coverage of ongoing crises and their interpretations about the negative role of minorities and "the other" in "our problems". To this end, the IPHRC has also suggested focusing on human rights education as an effective tool to combat hatred and promote better understanding of diversity. It, accordingly, recommends wider application of human rights education and its integration into national human rights plans of action, educational plans and other relevant national plans of action to foster universally recognized human rights values and to promote a culture of peace, coexistence, and multiculturalism, thus strengthening the resilience of societies against extremist and intolerant views[334].

The ongoing conjuncture of events, which includes unprecedented level of interconnections and tensions, combined with global crises and pandemics, have the ability to produce dramatic social changes, and create fundamental new realities in the stock of knowledge and its implications in the nature of human societies. Such effects are amplified with the strength of social media in quickly disseminating views and forming opinions as well as its misuse for fomenting hatred and intolerance as well as spreading fake news. States, therefore, also need to pay special attention and raise awareness about this phenomenon, as well as to monitor the misuse of freedom of expression for incitement to hatred, discrimination and violence to stop the stigmatization of each other, and to promote respect for diversity, and for socio-cultural

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[333] Outcome Document of the 8th IPHRC Session Thematic Debate on 'Freedom of Expression and Hate Speech". URL: https://www.oic-iphrc.org/en/data/docs/session_reports/8th/8th_iphrc_thematic_debate_outcome_en.pdf (accessed: March 28, 2022).
[334] Ibid.

and religious sensitivities of different segments of society that are vital for building inclusive, resilient and pluralistic societies.

2.2. Protection of Social and Economic Rights

2.2.1. OIC/IPHRC's Position on the Protection of the Institution of Family

The Universal Declaration of Human Rights (UDHR)[335] stipulates that the family is the natural and fundamental unit of every society where it plays a key role in providing conducive environment for the harmonious development of its members. A number of other international human rights instruments affirm the vital role of family in society[336], acknowledge its key role in fostering social development, cohesion and integration[337], and underscore its primary responsibility for nurturing, guidance, and protection of children for holistic development of their personality[338], which contribute to building responsible and peaceful societies.

In Islam, the institution of family is built through 'marriage', which is a sacred social contract between man and woman that imposes rights and duties designed for procreation, care and upbringing of children. The two related aspects are: firstly, sexuality should serve personal satisfaction and dignity[339] and secondly, God creates partnership between a man and a woman to achieve comfort[340], love and mercy provided by the family. Thus, there can be no development, or the development would be

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[335] The Universal Declaration of Human Rights. Article 16. URL: https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf (accessed: March 28, 2022).

[336] The International Covenant on Civil and Political Rights. Article 23. URL: https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx; International Covenant on Economic Social and Cultural Rights. Article 10. URL: https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx (accessed: March 28, 2022).

[337] The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Article 44. URL: https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx (accessed: March 28, 2022).

[338] The Convention on the Rights of the Child. URL: https://www.ohchr.org/en/professionalinterest/pages/crc.aspx (accessed: March 28, 2022).

[339] The Qur'an 30:21.

[340] The Qur'an 7:189.

meaningless, until and unless the society and its fundamental unit are at peace from within and without. It is because of this Divine wisdom that all Abrahamic faiths view Heterosexual marriage as the only valid way for a couple to acquire the true satisfaction and high dignity without disturbing social order.

All societies, therefore, have a compelling interest to promote the institution of marriage and family as well as to resist attempts to redefine, legalize and promote the concept of 'genderless marriage', which deinstitutionalize the institution of traditional marriage and concomitantly deform the values underlying the family and society.

The Organization of Islamic Cooperation's (OIC) position on family and marriage is guided by the teachings of the Islamic faith and the major international human rights conventions and agreements. The OIC Charter has established the need to "emphasize, promote and protect the role of the family as the natural and core unit of society[341]", which is based on the OIC Member States' recognition of the importance of the family unit and its role in terms of upbringing, education and protection of the individual as a main foundation from which one acquires moral and religious references and ethical paradigms that inspire his conduct. Accordingly, the OIC countries have an immense interest and are determined to empowering the institution of marriage and family and preserving its values to achieve social cohesion and sustainable development.

OIC, is also convinced that a strong family provides the right ingredients for nurturing of well-rounded future generations in an environment free of discrimination and violence. Children raised under the patronage of good families are not only well equipped to face different challenges but also possess balanced personalities that are crucial to maintaining socio-cultural and humanistic values of respective societies. OIC, therefore, urges all its Member States to accord necessary attention to the family as the principal nucleus of their societies and exert all possible efforts at all levels to face up

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[341] The Charter of the Organisation of Islamic Cooperation (OIC). Article 1 (14-15). URL: https://www.oic-oci.org/upload/documents/charter/en/oic_charter_2018_en.pdf (accessed: March 28, 2022).

to the contemporary challenges confronting the institution of family and its cohesion, on the basis of Islamic values[342].

While explaining Article 23 of the International Covenant on the Civil and Political Rights, the Human Rights Committee in its General Comment Number 19 has also stressed that all States must protect the institution of family as part of their social responsibility and human rights obligation[343]. The 1995 Social Summit in its Declaration also emphasized that "our societies must respond to the material and spiritual need of individuals, their families and the communities in which they live…"[344].

While celebrating the 20th anniversary of the International Year of the Family, the United Nations Human Rights Council (HRC), during its 26th Session, adopted a comprehensive resolution on Protection of Family, which highlights the centrality of the importance of preservation of family values[345]. In yet another resolution on the same topic, the HRC recognized that the family plays a key role in social development and invited all Member States as well as the organizations of the UN system to take into account the role of family as a contributor to sustainable development as well as to strengthen the family policy development in their efforts to achieve the Internationally agreed Development Goals[346].

Based on the above stated overarching strengths, it is rightly argued that the road to human progress, prosperity and development of peaceful societies passes through the institution of family. Strong families based on husband-wife marriage serve as the

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[342] The OIC Ten Year Program of Action. Chapter 2-VI (9). URL: http://ww1.oic-oci.org/ex-summit/english/10-years-plan.htm (accessed: March 28, 2022).

[343] The General Comment No 19 of Human Rights Committee. Para 3. URL: https://www.refworld.org/docid/45139bd74.html (accessed: March 28, 2022).

[344] The Copenhagen Declaration on Social Development 1995. Para 3. URL: https://www.un.org/development/desa/dspd/world-summit-for-social-development-1995/wssd-1995-agreements/cdosd-introduction.html (accessed: March 28, 2022).

[345] The HRC Resolution A/HRC/RES/26/11 "Protection of the family". URL: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/086/78/PDF/G1408678.pdf?OpenElement (accessed: March 28, 2022).

[346] The HRC Resolution A/HRC/RES/29/22 "Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development". URL: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/163/18/PDF/G1516318.pdf?OpenElement (accessed: March 28, 2022).

fundamental institution for transmitting to future generations the moral strengths, traditions and values that contribute to the sustainable development of respective societies as well as sustain civilizations[347].

Despite the wide acknowledgment of the valuable role played by the institution of Family, this institution continues to face various challenges in different parts of the world. In certain cases, these challenges relate to social and economic development of particular societies, whereas in other cases the family unit is affected by natural and manmade disasters including natural calamities, conflicts and epidemics. Among the most vulnerable to such challenges are families that are headed by single parents, in particular women, elderly, disabled or poor. Aggravating factors which relate to their social or political status such as minorities, displacement, refugees, migrants, under foreign occupation or caught in an armed conflict add to the miseries of each family member who become vulnerable to different forms of discrimination and violence.

The increasing rate of industrialization, urbanization, globalization and educational attainment has also put the institutions of marriage and family under stress. Hence, these institutions are starting to lose their traditional role, strength and sustainability to a varying degree in different OIC countries[348]. For similar reasons, Western societies have particularly been hit hard by the challenges to the marriage and family institution and some have gone as far as to name it a "family crisis"[349].

An OIC study, conducted by its research institution called SESRIC, highlights the rise and spread of an individualist lifestyle, which promotes a false clash between individual needs and family and marital life, whereas family is seen to limit individual's

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[347] Traditional Marriage is Essential for a Healthy Society. URL: http://www.familywatchinternational.org/fwi/documents/FWIpolicybrieftraditionalmarriagefinal.pdf (accessed: March 28, 2022).

[348] The OIC Strategy for the empowerment of family adopted by the First OIC Ministerial Meeting for Social Development held from 7-9 Dec in Istanbul. URL: https://www.oic-oci.org/docdown/?docID=7606&refID=2251 (accessed: March 28, 2022).

[349] Baskerville, S. Freedom and the family: The family crisis and the future of western civilization // Humanitas. – 2009. - №22 (1/2). – P. 168-184.

development. This erroneous belief results in hesitation to start an enduring relationship, delays child rearing and family formation, and leads to smaller families[350]. The study further emphasizes that the severe decline in the rate of marriage seriously undermines the procreation capacity of a society and puts countries at risk of sub-replacement level[351].

All these challenges seriously affect the well-being of the affected families and consequently affect the smooth development of their respective societies. But despite these challenges, the natural, physical and moral, bondage provided within a family enables it to stand all types of difficulties, go beyond the call of duty and to ensure the well-being of its members. History has repeatedly proven that the family remains the most powerful, most effective and, by far, the most economical system not only for confronting various challenges but also for building competence and character thus, good and responsible citizens.

The relationship between families and economic growth is quite straightforward. New studies in economy assert that economic growth is largely determined by Human Development Index, quality of country's human capital. What determines Human development index, however, is the Early Childhood Development Score and what predicts a child's development score is the family environment. Family firms also provide a big portion of the GDP, and they are more likely than non-family firms to promote an egalitarian economic culture[352]. Hence, it is pertinent to acknowledge and emphasize the contribution of family both as the fundamental unit of society and the fundamental agent for sustainable, social, economic and cultural development.

A society is the sum of its constitutive social institutions and their interactions over time. The institution of family is one of the major 'social institutions', which

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[350] SESRIC Report "Safeguarding Family Values and the Institution of Marriage in OIC Countries". URL: https://www.sesric.org/files/article/572.pdf (accessed: March 28, 2022).
[351] Ibid.
[352] Ibid.

dispense enormous 'social goods' for benefits of society as a whole and to the individual members also. Indeed, family influence is greater than other socializing agents, such as peer groups, political parties, interest groups and markets[353]. In fact, many sociologists call family as an institution with a social purpose and pubic calling[354], which prepares the children for the public sector and initiates their participation in the production of public good and social order.

Indeed, findings of a UNICEF Report on Family Policies and the SDGs show that many advantages of the well-designed family-focused policies include reduction in poverty; improvements in employment; gender equality; health and education outcomes[355]. Quite naturally, progress of families on these SDGs will inevitably influence the progress of the communities and societies of which they are part of. Targeted interventions by government institutions to help families have proven to yield above mentioned results[356].

All societies, therefore, have a compelling interest in preserving the institution of Family. Likewise, family policies must be the mainstay of national public policies, and the most meaningful vehicle for governments to influence the living standards of people. Well-designed interventions to address family poverty have positive spill-overs on education and health of both the families and their respective societies.

Based on the above explained facts, the OIC as an organization attaches importance to the family as an important institution in shaping a society that is strong on morals and values by giving shape to the basic characters of its members. Hence, it pays special attention to supporting families in performing their social and economic

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[353] Banovcinova A., Levicka J., Veres M. The Impact of Poverty on the Family System Functioning // Procedia – Social and Behavioral Sciences. 2014. №132. P. 148-153.
[354] Parsons T., Bales R.F. Family, socialization and interaction process. New York: Free Press, 1955.
[355] UNICEF Report "Key findings on families, family policies and SDGs. URL: https://www.unicef-irc.org/publications/pdf/Families_and_SDGs_Synthesis_Report.pdf (accessed: March 28, 2022).
[356] Saidov A. The Role of Families and Sustainable Development: International Human Rights Law. URL: https://www.tihek.gov.tr/prof-dr-akmal-saidov/ (accessed: March 28, 2022).

functions and to build upon their strengths, in particular at the national and local levels[357].

Aside from providing necessary economic opportunities including employment, the OIC strongly considers provision of education as crucial for families to be able to play their principal and constructive role in the societies through inter-alia bringing up responsible and good citizens who are the key ingredients for achieving sustainable development[358]. In furtherance of this approach, the OIC in its 2nd Ten-year Program of Action-2025 calls for provision of effective social services for the family, women, children, the aged and people with special needs[359].

Similarly, the OIC Program of Action for the Advancement of Women (OPAAW)[360] has committed the OIC Member States to the goal of eradication of poverty, achievement of sustainable development and provision of adequate resources and support as essential components towards achieving gender equality and empowerment of women through provision of additional support for low-income families.

Being aware of the importance of family and its major role in the advancement of nations, the OIC has established a Department of Family Affairs in the OIC General Secretariat, which helps coordinate Member States' policies on the subject[361]. To discuss these issues at the highest levels, the OIC has also hosted a number of international seminars and Ministerial Meetings of its Ministers responsible for Family affairs/Social

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[357] OIC Secretary General's Message on International Day of Families. URL: https://www.oic-oci.org/topic/?t_id=5302&ref=2224&lan=en (accessed: March 28, 2022).

[358] Ibid.

[359] The OIC-2025 Programme of Action. URL: https://www.oic-oci.org/docdown/?docID=16&refID=5 (accessed: March 28, 2022).

[360] The OIC Plan of Action for the Advancement of Women (OPAAW). URL: https://www.oic-oci.org/upload/documents/opaaw/opaaw_en.pdf (accessed: March 28, 2022).

[361] Directorate of Cultural, Social and Family Affairs. URL: https://www.oic-oci.org/dept/?d_id=19&d_ref=10&lan=en (accessed: March 28, 2022).

development. These Seminars and Meetings have adopted many resolutions[362], which reflect the importance OIC attaches to enabling the institution of family as part of its priority given to promoting peaceful and sustainably developed societies.

During its First Ministerial Meeting for Social Development, held from 7-9 December 2019 in Istanbul, the OIC adopted a comprehensive strategy for the empowerment of family[363], which inter alia focuses on the specific actions to be taken by Member States for the sustainable development of the Islamic world. This strategy is based on the idea that accelerating empowerment of family is critical to sustainable development of OIC countries. The key objective of this strategy is to strengthen and develop the institution of family by accelerating empowerment activities geared towards enabling the members of the family to engage and participate in sustainable development agenda in line with Islamic values. Investing in building healthy, stable, productive and moralistic families will also contribute to the durable progress and development of their respective societies. Hence, it is a two-way relationship where sustainable development should incorporate the institution of family while the family should reinforce the sustainable development.

OIC philosophy of preservation, empowerment and transformation of family stresses the importance and role of education, training, knowledge transfer, talent building and preparation of family for dynamic roles in sustainable development. It also emphasizes socio-political stability, cultural unity, economic development and dynamic cooperation among member countries so as to valorise resources, exchange best practices and engage in mutually beneficial activities and programs. It also calls for elaboration of appropriate legislative and administrative measures to combat violence within the family and promote gender justice.

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[362] The OIC Jeddah Declaration "Towards an OIC Approach to Marriage and Family Institution's Empowerment and Value Preservation in Member States". Para 4. URL: https://www.oic-oci.org/docdown/?docID=601&refID=4 (accessed: March 28, 2022).

[363] Ibid, supra 291.

OIC institutions, such as Islamic Development Bank and Islamic Solidarity Fund, too have been tasked and are taking practical steps, in collaboration with the Member States, to eliminate abject poverty among families and activate their role in the achievement of economic development. These institutions, in their development plans, have accorded priority to achieving family's cohesion and to that end have set benchmarks to evaluate the impact of all social and economic programs for the benefit of family stability, generational connection and social and food security, along with extending health services.

OIC Plan of Action for Advance of Women and its Ten Year Program of Action also prioritize achieving gender equality, ensuring education for all children as well as imbuing them with the family values since childhood, surrounding them with social protection, supporting the family in providing care for the elderly and those with special needs, in addition to adopting and implementing effective laws and policies to eliminate violence against women and girls within the framework of family.

The OIC Independent Permanent Human Rights Commission (IPHRC)[364] serves as the Expert Advisory Group on human rights issues to the OIC Council of Foreign Ministers. As the principal human rights organ of the OIC, IPHRC has repeatedly emphasized the importance of extending protection and facilitation to the institution of family by all Member States, which has the core function of providing social cohesion to the Society[365]. IPHRC strongly believes that family is one of the key levers of sustainable development and focusing on family-oriented policies provide a strategic approach to dealing with challenges of sustainable development[366]. Accordingly, it has

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[364] Principal human rights organ of the OIC. URL: www.oic-iphrc.org (accessed: March 28, 2022).

[365] IPHRC reaffirmed the importance of family as the natural and fundamental unit of society that is entitled to protection by State and Society, during its thematic debate on "Protection of Family Values" on 21st April 2015. URL: https://www.oic-iphrc.org/en/data/docs/session_reports/7th/outcome_%207th_%20EV.pdf (accessed: March 28, 2022).

[366] The OIC Jeddah Declaration "Towards an OIC Approach to Marriage and Family Institution's Empowerment and Value Preservation in Member States". URL: https://www.oic-oci.org/docdown/?docID=601&refID=4 (accessed: March 28, 2022).

urged Member States to focus on family-oriented public policies, as part of their efforts to achieving the global ambitions of many of the SDGs, (in particular Goals 1-5). As part of its mandate, IPHRC has also reviewed the OIC's core human rights documents. These revised human rights documents, prepared by the IPHRC, include special focus on the empowerment of women and protection of child rights in a manner to further strengthen the institution of family.

Based on the above, the OIC has adopted numerous resolutions and pronouncements, which call upon its Member States to devise policies and programs that aim at strengthening the institution of family and directly contribute to the sustainable development of corresponding societies. A comprehensive study by UNICEF, based on accumulative evidence, affirm that strong families' function as supportive units, providing important resources to all its members. These resources include time, money, physical resources, interpersonal care and emotional security[367]. It also suggests that progress of families, being an elementary social unit, will inevitably influence the progress of the communities and societies of which they are part of. In this sense, families are enabling agents for achieving the SDGs. Hence, the role of strong families and strong family policies cannot be overlooked[368] in achieving the desired SDGs.

Having realized the significance of family in achieving SDGs in particular the specific targets of SDGs 1-5 (relating to elimination of poverty, promotion of health and education, gender equality, youth unemployment and ending violence), the OIC has urged all its Member States to include families as a nucleus of their development plans and policies. To this end, a mechanism of sharing of good practices and challenges faced

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[367] UNICEF Report "Key findings on families, family policies and SDGs. URL: https://www.unicef-irc.org/publications/pdf/Families_and_SDGs_Synthesis_Report.pdf (accessed: March 28, 2022).
[368] Ibid.

by families among countries has been proposed which will take place during every Ministerial meeting to help its Member States devise human rights friendly solutions.

OIC also urges all its Member States to devise family friendly policies and measures at all levels with active participation and inputs of all members of family including contributions from the non-governmental organizations, civil society, media and other relevant stakeholders. As most OIC countries are values-based societies, these countries also deploy all efforts including their social/moral values to protect the institution of family against contemporary social challenges such as materialism/individualist lifestyles, extremism and socio-moral corruption etc. Involvement of family members in devising such policies has proven to be bring meaningful impact both in the implementation and achieving desired development results.

The OIC has also instructed its Member States to establish benchmarks to evaluate the impact of their economic and social programs for the benefit of the institution of family. This evaluation should be done regularly with the full involvement of all relevant stakeholders including the family. To initiate the evidence-based policy making, collection of reliable disaggregated data is crucial. To this end, the OIC has established a specialized institute called The Statistical Economic and Social Research and Training Centre for Islamic Countries (SESRIC), which helps its Member States with quality research data together with its scientific evaluation to highlight challenges and suggest best practices that have yielded desired results.

Realizing the importance of Family in achieving SDGs, OIC States are also urged to ensure dynamic societal participation of family members in sustainable development activities. To this end, Member States are urged to develop special system for social protection and skills development and the promotion of labour force in a manner that supports families. This may include offering grants and micro-credits to enable the beneficiary families to set up income-earning projects and supporting farming families

with machinery and equipment and facilitating the formation of agricultural cooperatives to assist families in marketing their produce[369]. Such efforts have proven beneficial both for poverty alleviation and achieving SDGs.

The OIC also emphasizes and recommends that one of the key factors contributing to strengthening of family is taking strong actions to address the social challenges faced by families including the elaboration and execution of a balance between work responsibilities and the family requisites, which is must for achieving generational connection and cohesion[370]. OIC also emphasizes the need to make efforts to enhance the rights of the family members as a whole. Meanwhile, the concept of "rights" needs to be practiced along with the concept of "duties" so as to create balance and synergy in family life and function.

It has been universally accepted that governments alone cannot handle all aspects of different social policies. Accordingly, the OIC acknowledges and encourages Member States to involve reputable non-governmental organizations and civil society actors to supplement public sector in addressing social challenges, formulating appropriate policies, interventions and providing services to the vulnerable segments of society including for the protection of families.

Based on the established benefits of investing in strengthening the institution of family, relevant OIC institutions and funds such as Islamic Solidarity Fund and Islamic Development Bank etc. are encouraged to develop projects and support efforts of the Member States to provide adequate and accessible services, including health, education, entrepreneurship, vocational training and employment opportunities to the families[371]. Accordingly, these institutions have been prioritizing the role of families in their

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[369] The OIC Jeddah Declaration "Towards an OIC Approach to Marriage and Family Institution's Empowerment and Value Preservation in Member States". URL: https://www.oic-oci.org/docdown/?docID=601&refID=4 (accessed: March 28, 2022).

[370] Ibid.

[371] Para 9 of Istanbul Declaration of OIC Ministerial meeting on Social Development 9 Dec 2019. URL: https://www.oic-oci.org/docdown/?docID=7602&refID=2251 (accessed: March 28, 2022).

development assistance activities while finalizing different projects with Member States.

2.2.2. OIC/IPHRC's Position on the Right to Development

The concept of Right to Development (RtD), a unique third generation right, was first conceived by the Senegalese Jurist Keba M'Baye in 1972. Hence, both Africa and OIC proudly share the credit as Senegal is a proud member of both entities. The concept rapidly got currency among the developing world as it recognized their equal right to development at par with the developed world and promoted the ideas of international cooperation and assistance to achieve a more just and equitable global order. Africa also gets the credit for converting the idea into a legal concept by giving recognition to the RtD in the 1981 African Charter on Human and Peoples' Rights[372].

In February 1975 the UN Commission on Human Rights placed on its agenda the "Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries"[373]. Yet it took a long and arduous process of eleven years in Geneva and New York, before the United Nations as a whole gave it proper recognition by adopting the Declaration on the Right to Development in the UN General Assembly on 4 December 1986. The arduous process of further translating the Declaration into tangible results, however, remains an unfinished business on international agenda.

Undoubtedly, the adoption of the historic UN Declaration on the RTD, for the first time, gave a universal legal recognition that the "right to development is an inalienable human right" and that "equality of opportunity for development is a

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[372] Working Paper submitted by Senegal in February 1980 during the 36th session of the Commission on Human Rights, Geneva. URL: https://digitallibrary.un.org/record/30050?ln=en (accessed: March 28, 2022).

[373] Surya P. Subedi, Declaration on the Right to Development, United Nations Audiovisual Library of International Law, 2021. URL: https://legal.un.org/avl/pdf/ha/drd/drd_e.pdf (accessed: March 28, 2022).

prerogative both of nations and of individuals who make up nations"[374]. Through its concrete provisions this Declaration also presented a broad-based path to an inclusive, equitable and just development that would not only ensure enjoyment of individuals' economic, social and cultural rights but would also bring lasting peace and security that is a core objective of the United Nations. The Declaration was also seen as a milestone achievement in terms of realizing the promise of 'freedom from fear and want' guaranteed in the International Bill of Rights[375].

The Declaration on RtD also brought to the fore the concept of rights and responsibilities of States to formulate policies for the creation of national and international conditions favourable to the realization of the RtD that would ensure the constant improvement of well-being of the entire population and of all individuals.

Though the human person remains the principal subject and beneficiary of this right and declaration, unfortunately, however, the controversy surrounding the scope, definition and compatibility of the RtD with some national positions on the general notion of human rights remains the major stumbling block in the progress and realization of its intended benefits to individuals and peoples.

One of the major obstacles to implementation of the RtD is the fact that there are divergent views with regard to the nature of duties of States to realize the RtD. Views also differ on the national dimension of the State obligations, which include individual rights and corresponding State responsibilities. Other serious obstacles, which impede exercise of the right to development include failure to respect the right of peoples to self-determination, their right to sovereignty over their own natural resources, the growing burden of indebtedness, restriction on transfer of technology and protectionism. In this backdrop, any meaningful progress warrants a human rights-based approach,

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[374] Declaration on the Right to Development, Adopted by General Assembly resolution 41/128 of 4 December 1986 https://www.ohchr.org/EN/ProfessionalInterest/Pages/RightToDevelopment.aspx (accessed: March 28, 2022).
[375] IPHRC Declaration on the Right to Development, Abud Dhabi, October 2016. URL: https://www.oic-iphrc.org/docs/en/docs/reports/iphrc_abu_dhabi_outcome_2016.pdf (accessed: March 28, 2022).

which addresses the inequalities, discriminatory practices and unjust power relations that are often at the heart of development problems[376]. Lack of progress on the RtD has also affected the maintenance of peaceful and progressive societies, a core objective of the UN.

The adoption of the UN Declaration on RtD had kindled optimism within the developing world about the prospects of an equitable international economic order. It had thus generated hopes for progress on socio-economic development and eradication of poverty. Ironically, however, thirty-five years on, translating the Declaration into concrete actions has remained elusive. In a way, the challenges of implementing the Declaration could be anticipated right from the beginning. The divide between the global North and South is yet to be bridged; the developed world remains reluctant to shoulder its part of the responsibilities. The inalienable RtD has been held hostage to the international politics and the greed to maximize resources and technological advances for parochial national interests.

Developing and developed countries continue to focus on finding a mutually acceptable framework that would allow progress on the intended path of development at the national and international levels. It was for similar reasons that one of the stated objectives of the UN Millennium Development Goals i.e., "making the right to development a reality for everyone" could not be materialized.

In the meantime, however, there have been unprecedented developments in the scientific, climatic, technological, political, security and socio-cultural arenas, which have seriously affected the human rights and humanitarian situation around the world. These have also forced people to think collectively as inhabitants of one planet who's present and future are closely linked to each other. Examples include the massive impact of climate change on small and big countries alike, the humanitarian impact (migrants,

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[376] Veaceslav Balan, Human Rights Based Approach to Development: Human Rights UP-FRONT, Office of the UN High Commissioner for Human Rights 2018. URL: http://www.un.md/publicdocget/350/ (accessed: March 28, 2022).

refugees and asylum seekers) of various crises resulting from political, economic, security and social unrest as well as the spread of new and disastrous diseases including the Covid-19, which do not recognize any borders, race, colour, creed or level of development of a society.

Accordingly, the newly adopted 2030 Agenda[377] and Sustainable Development Goals (SDGs)[378] reaffirm the RtD and are indeed grounded in it. They do so inter alia by reaffirming the outcomes of the major UN Conferences that reaffirmed the RtD including the 1992 Rio Declaration, the 1993 Vienna Declaration and Programme of Action, the 2012 Conference on Sustainable Development (Rio+20) and the Third International Conference on Financing for Development in 2015. The adoption of the SDGs is, therefore, seen as an expression of commitment by States to fulfilling their obligations under the Declaration on the RtD, individually and collectively. It also lays special emphasis on strengthening the means of implementation through a global partnership. Thus, the successful implementation of the SDGs are likely to weave in the objectives of the Declaration on the RtD.

Most of the OIC Members are developing countries, facing traditional challenges of resource constraints vis-à-vis development needs. Hence, from a development perspective, the OIC is an organization of developing countries. The OIC and its Member States are, therefore, important stakeholders in the issues pertaining to the RtD, which provide for an equitable space for their development prospective by ensuring an enabling/fair international trade/financial system.

Accordingly, the OIC countries actively took part in the finalization and supported the adoption of the Declaration on the RtD by the UNGA in 1986. In the context of the ongoing multilateral negotiations, the OIC Member States together with

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[377] United Nations (2015) Resolution adopted by the General Assembly on 25 September 2015, Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1).

[378] United Nations (2017) Resolution adopted by the General Assembly on 6 July 2017, Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (A/RES/71/313).

other developing countries, continue to support and struggle to convert the Declaration into a binding international instrument. Under the umbrella of Non-Aligned Movement, the developing world has also been able to establish the mandate of the UN Special Rapporteur on RtD, which is seen as a positive move on the path of realizing the right to development.

The UN's 2030 Agenda for Sustainable Development was adopted just a year prior to the 30th Anniversary of the UN Declaration on the RtD. While forward movement on implementation of the Declaration on RtD remains disappointing, the continued struggle of the developing countries – including OIC Member States – ensured that core elements of the Declaration were incorporated in the Agenda2030.

At the core of Agenda 2030 are 17 SDGs that serve as comprehensive development framework for 15 years. The objectives include eradicating poverty and deprivation, and generating inclusive and sustainable economic growth. Significantly, the RtD has been reaffirmed in a number of Paras of Agenda 2030. The explicit recognition of the RtD in Agenda 2030 is seen as an encouraging achievement by the developing countries – including the OIC Member States. Also significant is the fact that Agenda 2030 emphasizes the importance of financing the SDGs by referring to the Addis Ababa Action Agenda that was adopted by the Third International Conference on Financing for Development. This is an important document from the perspective of developing / OIC countries as it includes agreements and recommendations in areas such as: (i) domestic and international private business and finance; (ii) international development cooperation; (iii) international trade as an engine for development; (iv) debt sustainability; (v) addressing systemic issues; and (vi) science, technology, innovation and capacity building; all of which are key for the reform and restructuring of an equitable / fair international financial system.

The OIC welcomed the adoption of the Agenda 2030 with a clear reaffirmation of the RtD. Accordingly, the OIC Group, in the United Nations Offices – Geneva, in its

statement on the subject, affirmed that from the perspective of OIC countries, the adoption of the Agenda 2030 and its SDGs: a) resolves the controversy over the RtD; (b) constitutes a comprehensive framework for development that is accepted universally; and (c) include all the crucial elements of the RtD, such as ending poverty and hunger, ensuring healthy lives, inclusive and equitable education, women empowerment, sustainable economic growth, full and productive employment and decent work for all[379]. While the developing world in general has welcomed the adoption of the agenda 2030 being consistent with the Declaration on the RtD, some experts point out the likely negative fallout of the divergent interpretations. In general terms, the 2030 Agenda and its SDGs are being viewed as steps in the right direction even though the path to its implementation may turn out to be a bumpy ride.

The essence of the right to development is the principle that the human person is the central subject of development. The implementation of this right requires comprehensive and human-centered development policies, participatory development processes, social justice and equity. It has both the national and international dimensions of State responsibilities.

Progressing from the traditional set of individual rights, RtD indeed is a third generation right. Controversies on its scope notwithstanding, its legal status as a human right has been progressively established. Accordingly, it has been reaffirmed in a series of UN declarations and resolution in the post-1986 period as well as included in the mandate of the High Commissioner for Human Rights. The most recent universal document on development i.e., Agenda 2030 also reaffirms RtD as an inalienable human

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[379] Ambassador Zamir Akram, Chair-Rapporteur of the Open-ended Working Group on the Right to Development, the 17th Session, Full Statement. URL: https://ohchr.org/Documents/Issues/Development/Session17/OpeningStatementChairRapporteurWG17RtD.doc (accessed: March 28, 2022).

right and highlights its importance as a prerequisite for peace and security and, therefore, for sustainable development.

On the other hand, a number of donor / developed countries consider the RtD as a human rights-based development. They contend that RtD is the entitlement of individuals, which their own State has to fulfill. By this definition, the RtD is seen as a purely domestic right.

As per UNDP's interpretation of RtD[380], human rights are intrinsic to development. In other words, developmental activity is – by essence – human rights based; such activity cannot be treated as development if the human rights component is missing or it is not meant for the welfare and well-being of the human beings. This again is a narrowly defined interpretation of RtD, which is reflective of the divergence of views on its scope among Member States. Also, as the UNDP thrives on donor countries' funding, it cannot take a position on RtD, which is contrary to the views of its major donors.

However, there is also a broader interpretation of RtD, which is based on Vienna Declaration and Programme of Action, relevant resolution of UN's General Assembly and Human Rights Council, other international /regional declarations and the Agenda 2030. According to this interpretation, which is supported by most developing/OIC countries: a) RtD is a universal right that is applicable to all individuals and States; b) at domestic level, development itself is an individual entitlement that is claimable and enforceable; and c) at international level, peoples are entitled to enabling environment for realization of the RtD.

This comprehensive interpretation also asserts that States have obligations at three levels for the effective implementation of RtD: (i) first internally, through the formulation of national development policies affecting persons within their

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[380] UNDP Outline on SDGs. URL: https://www.undp.org/sustainable-development-goals (accessed: March 28, 2022).

jurisdictions; (ii) second internationally, through the adoption and implementation of policies extending beyond their national jurisdictions; and (iii) third collectively, through global and regional partnerships.

There is a wider agreement that all development policies should be based on a human rights approach to benefit individuals and peoples. However, it's also an established fact that countries are not operating in a vacuum and all their economic and developmental policies are dependent and run within the overall framework of international financial / trade systems. Hence, the national and international policies are interdependent and cannot be conceived or actualized in silo. On the other hand, this relationship of interdependence is governed by the laws of a global order /economy, which was reduced to the concept of global opening to the "market". However, the global markets are all characterized by structural inequalities. Such markets, which are meant to protect the interest of few cannot harmonize social conditions and overcome world polarization[381].

Even though the existing global balance of power has moved from a bipolar to multipolar world the core of global financial architecture continues to exclude countries and regions of the Third world. The ideal of the RtD, which was based on the collective rights of peoples, nations and other forms of collectivities, is therefore in contradiction with the structure of the global market, which tend to benefit the center at the expense of the periphery, that is the poorer countries. Unless those conflicting requirements are resolved at the global and regional levels of collective entities the right to development would remain a dream for the developing world and would apply only to the developed countries[382].

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[381] Rajagopal, Balakrishnan. "Right to Development and Global Governance: Old and New Challenges Twenty-Five Years On."Human Rights Quarterly 35, no. 4 (2013): 893-909. URL: http://www.jstor.org/stable/24518039 (accessed: March 28, 2022).
[382] N. J. Udombana. "The Third World and the Right to Development: Agenda for the Next Millennium."Human Rights Quarterly 22, no. 3 (2000): 753-87. URL: http://www.jstor.org/stable/4489300 (accessed: March 28, 2022).

On the other hand, technological advances made by the developed world are increasingly protected through Intellectual Property Rights and are not shared with the developing world that is in direct contradiction with the mandate of UN Declaration on the RtD vis-à-vis international cooperation and equitable distribution of development benefits. These benefits / advances including those resulting from globalization, also require that technology and scientific innovation which can play a role in the fulfillment of human rights should be equitably shared in a manner that takes into account the needs of the most vulnerable[383].

The OIC attaches great importance to the socio-economic development and promotion and protection of human rights, which are duly emphasized in it all its core documents including its Charter, the two Ten Year Programmes of Action (TYPoA) and other human rights instruments. The OIC's position, as contained in the preamble of Cairo Declaration of OIC on Human Rights, is similar to the provisions of UN Declaration on the RtD, which affirm that it is an inalienable human right and that the equality of opportunity for development is a right of both States and peoples.

With concerted efforts, OIC countries also ensured the inclusion of and due emphasis on RtD in their regional/ other global human rights instruments such as the African Charter on Human and Peoples' Rights, Arab Charter on Human Rights, the 1992 Rio Declaration on Environment and Development, the 1993 Vienna Declaration and Programme of Action, the Millennium Declaration, the 2002 Monterrey Consensus, the 2005 World Summit Outcome Document, the 2007 Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development[384].

In addition, the OIC (as a bloc of 57 countries) has been consistently contributing to the cause of RtD and its codification as an established human right. Despite

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[383] IPHRC Declaration on the Right to Development, Abud Dhabi, October 2016. URL: https://www.oic-iphrc.org/docs/en/docs/reports/iphrc_abu_dhabi_outcome_2016.pdf (accessed: March 28, 2022).
[384] Ibid.

overwhelming opposition from the developed/western countries, the OIC has steadfastly supported the UN Working Group on RtD in Geneva for devising a legally binding international human rights instrument on the subject. The OIC Group has also lent its full support to the new draft UN Convention on the RtD (presently being discussed in the WG on RtD in Geneva), which has brought forward important human rights concepts such as poverty alleviation, transfer of technology, justiciability of these rights as well as the need for a human centered sustainable development based on good governance and rule of law at the national and international levels that has become prominent in the post-Cold war era.

Many OIC countries have been submitting Voluntary reports to the UN on their efforts to achieve SDGs. These reports duly highlight their efforts to follow a RtD approach in the implementation of SDGs, which is in line with their commitment to the cause of RtD[385].

In 2011, the OIC established its first ever Independent Permanent Human Rights Commission, which serves as an advisory body to the OIC Council of Foreign Ministers (CFM) on all human rights issues and also provides technical assistance to the OIC Member States in their efforts to devise, streamline and implement human rights compliant policies. Since its establishment, the Commission has kept RtD as one of the priority areas of its work. It also established a permanent Working Group on RtD, which in collaborating with relevant UN Experts has been working on different aspects of the RtD for providing thematic explanations and advocacy at regional and international levels.

The decision to prioritize RtD in its work was taken based on the utility and importance of this right for the socio-economic progress and development needs of the majority of the OIC countries. Due emphasis placed on this right in the relevant OIC

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[385] Report of the Secretary-General and the United Nations High Commissioner for Human Rights on the Right to development, July 2018. URL: https://undocs.org/A/HRC/39/18 (accessed: March 28, 2022).

documents as well as Member States' commitment to developmental efforts at the national and international levels serves to strengthen the IPHRC's views on the subject.

Human rights offer a coherent normative framework for development. This framework puts the human person at the center of development linked to State obligations as duty-bearers and citizens as rights-holders. IPHRC is of the view that all human beings have the right to development, individually and collectively, with full respect for their human rights and fundamental freedoms as well as their duties to the community, which together can ensure free and complete fulfillment of the human being. IPHRC also believes that while development is a State-led process, global interconnectedness and contemporary challenges warrant international cooperation in the spirit of the "collective responsibility of the international community to ensure the attainment of the minimum standards of living necessary for the enjoyment of human rights and fundamental freedoms by all persons throughout the world"[386]. This view is in line with the General Comment No.3 of the UN Committee on Economic, Social and Cultural Rights, which obligates State Parties to international cooperation for development for the realization of economic, social and cultural rights for all at all levels.

IPHRC treats the RtD as an inalienable human right, at par with all other human rights, which are indivisible, interrelated and interdependent. This vision is in line with the principled position of the developing world/ OIC Member States. IPHRC is also of the view that the RtD is more than development itself; it implies a human rights approach to development in a way that transforms development narrative from mere statistics to achieving people's wellbeing, greater human dignity, freedom, equality and justice.

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[386] IPHRC Declaration on the Right to Development, Abud Dhabi, October 2016. URL: https://www.oic-iphrc.org/docs/en/docs/reports/iphrc_abu_dhabi_outcome_2016.pdf (accessed: March 28, 2022).

Furthermore, IPHRC believes that respect for and realization of human rights through the process of development is essential to national stability and the promotion of international peace and security. IPHRC also affirms universal human values and shared responsibility, which provide a common basis for collective action towards achieving sustainable development goals. A genuine understanding of this inter-dependence can overcome the perceived competitive fears and bring all countries closer in a more collaborative spirit[387].

Besides vocally and strongly pronouncing its support for this inalienable human right, IPHRC has also urged all stakeholders to follow an RtD approach in their policies, which helps in the well-being of the entire population and of all individuals as well as the fair distribution of the benefits resulting therefrom. IPHRC does so with the firm belief that following an RtD approach not only helps to know what is to be achieved but also how it is to be achieved.

No one can understate the importance of International Financial Institutions such as World Bank, WTO or IMF etc. for the orderly management of the international trade and finance. However, in the present setup these institutions overtly favor the developed countries and protect their interests. Accordingly, the IPHRC strongly supports the need to review the functioning of these institutions with a view to making them more equitable, fair and balanced for a holistic development of all countries. Such an approach would help the developing countries in making the best/optimum use of their natural resources as well as enable them to fulfill the development needs of their people.

Without sharing the knowledge and benefits of the advancement in technology, the goal of shared development and progress in socio-cultural and economic rights would remain a hollow dream. Accordingly, the IPHRC fully supports the justified

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[387] Lans English, "Debate over rights should not impede development for poor". September 2016. URL: https://www.oneindia.com/international/debate-over-rights-should-not-impede-development-poor-m-j-akbar-2217537.html (accessed: March 28, 2022).

demand of OIC countries to promote, facilitate and finance access to and the development, transfer and diffusion of technologies and corresponding know-how to the developing nations on preferential terms. SDG-17 on the global partnership for sustainable development is crafted in a manner to realize this objective. Its effective implementation must be on the RtD approach, which is anchored in the duty to cooperate.

In addition to advocating the importance of RtD for OIC countries at regional and global levels through its written /verbal pronouncements, IPHRC held a landmark international Seminar on the RtD in Abu Dhabi in 2016, which was co-sponsored by the Office of the High Commissioner for Human Rights (OHCHR). Based on the deliberation in the Seminar, which was attended by all relevant international experts on the subject, IPHRC issued an Outcome Document of the Seminar[388], which provides comprehensive explanation on the legality, utility and justiciability of RtD as well as makes concrete recommendations for steps to be taken by all relevant stakeholders. This Outcome Document continues to serve as an important reference documents on the OIC position on RtD and based on its relevance has also been included in the preamble of the draft UN Convention on the RtD (presently being negotiated in the UN Working Group on RtD).

Notwithstanding its weaknesses and absence of a desired supporting structure, the OIC has always been a strong advocate of socio-economic development and cooperation among its Member States. It is gradually developing the necessary framework that could be further strengthened to combat the development challenges faced by its Member States. The beginning was made through the "New Vision" contained in the TYPoA by the Third OIC Extraordinary Summit in 2005. The idea was to transform the OIC into an organization that could face up to the challenges of the new millennium.

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[388] IPHRC Declaration on the Right to Development, Abud Dhabi, October 2016. URL: https://www.oic-iphrc.org/docs/en/docs/reports/iphrc_abu_dhabi_outcome_2016.pdf (accessed: March 28, 2022).

The "New Vision" which emerged from the TYPoA of 2005 and the new OIC Charter, placed due emphasis on socio-economic development, poverty alleviation and cooperation among Member States. Recognizing that economic ties foster not only development but unity as well, it served as the clarion call for intra-OIC cooperation. This was in fact a major benchmark in the history of OIC that provided guidelines on all aspects of socio-economic development, including poverty alleviation, human rights, good governance etc.[389].

The OIC 2025 Program of Action manifests a renewed commitment by the OIC Member States, all institutions in the OIC system especially Islamic Development Bank (IDB) and Islamic Solidarity Fund for Development (ISF), international partners and other stakeholders to work together to ensure human rights-based socio-economic development in Member States.

OIC's successive Summits and CFMs have been calling for enhanced intra-OIC cooperation for socio-economic development and poverty alleviation. Consistent with the RtD approach, OIC's strategic vision also recognizes the centrality of cooperation and partnership at regional, sub-regional and international levels. Accordingly, the relevant institutions of the OIC such as the IDB, ISF and Islamic Chamber of Commerce and Industry etc., are playing their part in assisting Member States in areas such as poverty alleviation, humanitarian assistance, capacity building and human capital development that strengthens their socio-economic development.

Overall, the OIC and its relevant institutions have the experience and necessary framework for successfully pursuing the goals of promoting socio-economic development and human rights, including the right to development. However, the missing element has been the due focus on pursuing the development agenda from a human rights perspective. What is needed is a sharper focus by OIC, closer coordination

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[389] The Charter of the Organization of Islamic Cooperation. URL: https://www.oic-oci.org/upload/documents/charter/en/oic_charter_2018_en.pdf (accessed: March 28, 2022).

among its relevant institutions and enhanced political will among its Member States in the pursuit of the common objective of implementing the sustainable development from an RtD perspective.

Fortunately, the realization of this discrepancy is growing and both the OIC Summit and CFM are expected to provide due guidance and attention to including human rights dimension in the development process both at the national and organizational levels. Required technical assistance can be provided by the OIC-IPHRC and other relevant institutions that are well equipped to help these processes lead towards sustainable development in line with the RtD approach.

While the level of development in various OIC Member States varies, the overall picture indicates serious challenges; such as: (i) one-thirds of the Least Developed Countries (LDCs) are members of the OIC; (ii) around 40 percent of the world's poor live in OIC countries; (iii) the incidence of poverty in OIC countries is twice the average of the developing world; and (iv) extreme poverty in Member States in Sub-Saharan Africa remains a serious concern.

The IDB has been highlighting five major challenges facing OIC Member States, which need to be urgently addressed in order to achieve sustainable socioeconomic development. These are: (i) reducing the number of the poorest of the poor; (ii) improving access to quality schooling for children; (iii) women empowerment; (iv) reducing health-related vulnerability of the poorest; and (v) youth unemployment[390].

On the positive side, a number of OIC countries are making good progress on the path to socio-economic development; some of these countries have abundance of natural resources and others are successfully laying the foundation for sustainable development. The flip side, however, is that despite the significant socio-economic progress in many

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[390] IDB Report 2013, "39 Years in the Service of Development". URL: https://www.isdb.org/sites/default/files/media/documents/2018-12/39%20Years%20in%20the%20Service%20of%20Development-1434H.pdf (accessed: March 28, 2022).

Member States, their performance is still below their potential and the performance of other developing countries. Yet another obstacle in the full realization of the RtD approach is the absence of desired cooperation/ assistance from the rich/resourceful OIC countries towards other OIC Member States who are less fortunate in natural resources or have not progressed much on SDGs. This shortcoming is seriously obstructing the prospects of shared progress/ development among OIC countries. It is also in contradiction with the support extended by the OIC countries to the principles of RtD approach at the global forums.

The challenges confronting the OIC are serious though not insurmountable. As it stands today, the OIC and its relevant institutions are facilitating Member States in their efforts for socio-economic development. Further enhancing such activities would strengthen the OIC's role in this area. OIC Member States and institutions also need a sharper focus on addressing matters of political will, institutional capacity, data collection, financing for development and stabilizing domestic situation, including peace and security.

The OIC-IPHRC (the principal human rights organ of the OIC) has made a series of recommendations in different areas for all relevant stakeholders, which if pursued earnestly, will greatly benefit OIC Member States in tackling the SDG related issues through an RtD approach. Following are some of these recommendations that were included in the Outcome Document of the IPHRC's international Seminar on RtD and were duly highlighted at different forums:

As the core focus of any human rights including the RtD remains the well-being of human person, IPHRC strongly emphasize that in order to bring about just and equitable societies, OIC Member States need to embark on implementing a sound social development strategy, which empowers people, enhances the involvement of all stakeholders through institutionalizing the equitable distribution of new wealth, empowers women and reforms public institutions to make them more inclusive and

accountable. The aim of following and implementing such a strategy must be to meet the needs and priorities of poor people, mitigate their vulnerability, exclusion and isolation, and to improve their access to social justice.

With a view to providing due visibility and promoting the RtD approach at the regional and global scale, the OIC and IPHRC should work closely with the Special Rapporteur on RtD and the UN Open-ended Intergovernmental Working Group on the RtD. A joint and coordinated approach will help dispel misperception during the ongoing discussions on the draft International Convention on RtD and provide impetus to the otherwise slow process. Collaboration with the mandate holder would also help in system wide mainstreaming of the RtD and its fulfillment in the context of Agenda 2030 SDGs, especially in the context of implementation of common but differentiated responsibilities, as reaffirmed in Section 12 of the SDG Declaration.

The OIC and the UN Special Rapporteur should also: a) develop a roadmap for UN's cooperation with regional organizations of the developing world to ensure that there is a common understanding of how the development goals should be met and how a rights-based approach should be advanced; and b) compile best practices used by different countries in legal, administrative, social and financial measures for the realization of RtD. It would also help in developing key indicators for evaluating effectiveness.

Joint proposals made by the OIC-IPHRC and the Special Rapporteur on RtD would have more acceptability among the OIC Member States and their implementation at national / regional level would provide credence to the RtD approach at the UN level as well as help in pushing the RtD agenda at global level.

OIC Member States remain actively engaged in South-South Cooperation. This arrangement needs to be further streamlined. The OIC and the UN Office on South-South Cooperation has already signed an MoU in January 2016, which needs to be followed up with a view to facilitating result-oriented collaboration.

South-South Cooperation between OIC and UN or World Bank and IDB, COMCEC Working Groups and Project Cycle Management should be utilized in the SDG implementation process. While heterogeneousness among the OIC Member States is a challenge for achieving the SDGs, such arrangements could offer opportunities for low-income Member States to deliver the SDGs successfully.

Due to the limited fiscal space and domestic resources, many low income OIC Member States are not able to invest in capacity building on their own and require external help and support. Under the South-South Cooperation framework this anomaly can be addressed by initiating capacity building programmes to improve the quality of human resources and institutions in OIC countries. Member States may also consider triangular cooperation mechanisms involving OIC countries / organizations and non-OIC countries/ organizations that can facilitate intra-trade and intra-investment as well as strengthen cooperation among stock exchanges, capital market regulations, central banks and monetary authorities of the Member States.

While it is a fact that intra-OIC cooperation is seriously lagging on many developments fronts in particular to promote SDGs, which are the hallmark to pursue an RtD approach, IPHRC also concurs with the view that development assistance alone cannot resolve the chronic growth/ development problems of the Member States. OIC institutions such as IDB also have the similar assessment that while official aid from donor Member States to the recipients as a cooperation and partnership modality is essential but not sufficient to finance the development needs of the latter. Accordingly, domestic growth and its more equitable distribution are needed for decreasing the dependence on foreign aid.

On the other hand, intra-OIC trade has an enormous potential that could be best realized by establishing a trade regime among OIC countries, which will provide the low-income Member States with greater market opportunities. Private flows have also remained largely untapped in the OIC region. There are ample investment opportunities

in low income developing Member States, and their share of both global and intra-OIC foreign direct investment (FDIs) could be significantly increased with concerted efforts. Strenuous institutional efforts are therefore needed to implement the existing arrangements regarding intra-OIC cooperation.

A major long-lasting challenge facing the majority of OIC countries is lack of sufficient understanding and extent of main development indicators. SDGs indicators are not necessarily applicable to all national contexts, and are intended for global follow up and review of the SDGs. Whereas the focus of most of the indicators is exclusively on national action, we must not forget that SDGs undoubtedly call for international cooperation among nations and regional / international stakeholders.

Accordingly, the IPHRC fully supports: (a) the need for the development of indicators for global, regional and national levels of monitoring; (b) the importance of cooperation linkages to focus on the transfer of know-how for the SDGs indicators to achieve a sound monitoring and reporting mechanism both at the national and global levels; (c) the need for devising effective tools and methodologies, including human rights impact assessments within broad monitoring and evaluation frameworks to ensure that human rights are fully integrated into mainstream development policies, strategies, dialogues and processes; and (d) taking urgent measures to improve the commitment and capacities of the relevant OIC institutions enabling them to provide better support for Member States in their efforts to collect data, monitor progress and to pursue SDGs through an RtD approach.

Some of the miscellaneous actions that can be taken may include:

a)   establishing a Forum (comprising of all concerned OIC institutions and agencies) for monitoring, assisting and ensuring progress on implementation of the Organization's multilateral agreements and statutes related to socio-economic development and intra-OIC cooperation. This Forum should follow a structured agenda

and plan of work, including the promotion of political will among Member States in favour of strengthening mutual cooperation;

b)   OIC Member States in Geneva and New York should work closely with relevant OIC institutions/departments including the OIC-IPHRC to: (i) monitor and review progress made in promotion and implementation of the RtD at the national and international levels, identifying obstacles and providing recommendations thereon to the full enjoyment of rights; and (ii) contribute to mainstreaming the RtD in the policies and operational activities of relevant actors at the national, regional and international levels, including multilateral financial, trade and development institutions[391];

c)   OIC to take the lead in reinvigorating political will and to raise the level of commitment by Member States to move the development agenda forward by creating implementation linkages between SDGs and OIC's TYPoA; and

d)   Create strong linkages between the OIC Plan of Action for Advancement of Women in development of Member States with particular focus on achieving SDGs by promoting women's empowerment through their full and effective participation in all policy and decision-making at all levels.

2.3. OIC/IPHRC's Position on the Human Rights Implication of Climate Change and Environmental Protection

The devastation and havoc wreaked by the catastrophic Australian fires (January 2020) once again brought the burning issue of climate change on the global agenda. There is a direct link between climate change and such fires, as "what climate change does is to exacerbate the conditions in which the bushfires happen[392]". This unfortunate phenomenon, like many other climate related disasters in different parts of the world,

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[391] The Right to Development at a glance, published by the Right to Development Section of the OHCHR. URL: https://www.un.org/en/events/righttodevelopment/pdf/rtd_at_a_glance.pdf (accessed: March 28, 2022).
[392] BBC News. URL: https://www.bbc.com/news/world-australia-50341210 (accessed: March 28, 2022).

highlights not only telltale signs of an imminent change in weather pattern, but more importantly, exposes the enormity of the scale of challenge and relative unpreparedness or "unwillingness" of humanity to mitigate them individually and collectively.

The threatening ecological crises of our generation manifests in myriad of forms, which include global warming, air and water pollution, desertification, land erosion, deforestation, loss of biodiversity etc. The dots on the global climatic changes map are getting connected faster than ever and the deafening silence is being repeatedly interrupted by echoes to 'act now and act big before it gets too late', as its already late.

In recent decades, climate change has emerged as a serious threat to the life and livelihood of millions of people across the world. In some situations, it even represents an existential threat for many communities who are at the front line of experiencing severe impacts of climate change. According to the 2006 Living Planet Report, "the Earth's regenerative capacity can no longer keep up with demand, as people are turning resources into waste faster than nature can turn waste back into resources. Humanity is no longer living off nature's interest but drawing down its capital[393]". No region, no country and no community are immune from the harmful effects of climate change though some regions of the globe are more susceptible than others to the adverse consequences such as a rise in sea level, severe flooding, prolonged drought and heat waves[394].

While the negative impacts caused by climate change are global, they are disproportionately borne by persons and communities already in disadvantageous situations owing to geography, poverty, age, disability, cultural or ethnic background. In some cases, entire communities and even States are at risk of losing their subsistence

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[393] World Wildlife Fund International (WWF) and Global Footprint Network, "Living Planet Report 2006". URL: http://assets.panda.org/downloads/living_planet_report.pdf (accessed: March 28, 2022).
[394] Global Humanitarian Forum, 2009, Human Impact Report: Climate Change – The Anatomy of a Silent Crisis, Geneva.

due to threats from climate change. Worst still, these are the entities that have historically contributed the least to causing the environmental imbalance.

The term 'environment' is derived from French verb 'environ', 'that means which surrounds'[395] or 'encircles'. In scientific terms environment can be defined as 'complex of physical, chemical, and biotic factors (such as climate, soil, and living things) that act upon an organism or an ecological community and ultimately determine its form and survival'[396].

Historically, human quest to secure reliable food supply remained a driving force for transition from nomadic lifestyle to a more settled habitation which led to the emergence of 'agriculture'. The subsequent evolution and advancement in the agricultural practices was considered as the first indicator of a significant human impact on the natural world[397]. The growing scholarly criticism points towards the fact that the eco-crisis is attributed to unwise agricultural practices such as monoculture and the destruction of native vegetation[398]. The insatiable human consumption to meet the ever-increasing demand, driven by population explosion and changes in human lifestyle and habits not only depleted the land and other natural resources but also paved the way for colonial expansions to secure natural resources and supply chain raw materials, beyond the true needs. Hardin argued that environmental destruction can be attributed primarily to population growth and unlimited exploitation of the Earth's finite resources[399]. For example, the massive deforestation of China occurred as more food was required to meet the needs of its fast-growing population. In modern history, European colonialism,

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[395] Definition of environment. URL: https://www.merriam-webster.com/dictionary/environment (accessed: March 28, 2022).
[396] Ibid.
[397] Northcott, Michael S, The Environment and Christian Ethics (1996), Cambridge University Press, 44.
[398] John McCormick, Th e Global Environmental Movement: Reclaiming Paradise (London: Belhaven Press, 1989), 22.
[399] Garrett Hardin, "The Tragedy of the Commons," Science 162, no. 3859 (1968).

driven by the rise of capitalist economies and competition among European nations, inflicted serious ecological degradation on non-European lands[400].

The 'agricultural revolution' was succeeded by the 'scientific revolution', which led to the 'mechanization and mathematization of nature'[401] providing justification for human abuse of nature for the sake of scientific progress. By transforming nature into a machine, classical science nurtured and facilitated the exploitative attitude of human beings towards their environment[402]. According to White, the Western science and technology developed in the Middle Ages are the main cause of environmental degradation[403]. Hancock, in his criticism of capitalism, described 'economic rationality' as the leading cause of environmental destruction because it transforms natural assets into products for the purpose of accommodating consumers' lifestyles[404] to favor profit maximization over the environment.

Muslim environmentalism refers to Muslim commitments / involvements in mass ecological movements that are not necessarily stimulated by Islamic values and principles[405].The Islamic ecological thought is based on three intertwined concepts of 'Tawhid' (Divine unity), 'Khilafah' (trusteeship), and 'Akhirah' (the hereafter). Tawhid implies that God is the only creator of the entire universe and that 'all existence reflects unity in plurality'. The Qur'an emphasizes that the universe is characterized by proportion, harmony, and beauty, which are the hallmarks of Divine craftsmanship. Secondly, the mankind, the creation of God, acts as God's stewards on Earth to look after the balance and harmony of His creation and refrain from any mischief which corrupts or disturbs the harmony. This notion of stewardship puts mankind as 'friends

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[400] Northcott, Michael S, The Environment and Christian Ethics (1996), Cambridge University Press, 4.

[401] Pepper, D. (1996). *Modern environmentalism: An introduction*. London: Routledge, 138-9.

[402] Hay, Peter. *Main Currents in Western Environmental Thought*. Bloomington: Indiana University Press, 2002, 125.

[403] White Jr, Lynn, 'The historical roots of our ecological crisis. *Environmental Ethics: Readings in Theory and Application, Belmont: Wadsworth Company.*

[404] Jan Hancock, Environmental Human Rights: Power, Ethics and Law (Aldershot: Ashgate 2003), 27.

[405] Vincenti, D. (2017), "Green" Islam and Social Movements for Sustainability: Socio-Ecological Transitions in the Muslim World Doctoral Dissertation. Rome; LUISS Guido Carli.

of universe' and 'not its masters' to restrain them to overexploit it. Lastly, they are held accountable for every action so that they should not pollute the earth and leave it fit for the succeeding generations[406]. These traditions and concepts exhort Muslims to care for all creatures, to protect the environment, to conserve water, to preserve nature and to take care of the entire creation, animate and inanimate. The teachings of the Holy Quran and the Prophetic traditions refer to just and sustainable use of natural resources while avoiding extravagance and wastefulness. As believers, Muslims are duty-bound to ensure a higher level of environmental protection and conservation of natural resources.

Vincenti examined sustainability from what Islam, as a religion, has to offer and the cultural, social, and political aspects of sustainability mobilization and activism in the Muslim world, using a qualitative method. According to him, sustainability concerns are inherited from the tradition of the religion, from what he referred to as "eco-Islamic" wisdom[407].

However, the 'enduring inefficiency of environmental performance', which afflicts the Muslim world and its 1.8 billion Muslims, constituting one fifth of humanity, is contrary to the teachings of Islam[408]. There is no denying the fact that majority of the Muslim countries emerged from the colonial rule where the natural resources of these countries were extracted and exploited to fuel the industrial growth of the colonial masters with no regard for environmental balance and harmony. This baggage and legacy of environmental insensitivity continued after these countries gained independence. Despite clear religious precepts, lack of awareness and sensitivity towards environmental challenges created a functional disconnect, which has led to intensification of environmental degradation. As rapid social change has taken place in many countries, including the Muslim world, their traditional and religious values, and

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[406] Saniotis, Arthur. (2012). Muslims and ecology: Fostering Islamic environmental ethics. Contemporary Islam.

[407] Vincenti, D. (2016), Sustainability transitions in Arab-Islamic countries: Egypt as a case study. Agriculture and agricultural Science Procedia, 8, 135-140.

[408] Dien, M.I. (1997), Islam and environment: Theory and practice. Journal of Beliefs and Values, 18(1), 47-57.

culture and good manners about caring for the environment have been diminishing. Some Muslim countries are even ill-reputed for wasteful consumption of food[409]. According to some scholars, the environmental issues in the Muslim world are the product of social injustice [410], lack of awareness of environmental issues [411] and failing to observe principles from the Quran and the prophetic tradition[412].

The OIC Member States as a group are highly vulnerable to environmental changes induced by the increasing anthropogenic activities related to industrial production, non-scientific methods of agricultural pursuits, transportation and urbanization etc. Although the damaging effects of climate change are transnational and experienced by all the countries, their consequences are much more pronounced in developing countries. As the majority of the Muslim countries are developing countries, these are prone to be affected faster and more starkly than developed countries due to the environmental challenges[413] especially in terms of unsustainable energy consumption, which have adversely affected the developing world[414].

There is growing evidence to indicate that poor governance issues and lack of coherent policies have led to man-made environmental problems such as the destruction of the Aral Sea in Central Asia, desertification in Sub-Saharan Africa, exhaustion of oil deposits in the Middle East and deforestation as well as loss of biodiversity in Muslim countries with mega biodiversity in Southeast Asia[415]. There is also lack of focus on 'environmental sustainability' and 'climate resilience' in urban development policies and ineffective adaptive capacities to deal with the vulnerabilities due to technological

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[409] Saniotis, A: 2012, 155-171.

[410] Sardar, Z. (1977), Science, Technology and Development in the Muslim World. London: Routledge.

[411] Foltz, R. (2000), Is there an Islamic environmentalism? Environmental Ethics, 22(1), 63-72.

[412] Foltz, R.C. (2002), Iran's water crisis: Cultural, political, and ethical dimensions. Journal of Agricultural and Environmental Ethics, 15(4), 357-380.

[413] Homer-Dixon, T.F. (2010), Environment, Scarcity, and Violence. New Jersey: Princeton University Press.

[414] Aziz, A.A., Mustapha, N.H.N., Ismail, R. (2013), Factors affecting energy demand in developing countries: A dynamic panel analysis. International Journal of Energy Economics and Policy, 3(S), 1-6.

[415] Kula, E. (2001), Islam and environmental conservation. Environmental Conservation, 28(1), 1-9.

and financial limitations and high dependence on climate sensitive natural resources and low adaptive capacities[416].

The OIC region has experienced remarkably high population growth since the 1950s, with the second highest growth rate in the world[417]. According to the United Nations estimates, the combined population of the Middle East, North Africa and the Arabian Peninsula region is expected to grow from 423 million in 2007 to 800–900 million by the end of the twenty-first century [418] which will have a compounding effect on depleting natural resources of the region. The cascading effect of the population explosion has produced inefficient agricultural practices and unplanned urbanization causing immense stress on the resources of many OIC countries. The excessive use of fossil fuel and biomass for transport and industrial growth has led to concomitant air and water pollution with damaging health effects. Furthermore, around two dozen OIC countries are currently classified as water stressed with high prevalence of inefficient water use in agriculture and sewerage dumping in rivers. As a result, biodiversity and ecosystems are being threatened across the OIC region with low coping and adaptive capacities for environmental sustainability in the wake of worsening climatic conditions[419].

According to the findings of Environmental Vulnerability Index, most of the OIC countries are above medium level of environmental vulnerability. Existing climate models predict worsening of environmental and climatic conditions in many OIC countries; posing serious social and economic consequences especially for the disadvantaged and poor populations[420].

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[416] Outcome Document of the OIC-IPHRC Thematic Debate on "Climate Change and Environmental Protection; A Human Rights Perspective" available at https://www.oic-iphrc.org/en/sessions (accessed: March 28, 2022).

[417] Tabutin, D. and Shoumaker, B., 2005, The demography of the Arab world and the Middle East from the 1950s to the 2000s: a survey of changes and a statistical assessment. Population (English edition), 60, 505–615.

[418] Ibid.

[419] SESRIC 'OIC Environment Report 2019; Available at https://www.sesric.org/files/article/675.pdf (accessed: March 28, 2022).

[420] Ibid.

The situation is particularly alarming in low income and least developed OIC countries. The analysis of Environmental Performance Index (EPI), developed by Yale University, reveals that OIC countries perform poorly with a score of 59.4 compared to 65.4 for Non-OIC developing countries and 85.4 for developed countries. The environmental performance of OIC countries is not uniform and shows significant regional divergence. OIC countries located in Europe & Central Asia, Latin America, and East Asia and Pacific score higher than the world average with scores of: 72.4, 69.9, and 69.3 respectively[421]. The worst performing OIC region is South Asia with a score of 46.9 followed by Sub-Saharan Africa with a score of 48.7 and MENA with a score of 66. Only three OIC countries were in top 50 on EPI score in 2018[422].

Though OIC countries are the least polluters, their Green House Gas (GHG) emissions reaching 15% of the world's total[423], are on the rise coupled with limited mitigation efforts. During 2000-2017, 38 out of 54 OIC countries with data have witnessed increase in CO_2 emissions per capita[424]. While the developed countries GHG growth is declining, growth in OIC countries is still very high at a level of 4.4% during the period 2000-2013. With this rate, GHG emissions are expected to be doubled in 2027. The sector responsible for such GHG emissions is the energy sector, which contributes to 72% of emissions of OIC countries. On the positive note, OIC countries have recorded the largest improvement on the EPI issue category of 'Biodiversity and Habitat' since the last decade with its average score increasing from 51.9 to 58, which corresponds to a 12% improvement[425].

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[421] SESRIC 'OIC Environment Report 2017'. URL: https://www.sesric.org/files/article/586.pdf (accessed: March 28, 2022).

[422] 2018 EPI Executive Summary. URL: https://epi.envirocenter.yale.edu/2018-epi-report/executive-summary (accessed: March 28, 2022).

[423] SESRIC 'OIC Environment Report 2017.

[424] SESRIC 'OIC Environment Report 2019.

[425] Ibid.

The environmental degradation adversely affects millions of people and the ecosystem, natural resources, and physical infrastructure upon which they depend[426]. It represents an existential threat for many vulnerable communities, groups and various species. The erratic weather patterns; decline in agricultural productivity and water levels; melting of icebergs and increasing sea levels are alarming signs. These negative effects of environmental deterioration cause poverty, food and water insecurity and conflicts leading to mass migration, refugees and displaced population.

OIC countries face acute shortage of water resources. The OIC Group, over the past decade and a half, experienced 23.3% drop in water availability per capita which is alarming. Almost half of OIC countries face some level of water scarcity with 14 countries facing absolute water scarcity[427]. Global studies indicate that more than 80% of the natural disasters are hydrometeorological; e.g. floods, droughts, desertification, cyclones, storms and fires etc.[428]. The OIC countries are becoming increasingly vulnerable to natural disasters intensifying the frequency and severity of hydro-meteorological hazards. OIC countries have experienced an upward trend in the occurrence of natural disasters increasing from 199 incidents in the 1970s to 1740 between 2000 and 2016. 3040 occurrences of natural disasters have been recorded in OIC since 1970. This corresponds to a 24% share of OIC countries, as a group, in the aggregate number of disaster incidents in the world during 1970-2016[429].

Since 1970, more than 1.4 million people were killed by natural disasters in OIC region, corresponding to 39.4 % of the world. The share of OIC countries in the world, regarding the number of people killed by natural disasters, fluctuated over the decades, hitting a record high of 56% in 1990s but decreasing to 40% after 2000s. Notably, while

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[426] The Intergovernmental Panel on Climate Change (IPCC)'s Fifth Assessment Report (AR5).
[427] SESRIC 'OIC Environment Report 2019.
[428] Sena, L., & Woldemichael, K. (2006). Disaster prevention and preparedness. Ethiopia Public Health Training Initiative, Jimma.
[429] SESRIC 'OIC Environment Report 2017.

the OIC countries experienced only one fifth of total number of natural disaster incidents, they accounted for almost two fifth of total number of people killed by these disasters during 1970-2016[430]. According to a study (GAR, 2011[431]), about 75% of the OIC countries are identified as having low or extremely low capacities for effective risk management policies, strategies and activities for reducing the impact of natural hazards on vulnerable local communities.

The economic costs of natural disasters in OIC and other country groups during 1970-2016 shows that the cost of damages substantially increased in OIC countries from US$ 3 billion in the 1970s to record high of US$ 67 billion in the 1990s. Between 2000 and 2016, the economic impact of natural disasters was also accounted as US$ 77 billion[432]. It is estimated that 22% of global deaths attributed to air pollution are occurring in OIC countries and cost of land degradation alone could run into $23 trillion by 2050[433].

Environmental crises are often root cause, or one of the root causes, of other social/ political crises leading to a vicious cycle of cause and effect relationship. For example, some OIC countries use their rich energy resources for desalination of seawater to offset the scarcity of sweet water sources. This in turn aggravates the greenhouse effect owing to the use of fossil fuel to generate the vast amounts of energy required[434]. Limited natural resources, exacerbated by climate change, have the potential for igniting conflict, which, when it falls along religious lines, can rapidly spiral out of control[435]. In Nigeria, because of increasing desertification in the Muslim northern areas, farmers are slowly being pushed southwards into the predominantly Christian areas.

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[430] SESRIC 'OIC Environment Report 2017.
[431] Global Assessment Report on Disaster Risk Reduction. (2011). Revealing Risk, Redefining Development.
[432] SESRIC 'OIC Environment Report 2017, p. 53.
[433] SESRIC 'OIC Environment Report 2019.
[434] Abderrahmen, W., 2001, Energy and water in arid developing countries: Saudi Arabia, a case study. International Journal of Water Resources Development, 17(2), 247–255.
[435] Nadia Diamond-Smith, Kirk R. Smith & Nuriye Nalan Sahin Hodoglugil (2011) Climate change and population in the Muslim world, International Journal of Environmental Studies, 68:1, 1-8.

Scarce water and land resources have spurred conflict in Nigeria, such as two major outbreaks of violence in early 2010, which were blamed on religious tensions[436]. Changes in climate will only add to the ensuing unrest. It is argued that growing tensions between Muslims and people of other religious faiths are often intrinsic consequences of populations under growing stress from environment[437].

Environmental protection constitutes an integral part of development process and is essential for achieving sustainable development[438]. Over the years, many OIC countries, which continue to grapple with weak governance mechanisms and lack of institutional infrastructures to deal with environmental issues related to fragile ecosystems, have started to realize the importance of sustainability for economic growth and development. These countries have also made progress in mainstreaming 'sustainability' into their national development agendas. However, economic growth has continued to be fueled by unsustainable use of natural resources,[439] particularly for the least developed countries that have no or limited sustainability policies and practices in place. This requires serious introspection and coordinated policy action at all levels by becoming part of international and regional initiatives.

The first serious attempt at the international level to deal with the climate was during the First World Climate Conference held in Geneva on 12-23 February 1979. Subsequently, the main international multilateral agreement on the issue is the United Nations Framework Convention on Climate Change (UNFCCC)[440] which was adopted at the Rio Earth Summit in 1992. The UNFCC provided a platform for all countries to

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[436] Handley, M., 2010, The violence in Nigeria: what's behind the conflict? Time, 10 March. URL: http://content.time.com/time/world/article/0,8599,1971010,00.html (accessed: March 28, 2022).

[437] Ibid at note 51 above, p.7.

[438] Konac H. "Environmental Issues and Sustainable Development in OIC Countries", Journal of Economic Cooperation 25, 4 (2004) 1-60.

[439] SESRIC 'OIC Environment Report 2019.

[440] United Nations Framework Convention on Climate Change. URL: https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf (accessed: March 28, 2022).

work jointly to mitigate climate change and commit to specific actions to reduce global warming. With a view to reduce the GHG emissions signatories of the convention adopted the Kyoto Protocol in 1997, which entered into force in 2005. The Protocol 'operationalizes the UNFCC by committing industrialized countries to limit and reduce GHG emissions in accordance with agreed individual targets. 'Currently, there are 192 Parties to the Kyoto Protocol[441].

According to UNFCC estimates, 'information submitted by Parties to the Kyoto Protocol in 2014, their total GHG emissions at the end of that first commitment period were 22.6 per cent lower than the 1990 base year'[442]. There is no doubt that over the years, the global community has shown resolve and progress to bring different stake holders to agree on concrete measures but the overall GHG emissions remain staggeringly high as the devil lies in the maze of the details and numbers as '10 countries achieved their targets only by buying carbon credits. This means that the claimed reductions were not true cuts'. The 2015 Paris Agreement is the latest global agreement on climate change adopted on 12 December 2015. In line with its predecessor, Paris Agreement for the first time brings all nations to 'strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels'[443].

Based on their commitment to addressing the ever-deteriorating international environment scenario, OIC countries actively participate in the climate related summits, treaties, events, and projects. They have also developed their national and regional adaptation and mitigation strategies and strive hard to get technical and financial support from the international community to implement these strategies. The UNFCCC states

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[441] What is the Kyoto Protocol? URL: https://unfccc.int/kyoto_protocol (accessed: March 28, 2022).

[442] Kyoto Protocol 10th Anniversary - Timely Reminder Climate Agreements Work. URL: https://unfccc.int/news/kyoto-protocol-10th-anniversary-timely-reminder-climate-agreements-work (accessed: March 28, 2022).

[443] What is the Paris Agreement? URL: https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement (accessed: March 28, 2022).

that developing countries are not obliged to reduce GHG emissions. However, they are expected to enhance climate-friendly (low carbon) technologies in their economic development with the financial support of developed countries. As of September 2017, 42 OIC countries had ratified the UNFCC whereas; 14 members were at the state of accession. Majority of oil-exporting countries are in the state of accession because the concept of "using low-carbon technology" implies reduction in using oil for transportation and industry, which can cause significant decline in their national income since export of oil is their sole or main source of earnings. Based on the principle of "common but differentiated responsibilities" industrial developing countries insist on their right for economic development and the historical responsibility of the developed countries for global warming, while developed countries claim that developing countries have a big share of generated GHG emissions and this share will increase significantly in the future. As of September 2017, 10 OIC member countries have ratified the Kyoto Protocol whereas 46 members are in the state of accession. Also, with regards to the Paris Agreement, 43 OIC members have ratified it whereas; 13 members have the status of signatory[444].

Environment is one of the priority topics on the agenda of OIC. Its Charter aims 'to preserve and promote all aspects related to environment for present and future generations'[445]. It has included 'Environment, Climate Change and Sustainability' as a priority item in the OIC Plan of Action for 2025 'as one of the aspirations of the peoples of its Member countries'[446] to guide countries to 'protect and preserve the environment, promote sustainable production and consumption patterns and enhance capacities for disaster risk reduction as well as climate change mitigation and adaptation[447]'. The

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[444] SESRIC OIC Environment Report 2017

[445] OIC Charter Preamble

[446] Konac H. "Environmental Issues and Sustainable Development in OIC Countries", Journal of Economic Cooperation 25, 4 (2004) 1-60, p. 1

[447] OIC-2025: Programme of Action Goal 2.5: Available at https://www.oic-oci.org/docdown/?docID=16&refID=5 (accessed: March 28, 2022).

environmental commitments of the OIC countries are also inscribed in their performance for ensuring environmental sustainability of the Sustainable Development Goals agreed on a set of 17 interconnected and interdependent goals to be achieved by 2030, including SDG13 on climate[448].

Historically, the OIC demonstrated environmental commitments through the UN agenda about the environment such as the Millennium Development Goals and the United Nations Environment Program (UNEP). In 2000, the OIC and UNEP organized the first Global Environmental Forum from an Islamic Perspective, which adopted the 'Jeddah Declaration on the Environment from an Islamic Perspective'. In June 2002, the OIC in its First Islamic Conference of Environment Ministers (ICEM) also formed the OIC's Islamic Declaration on Sustainable Development for submission to the UN-2002 World Summit on Sustainable Development (WSSD)[449]. The ICEM convenes once every two years. The latest 8th session of ICEM was held on 2-3 October 2019 in Rabat, Morocco, which reviewed/discussed a number of documents aimed at developing joint Islamic action in the field of the environment at the level of OIC countries. The Conference adopted: (i) Project of the Establishment of the Islamic Network for Environmental Action and Sustainable Development; (ii) Strategy for the Activation of the Role of Cultural and Religious Factors in Protecting the Environment and Achieving Sustainable Development in the Islamic World; (iii) Guidance Document on Strengthening the Role of Youth and Civil Society in the Protection of the Environment and Achievement of Sustainable Development; and (iv) Executive Action Plan for Natural Disaster Risk Reduction and Management in Member States[450].

Earlier the 7th ICEM called for adoption of the "Guidance Document on Green

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[448] Goal 13. Take urgent action to combat climate change and its impacts. URL: https://sustainabledevelopment.un.org/sdg13

[449] Vincenti, D. (2016), Sustainability transitions in Arab-Islamic countries: Egypt as a case study. Agriculture and agricultural Science Procedia, 8, 135-140

[450] Report of the 8th ICEM: Available at https://www.icesco.org/en/wp-content/uploads/sites/2/2019/12/Resolutions-ICEM8-Environment.pdf (accessed: March 28, 2022).

Cities and their Role in Achieving Sustainable Development Goals", and launched the "Programme for the Celebration of Islamic Capitals of the Environment and Sustainable Development".

The OIC has also created OIC Water Council to coordinate water-focused joint Islamic action in light of the "Strategy for Integrated Management of Water Resources in the Islamic World" and the "OIC Water Vision 2025[451]", in such a way as to contribute to ensuring water security for Islamic countries. The OIC Water Vision adopted in March 2012 identifies the opportunities for promoting collaboration, including exchange of best practices, capacity building and knowledge sharing, among Member States in all aspects of water.

The Islamic Educational Scientific and Cultural Organization (ISESCO) is working for creation of the Islamic Academy for the Environment and Sustainable Development to carry out research and development activities to deal with the challenges. The OIC Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC) has developed Environment Capacity Building Programme to promote environmentally sustainable lifestyle changes and thereby improve the state of the environmental protection in the OIC countries. SESRIC also established and updated the OIC Statistics Database (OICStat), which provides data on the environmental status of the OIC Member States.

OIC countries are also participating actively at all relevant international forums to strengthen global efforts aimed at environmental protection and sustainable development. Given the continued and effective presence of the OIC at regional and international fora, the OIC as a group has been granted Advisory status with UN organs, such as: Economic and Social Council (ECOSOC), UNIDO, UNICEF and the

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[451] OIC Water Vision: https://www.oic-oci.org/docdown/?docID=4270&refID=1136 (accessed: March 28, 2022).

Department of Public Information (DPA)[452].

Most of the OIC Member States recognize the Right to a healthy environment through regional agreements and declarations including some 40 States that have incorporated this right in their constitutions and national legislations[453].

The OIC emphasizes the concept of 'Climate justice', which requires that climate action must be consistent with existing human rights agreements, obligations, standards and principles. It is a known fact that those who have contributed the least to environmental damage (i.e. the poor, children, and future generations) unjustly and disproportionately suffer its harms. Hence, it is important to ensure equity in climate action that requires efforts to mitigate and adapt the impacts of climate change must benefit people in developing countries, people in vulnerable situations and future generations[454].

Based on the importance and urgency related to this important topic vis-à-vis sustainable development of the OIC Countries as well as the impact it has on the life and livelihood of the populace, the OIC-IPHRC[455], an independent-principal organ of the OIC dealing with human rights issues, has paid particular attention to this subject in its deliberations. It also convened a Thematic Debate on the subject of "Climate Change and Environmental Protection; A Human Rights Perspective", on 26th November 2019, which was attended by the Members of the OIC-IPHRC, relevant international human rights experts from UNEP, UN Treaty bodies, SESRIC and relevant officials from the OIC Member and Observer States.

After a frank and open exchange of ideas, challenges and best practices among the participants of the debate, focusing purely from a human rights perspective, the

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[452] OIC-2025 Programme of Action Progress Report 2017-81,. URL: https://www.oic-oci.org/upload/documents/POA/en/poa_progress_rep_final_2018_en.pdf (accessed: March 28, 2022).

[453] Outcome Document of the OIC-IPHRC Thematic Debate on "Climate Change and Environmental Protection; A Human Rights Perspective". URL: https://www.oic-iphrc.org/en/sessions (accessed: March 28, 2022).

[454] Ibid.

[455] Principal human rights organ of the OIC. Details available on www.oic-iphrc.org (accessed: March 28, 2022).

Commission produced an Outcome Document of this Thematic Debate. In addition to providing its position on the subject of environmental protection, this Outcome Document presents a set of recommendations for apt use by different stakeholders including the primary target i.e. the OIC countries. A summary of these recommendations is given as under:[456]

At the international level, the Commission emphasized the importance of compliance by the industrialized nations of the commitments of Paris Agreement by: a) meeting respective emission targets; (b) assisting in eliminating the environmental challenges and their human rights consequences faced by developing countries by adopting climate friendly sustainable development policies; and (c)supporting countries in the global South to achieve net zero emissions by year 2050 through greater reliance on renewable sources of energy.

To this end, the Commission urged the international community to: (i) share resources, knowledge and technology needed to address climate change impacts; (ii) extend international assistance to the developing countries in the form of technology transfer and financial support, which should be administered through participatory, accountable and nondiscriminatory processes targeted towards most vulnerable; (iii) cooperate to invent and disseminate affordable and environmentally clean /smart technologies, which should be fairly distributed between and within the countries; (iv) ensure that global intellectual property regimes do not obstruct dissemination of mitigation and adaptation technologies; (v) engage in cooperative efforts to respond to climate-related displacement and migration as well as to address climate-related conflicts and security risks; and (vi) recognize the right to a clean and healthy environment, at the global level.

The OIC-IPHRC also emphasized the need for the OIC countries to undertake

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[456] Principal human rights organ of the OIC. Details available on www.oic-iphrc.org (accessed: March 28, 2022).

coordinated and accelerated actions, in accordance with the commitments made in the revised OIC Charter, its 2nd Ten Year Plan of Action, SDGs, UNFCCC and Paris Agreement. It urged the OIC countries to address the problem at hand by carrying out their own environmental impact assessment programmes to strengthen the scientific base for sustainable management of their natural resources as well as to better assess and establish national scientific capabilities[457].

Flowing from these objective assessments of their natural resources and capabilities, IPHRC urged the OIC countries to devise corresponding environmental laws, policy frameworks, development plans and affirmative regulatory measures to prevent and address human rights harms caused by climate change especially the anthropogenic emissions. It also recommended that the OIC countries should; (a) create enforcement mechanisms at the national and regional levels to benchmark the progress in establishing compatibility with the international environmental and human rights obligations; (b) adopt community led bottom-up human rights-based approaches for environment friendly sustainable developmental pathways; (c) ensure that appropriate adaptation measures are taken to protect and fulfil the rights of all persons; (d) guarantee effective remedies including judicial and other redress mechanisms for the affected individuals and communities; (e) mobilize and allocate maximum available resources to address climate change; (f) adopt innovative fiscal and non-fiscal measures based on the principle of 'Climate Justice' to minimize negative impacts on the poor; (g) mobilize additional resources to finance mitigation and adaptation efforts including active support for development and dissemination of new climate mitigation and adaptation technologies; (h) ensure early-warning information regarding effects of climate change and natural disasters is available to all sectors of society; (i) develop and monitor relevant human rights indicators, keeping disaggregated data to track varied impacts of

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[457] Konac H. "Environmental Issues and Sustainable Development in OIC Countries", Journal of Economic Cooperation 25, 4 (2004) 1-60.

climate change across demographic groups to enable effective, targeted and human rights compliant climate response; (j) promote awareness through education on impact of climate change and importance of environmental protection using print, electronic and digital media; and (k) involve NHRIs, religious institutions, media and community leaders in designing and implementing environmental programmes and their human rights impact assessments.

Stressing the importance of a comprehensive approach by incorporating all sectors of society in this common objective of environmental protection through sustainable development, the Commission encouraged the OIC countries to: (a) integrate the role of private sector in environmental protection strategies as part of corporate social responsibility and as viable business models to develop innovative mitigation and adaptive technologies; (b) empower the relevant national Courts and human rights mechanisms to ensure that business activities are appropriately regulated to support rather than undermine the efforts of States to combat climate change; and (c) promote public- private- people partnership in formulation of disaster risk reduction and mitigation strategies for wider ownership and better coverage. To strengthen these efforts from a legal perspective, the Commission also urged OIC countries to implement the right to a healthy environment as a freestanding right in accordance with their existing commitments and obligations and to cooperate with the UN Mechanisms and Special Procedures in implementation of laws and policies to deal with the climate change.

It is not the first time that earth and humanity are confronted with existential threats. History is full of examples that remind us that when faced with such situations, the underestimated human resolve, collective wisdom and will and human ingenuity have come to our rescue and remain our best bet. In recent history, the nuclear apocalypse posed a real threat to humans. It was during that time that Albert Einstein, in connection with the development of atomic weapons, said that "We shall require a

substantially new manner of thinking if mankind is to survive". It was that change in the thought process, which successfully averted the nuclear dooms day scenarios. This analogy highlights that human beings are capable to forge consensus and act in unison when confronted with existential challenges.

The only way out of the current climate challenge is again to change the way we approach the subject by breaking down the silos, thinking beyond borders and above parochial interests, which serve no one well neither in the short nor long term. The other much-required change in approach is to reorient the debate and focus from purely scientific perspectives of 'emission targets' and 'temperature limits' to include the 'domain of ethics and (human) rights to non-human beings or to nature as a whole[458]. As Lynn White Jr., an American historian, said, "what people do about their ecology depends on what they think about themselves in relation to things around them"[459]. Similarly, Fabra noted that "[p]overty and environmental degradation are often bound together in a mutually reinforcing vicious circle, and thus human rights abuses related to poverty can be both cause and effect of environmental problems[460]".

Therefore, it would be a gross miscalculation to term these issues as mere environmental issues when they are in reality human rights issues. One of the main reasons for lack of effectiveness of international and regional climate change initiatives is because they were not linked to protect, promote and fulfil the human rights of the targeted communities, which include 'Third generation rights, known as solidarity or collective rights[461] i.e. the right to development and the right to a healthy environment[462],

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[458] Roderick Frazier Nash, The Rights of Nature: A History of Environmental Ethics (Wisconsin: University of Wisconsin Press, 1989), 4

[459] Lynn White, Jr., "The Historical Roots of Our Ecologic Crisis," in An Environmental Law Anthology, ed. Robert L. Fishman, Maxine I. Lipeles, and Mark S. Squillace (Cincinnati, Ohio: Anderson Publishing Co., 1996), 5

[460] Adriana Fabra, "Th e Intersection of Human Rights and Environmental Issues: A Review of Institutional Developments at the International Level" (paper presented at the Joint UNEP_ OHCHR Expert Seminar on Human Rights and the Environment, Geneva, 14–16 Jan. 2002), 13.

[461] Prudence E. Taylor, "From Environmental to Ecological Human Rights: A New Dynamic in International Law?" Georgetown International Environmental Law Review 10(1998): 319

[462] Kiss, A & D Shelton. 2004. International environmental law. Ardsley, NY: Transnational Publishers, p 12ff

right to natural resources, right to participation in cultural heritage and right to intergenerational equity and sustainability. There is growing realization of the strong linkages between human rights and environmental protection. The need of the time is to highlight, promote and implement it further at all levels.

Linking the environmental issues with the human rights and related mechanisms will empower States, peoples and individuals to defend the interests of both humans and ecosystems. Declaration of climate change as a major threat to the enjoyment of human rights and fundamental freedoms by the UN Human Rights Council[463] has helped equipping the human rights activists, environmentalists and victims of environmental degradation with a powerful tool with which to ensure accountability of States and individuals on transnational issues. The need of the hour is to build further on this path and create legally binding enforcement/accountability mechanism for these rights.

Due emphasis must also be put on the important concept of equity. UNFCCC calls for States to protect future generations and to take action on climate change "on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities[464]", which means that any remedial measures to address the climate change should not exacerbate inequalities within or between States. Particular care should be taken to comply with relevant human rights obligations related to participation of persons, groups and peoples in vulnerable situations in decision-making processes and to ensure that adaptation and mitigation efforts do not have adverse effects on the disadvantaged segments[465].

In the particular case of the OIC, Member States have to recall that the importance and utility of any regional organization lies in its ability to benefit from its memberships'

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[463] HRC Resolution A/HRC/41/L.24 on Human Rights and Climate Change. URL: https://documents-dds-ny.un.org/doc/UNDOC/LTD/G19/208/58/PDF/G1920858.pdf?OpenElement (accessed: March 28, 2022).

[464] The United Nations Framework Convention on Climate Change. URL: https://unfccc.int/cop4/conv/conv_005.htm (accessed: March 28, 2022).

[465] OHCHR document on "Understanding Human Rights and Climate Change" available at https://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf (accessed: March 28, 2022).

best practices and resources, which in most cases are socio-culturally and economically homogenous. The OIC has a diverse membership with different development status and diverse economic models ranging from total dependence on fossil fuels to agrarian and industrial countries, which at time put their interests at crossroads. Yet it is an established fact that no country, irrespective of its development status or economic model, is immune to the worst effects of climate change. Hence, the need for coordinated actions at all levels.

In addition to taking firm actions to fulfilling their commitments under the Paris Agreement /UNFCCC, developed OIC countries must help their less developed partners in the OIC by sharing resources, knowledge and technology needed to address climate change impacts. Such an approach is in the best interest of not just the regional countries but the planet earth, which is the only and common home of the humanity, as a whole.

CONCLUSION

This section will conclude the thesis by providing a summary of the key findings that will highlight the utility of this thesis both from the academic as well as its practical perspectives. The conclusion will mainly highlight the contributions and innovations of this thesis, as well as, human rights edifice of the OIC i.e., the IPHRC, both as a group and entity. Besides, the value addition of this part will be to reflect on the shortcomings or lacunae faced by the existing OIC human rights mechanisms/IPHRC as well as possible measures to be taken to plug the existing gaps / strengthen the system.

The thesis provides a nucleus to initiate comprehensive academic research on various aspects of the OIC as until now any major research on the OIC was lacking. Though there are few articles written by some academics and other political analysts but very little has been written on the human rights regime followed by the OIC as an international organization and as a group itself. Furthermore, there has not been any significant academic study published on OIC in the Russian language. Here it is pertinent to mention that all Central Asian States (Kazakhstan, Uzbekistan, Tajikistan, Turkmenistan, Kyrgyzstan and Azerbaijan) are the members of the OIC and the Russian Federation itself is an Observer State of the OIC[466]. Hence, there remains a major void to understand as to what is the OIC and its position on different issues of universal human

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[466] Website of the OIC. URL: https://www.oic-oci.org/states/?lan=en (accessed: March 28, 2022).

rights, how it tackles these issues internally and externally and what are mechanisms available at its disposal to address the human rights issues.

This thesis is first of its kind written by an insider high-level official of the OIC who has remained involved in creation and building of the human rights entity of the OIC i.e. IPHRC from the very beginning. Based on personal experiences and research through the organizational archives, the thesis delves in detail on the genesis of the OIC and IPHRC, its historical evolution, its aims and objectives with corresponding organizational structure to support the aspirations of the OIC Member States concerning development of human rights regime. The experience of the author, spanning over 27 years, as a diplomat, who has handled the human rights and other political issues at international levels including at the United Nations Headquarters in Geneva and New York, further qualifies him to provide a panoramic view of the organization's contributions in different socio-cultural, economic, political and human rights fields. Based on his relevant experience, the author is also well placed to draw a comparison of the OIC's policies in these fields with relevant policies followed by other regional and international organizations and draw tangible conclusions for the benefit of academic readership.

Thus, it can be easily said that this thesis provides the first focused academic study, particularly for the Russian academic circles on the OIC and its human rights system. The thesis will mainly contribute to better understanding of the OIC as an organization, its position on several human rights issues as well as the basis of these positions, which are deeply rooted into socio-cultural and religious beliefs and teachings of the OIC countries.

At the core of this thesis lies the human rights ambitions and objectives of the OIC, their co-relation with universal human rights, corresponding philosophy and the means and mechanisms used by the OIC to achieve these objectives. Particular focus is given to OIC's contributions to promoting the universal human rights both at the international and regional levels as well as among its own Member States through range of mechanisms. Particular focus is paid to the establishment and work of the OIC's Independent Permanent Human

Rights Commission that has made tremendous contributions to put human rights at the center of OIC policies within a short span of one decade as well as helped in clearing misperception about the incompatibility of Islam with universal human rights norms and standards.

Russian Federation, an Observer State of the OIC, has over 14.5 million (13.5% of total population)[467] Muslim population, which is the second largest religious community in the country. Issues discussed in this thesis provide a better understanding of the root causes of different issues /problems faced by societies with sizeable Muslim populations as well as help in debunking certain myths / misinformation about Islamic traditions / teachings such as rights of women, rights of the child, freedom of expression and extremism etc.

Russian Federation is also a deeply conservative society, which upholds the values of family, freedom of religion, combatting incitement to hatred and discrimination based on one's race or religion or and guarding against the vices affecting the social fabric of its society in the shape of LGBT onslaught etc. The OIC, as a Group and, as an organization, shares the same values, which are deeply shared across the 57 countries of the OIC. Accordingly, this thesis explains a number of issues that would help better understanding of the Islamic culture and the views of Russian Muslim population, which would help in greater harmony. It also helps in furthering the existing cooperation in new areas of mutual interest, such as the protection of family values, combating incitement to hatred and discrimination based on one's race or religion and opposing the controversial notions or misplaced values of LGBT rights etc. Such focused study will also help researchers in the Russian academic circles to not only better understand the dynamics of the second largest international organization i.e., the OIC but to further dwell on the issues discussed in this thesis from a holistic standpoint. The thesis, therefore, helps in highlighting the shared

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[467] Muslim Population by Country 2022. URL: https://worldpopulationreview.com/country-rankings/muslim-population-by-country (accessed: March 28, 2022).

values of the OIC countries and the Russian Federation, which can be further strengthened at all levels including the ongoing cooperation at various multilateral forums. It could also be used for building cooperative relationship in academic and political fields on host of human rights issues of mutual interest.

In addition to dwelling on OIC's role as the political organization, safeguarding and protecting the legitimate interests of Islamic countries, this thesis has endeavored to provide a detailed layout of the OIC human rights regime, which include the core ideals, principles, and philosophy that stem from the noble teachings of Islam (the common denominator and source of unity among all OIC countries), provisions of its Charter, Ten Year Program of Action and other core policy documents that deal with specific human rights issues as well as the supporting organizational structure to pursue these objectives. Additionally, the thesis delves in detail on some of the core contemporary human rights issues of concern, both to the OIC and the international community, providing OIC's perspective with rationale on these important issues.

As could be seen from the preceding chapters that over the past fifty years, the OIC has evolved into a well-established political organization that represents the common aspirations of global Muslim population on all aspects of their lives including civil, political, economic, social, cultural rights and humanitarian issues. Its contributions to the universal human rights edifice are no less important. Since inception, it has taken keen interest in all human rights issues with particular focus on issues of concern to Muslim world. The thesis provides a snapshot of how the OIC has tackled many crises faced by the Member States, Muslim minorities and communities around the world in the shape of human rights violations or humanitarian emergencies. In all these situations, the OIC has been taking an objective view of protecting the rights of Muslim minorities and communities as per the international law including international human rights and humanitarian laws.

The thesis has identified the following contributions and innovations of the OIC & IPHRC: OIC, as the sole representative of the entire Muslim countries and communities in the world, has been taking an active part in all international discussions including the United Nations, which affect the rights of OIC countries. In addition to protecting the interests of Islamic countries in global discussions, the OIC has also been actively engaged in projecting the true image of Islam and Islamic perspective on all relevant issues of interest in the domain of civil, political, economic, social and cultural rights. Accordingly, it remained engaged as a constructive partner in the development of international human rights standards, which clearly reflect the desire of OIC countries to uphold and strengthen the universal human rights edifice.

The establishment of OIC's Independent Permanent Human Rights Commission i.e., IPHRC is hailed as one of the most novel and important human rights contributions made over the last five decades. The establishment of this Commission in 2012, as one of its principal organs dealing with the human rights issues, is a manifest example of the resolve of the OIC to walk the talk and convert the rhetoric of human rights policies into reality. While individually most OIC Member States are party to universal human rights standards and actively participate in the relevant UN and other regional human rights forums, there was no human rights mechanism within the OIC, which could monitor the observance of human rights in the OIC countries, identify the gaps in the implementation of universal human rights and assist Member States in plugging those gaps through expert advice.

IPHRC is created as a fully independent (financial, administrative and political) and permanent mechanism, away from the bureaucratic and financial controls of the OIC Secretariat. In order for the IPHRC to independently and objectively perform its functions and mandates, the Commission was provided with its own Secretariat and budget and was made to report directly to the OIC CFM. Even the members of the Commission, upon election, are obliged to undertake an oath to perform their duties with full independence without any dictates from their countries of origin or any other entity. This unique

characteristic of the IPHRC i.e., the ability to work independently, based purely on the expertise of its Commission Members in line with the universal human rights standards and Islamic teachings, enabled the Commission to present objective and analytical views on all issues of human rights concern to the OIC.

One of the key innovations of this human rights mechanism (IPHRC) has been its cross-cultural and cross-regional character. Most regional human rights mechanisms are based on the commonality of geography or culture such as African, European, American, ASEAN or Arab human rights Commissions. However, the unique feature of the IPHRC is that it brings together the best practices of four distinct geographical regions i.e., Africa, Arab, Asia and even Americas (where OIC Member States are located) in the field of human rights with the overarching support of Islamic teachings and values that serve to strengthen these values. This unique value addition of Islamic teachings and values to highlight the human rights ideals and standards have served another important purpose i.e., to address misperceptions about the compatibility of Islam with universal human rights standards. IPHRC has covered significant milestones in addressing these misplaced perceptions both for the external and internal audience through writing numerous studies and reports on key thematic issues of human rights concern. For the external or broader international community, the Commission has been able to provide clarity that human rights issues are part and parcel of Islamic teachings and that all Islamic societies are founded on the values of justice, equality and peace, which underpin the conception of human rights. Simultaneously, the Commission has firmly underlined that regardless of the political, economic and cultural systems, it is the duty of every State to promote and protect all human rights and fundamental freedoms of its people.

The Commission, on the internal front, was able to address misperceptions among Muslims about the true image of Islam away from cultural and traditional practices. To this end, the Commission boldly addressed the issues of extremism, terrorism, child

marriage[468], Female Genital Mutilation[469] and rights of women[470]. On all these issues, the Commission was able to clearly dissect the problem by highlighting that these things had no links with the Islamic teachings and that the pristine religion of Islam was the first to protect and promote the rights of women, children, minorities and asked to follow the path of middle way by avoiding extreme positions and actions.

The evolving character of IPHRC is another innovative feature of this mechanism. It has started as an expert advisory body, which provides its views on issues referred to it by the OIC CFM. Overtime, however, it has been evolving as a fully independent human rights body, which regularly pronounces its views on all human rights developments of concern to the OIC in the shape of press releases as well as conducts fact-finding visits to the affected areas and writes factual reports on the human rights situation on ground. Indeed, the objectivity of IPHRC's fact-finding reports has been deeply appreciated by all and sundry both within and outside the OIC. Analysis and recommendation made in the IPHRC's fact finding reports[471] on Palestine, Kashmir and Myanmar have been duly echoed in relevant OHCHR reports on the subject, which is a testament of the quality and credence of IPHRC's work on these subjects.

The Commission has adopted gradual/incremental approach[472] to addressing human rights issues of concern from a priority list. Knowing the limitation of resources and expertise, the Commission started with a modest list of priority areas of Rights of Women and Child, Islamophobia and Muslim minorities, Palestine and Right to Development[473]. At the same time, however, it continued to dwell on a range of other important human

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[468] OIC-IPHRC commemorates 'International Children's Day 2021' with an emphatic appeal to Member States to transform domestic laws to safeguard child's best interests and formulate gender-sensitive child development agendas during post-pandemic recovery efforts. URL: https://oic-iphrc.org/home/article/514 (accessed: March 28, 2022).

[469] OIC Independent Permanent Human Rights Commission (IPHRC) on the International Day of Zero Tolerance for Female Genital Mutilation (FGM). URL: https://oic-iphrc.org/home/article/51# (accessed: March 28, 2022).

[470] Website of the OIC. URL: https://oic-iphrc.org/home/post/34 (accessed: March 28, 2022); https://oic-iphrc.org/home/article/482 (accessed: March 28, 2022).

[471] Website of the OIC. URL:https://oic-iphrc.org/home/post/32 (accessed: March 28, 2022).

[472] About IPHRC. URL: https://oic-iphrc.org/home/post/1 (accessed: March 28, 2022).

[473] Ibid.

rights issues through its thematic debates, international seminars, thematic studies and reports as well as fact-finding reports, which cover a broad range of topics such as migrants, refugees, Internally Displaced Persons, unilateral coercive measures, hate speech, rights of youth, corruption, climate change and sustainable development goals. Detailed pronouncements[474] made by the Commission on these topics provide clear guidance to Member States on these subjects both from the universal human rights standards as well as relevant Islamic teachings.

The Commission, in accordance with its Statute[475], is involved in the refinement of the OIC human rights instruments. The OIC adopted two important human rights instruments namely the Cairo Declaration on Human Rights in Islam (1989) and the OIC Covenant on Rights of Child in Islam (2004). Both these instruments approached the subjects dealt within, purely from a religious perspective (from a restrictive lens of Sharia law[476]) without providing much clarity. Accordingly, there have been a lot of criticism both from within and outside the OIC on these instruments. The IPHRC undertook this monumental task and within few years was able to review, revise and present new drafts of these instruments, which are compatible with the relevant universal human rights standards while fully complying with the Islamic teachings and values on these subjects. The OIC has already adopted the new Cairo Declaration of OIC on Human Rights and has revised the draft of the OIC Covenant on Rights of Child[477] is scheduled to be adopted during the next CFM. The IPHRC is now planning to take on the subject of women rights as its new task for crafting an OIC instrument. These instruments will OIC Member States

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[474] Website of the OIC. URL: https://oic-iphrc.org/home/ (accessed: March 28, 2022).
[475] Article 17 of OIC-IPHRC Statute available at https://oic-iphrc.org/home/post/4
[476] https://yaqeeninstitute.org/read/paper/stoning-and-hand-cutting-understanding-the-hudud-and-the-shariah-in-islam (accessed: March 28, 2022).
[477] OIC-IPHRC participates in the 47th Session of OIC Conference of Foreign Ministers in Niger which adopted the revised "OIC Declaration on Human Rights", terming it as a monumental success for protection and promotion of human rights, and commended the pivotal role of the Commission in updating the human rights instruments. URL: https://oic-iphrc.org/home/article/476 (accessed: March 28, 2022).

in focussing their potentials and resources for the benefit, promotion and protection of the human rights of their populations.

The Commission, on structural front too, has done a lot of constructive work to streamline and coordinate the work and activities of relevant human rights bodies of the OIC. To this end, it actively coordinated not only with the relevant departments of the OIC General Secretariat but also involved the specialized institutions such as the Islamic Development Bank, ISESCO, OIC Youth Forum, Islamic Fiqh Academy and the SESRIC to make use of their relevant expertise and come up with joint pronouncements on various human rights issues. Overtime, this cooperation has been streamlined in a manner that before pronouncing its views on a particular subject, the IPHRC always brings together and consults relevant experts from these institutions.

IPHRC has introduced another structural innovation within the OIC to reach out for active coordination with the National Human Rights Institutions (NHRIs) of the OIC Member States. Realizing the potential of the NHRIs to meaningfully contribute to the promotion and protection of human rights in their respective countries, the IPHRC, from its beginning opened its doors to NHRIs. They are regularly invited to all sessions and activities of the Commission and encouraged to share their experiences and views on subjects under discussion. The Commission is now in the process of furthering its engagement with these NHRIs by signing specific MoUs of Cooperation with interested NHRIs[478] that would enable the two entities to work on concrete areas of mutual interest.

The Commission also understands the value addition provided by the civil society in the monitoring, promotion and protection of human rights respecting societies. Accordingly, the Commission has regularly engaged with the civil society actors both at the international, regional and national levels, who have been key sources of credible

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[478] Concluding Press Statement of the 17th Regular Session of the IPHRC available at https://oic-iphrc.org/home/post/34 (accessed: March 28, 2022).

information on specific human rights issues dealt by the IPHRC. This is one area that needs to be developed further under the structural evolution of the IPHRC.

The thesis identifies that despite a very charged and sensitive political atmosphere among the OIC countries vis-à-vis their internal security / human rights situations, the IPHRC policy of constructive engagement has served as a foot in the door strategy. Identification of a human rights problem in a constructive fashion with concrete suggestions to improve the situation without indulging into a name and shame approach has served as a harbinger of positive relationship between the IPHRC and the Member States. IPHRC has been forthrightly pointing out the need to respect the human rights of all segments of society in all situations particularly those in vulnerable situations such as women, children, elderly, disabled and minorities. Accordingly, it was forthcoming in highlighting the need to respecting human rights in Afghanistan[479], Sudan[480], Central African Republic[481], Nigeria and other OIC countries.

Based on academic research, detailed knowledge of the internal policies of the OIC and its Member States, the author has also provided valuable insights on OIC's positions on contemporary human rights issues of global concern such as Islamophobia and discrimination based on one's religion; freedom of expression and incitement to hatred; protection of the institution of family; right to development; and human rights impact of the climate change. Highlights of these topics convey the convergence of views among OIC and CIS countries. Thus, proving that universal human rights standards cannot be seen from the unifocal prism of western values alone as well as the need to respecting the

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[479] OIC-IPHRC, while closely and cautiously monitoring the evolving political situation in Afghanistan, urges all the stakeholders to exercise restraint, protect fundamental freedoms of all, and uphold human rights and humanitarian obligations in all circumstances. URL: https://oic-iphrc.org/home/article/504 (accessed: March 28, 2022).

[480] OIC-IPHRC urges the Sudanese authorities to ensure the protection and promotion of the human rights and fundamental freedoms of all the Sudanese people in all circumstances. URL: https://oic-iphrc.org/home/article/513 (accessed: March 28, 2022).

[481] Independent Permanent Human Rights Commission (IPHRC) of The Organisation of Islamic Cooperation (OIC). URL: https://oic-iphrc.org/home/post/32 (accessed: March 28, 2022).

cultural and religious diversity of all societies in applying these standards without compromising the core principles.

The thesis, having elaborated on some of the positive contributions and innovations made by the OIC Human Rights system in particular the OIC-IPHRC, has endeavoured to reflect on the shortcomings of the existing system as well as to critically analyse the areas that need improvement.

The following shortcomings and areas of potential improvement are identified: OIC remains a political body representing 57 Member States who coordinate, pronounce and pursue the commonalities of their interests in different fields at the regional and international arenas. This unity has served well to make positive inroads in shaping the universal human rights standards in a more diverse and representative manner as well as in duly highlighting the human rights plight of Muslim causes, communities and minorities. However, as we know, global and regional political considerations and alliances have led to divergence of positions on important human rights issues among all countries of the world. Accordingly, there are also differences of views among OIC countries on many important issues including in the field of human rights.

Though the overarching unifying force among the OIC countries remains the religion of Islam, Islamic teachings and shared values, it remains an open secret that Islamic values are given different weightage in all OIC countries. Many of the OIC countries put religion at the centre of their polity by declaring Islam as the official religion of the country and its teachings to be the supreme guidance in all aspects of political, social and cultural aspects. On the other hand, there are countries that are totally secular. And then there are the ones, which have a mixed system, whereby they take decisions on case-by-case basis through democratic means of popular vote etc. This divergence of commitment to the Islamic teachings and values affects the ability of the OIC countries to unanimously agree on various issues of concern in the socio-economic, political and cultural fields. Accordingly, the OIC has not been able to convincingly pursue policies on

important human rights issues such as the rights of the women and child, rights of Muslim minorities and communities, protection of the institution of family, combating sexual orientation or issue of death penalty etc.

Despite its longstanding commitments to universal human rights, the OIC has so far not been able to evolve a human rights mechanism, which could dedicate itself to monitoring, evaluation and review of the human rights situations within the OIC countries. Even the OIC – IPHRC was established as an advisory body, which could only provide expert opinion on specific human rights issues referred to it by the OIC-CFM. Over the years, however, the IPHRC has gradually improved its mandate and serves as a human rights monitoring mechanism that helps in identifying the problem areas and suggests needed measures to strengthen the human rights respecting societies in OIC countries.

Though the OIC Charter was adopted consensually by the OIC Summit, there is hardly any mechanism to make Member States comply with its provisions, even those who have ratified it. The OIC Summit also adopted a comprehensive Ten Years Program of Action to make concrete progress in various political, economic, social and cultural fields. Yet there is no monitoring mechanism to measure the progress made in implementing the provisions of this key document.

Poverty or under-development remain a major obstacle in the realization of all human rights. Despite enough resources, there is no mechanism to uplift the least developing countries within the organization (like EU), which further alienates them and pushes them to take important decisions in accordance with their economic and political interests. Worst still there is no accountability mechanism for countries not following the OIC positions or flaunting its Charter provisions. Thus allowing Member States to continue to disregard the consensually adopted positions based on their own narrow interests in specific situations.

An important criticism made on OIC has been that the platform has mostly been used to criticizing the non-OIC countries violating the human rights of Muslims or those

in conflict with the OIC countries. However, there is no mechanism to introspect and reflect on issues of human rights concern among its own Member States. The IPHRC to some extent has tried to fill this gap by continuing to highlight the problems faced by Member States including the need to take concrete actions to address these issues. Unfortunately, however, the IPHRC still does not have a concrete mandate to regularly reflect and evaluate the human rights practices of the Member States. Thus the criticism of being a Talk-shop without authority to make real impact.

The first step towards achieving any objective starts with an honest self-analysis, which helps in critically analysing the shortcomings and steps needed to overcome those challenges. Accordingly, it is important to have an honest dialogue on the scope and parameters of the human rights regime needed for the OIC countries, its consistence with Islamic teachings and universal human rights standards. But more importantly the commitment by all countries to pursue and abide by the agreed human rights standards and policies, within the OIC framework as well as to subject themselves to regular monitoring and review of their relevant policies under a central and neutral human rights mechanism. Following are some of the additional points that may be considered: addressing the intra-OIC conflicts by embracing a broad and honest intra-faith dialogue to achieve reconciliation among followers of all faiths / sects through mutual respect and understanding of shared values; promoting interfaith dialogue within OIC countries to better understand the concerns, remove misperceptions and ensure the rights of non-Muslim minorities; adopting new human rights instruments within the OIC (in line with Islamic teachings and universal human rights standards) to strengthen the human rights edifice of OIC. These instruments should have strong review mechanisms like UN Treaty bodies to regularly check the implementation status of these instruments by the Member States.

There is a need to enhance IPHRC mandate from an advisory body to an all-encompassing human rights body. IPHRC be given the task of human rights monitoring

and reporting, with the powers to critically monitor and analyse relevant policies of Member States as well as to suggest possible remedies. Such a mandate will enhance OIC/IPHRC's credibility on one hand and help Member States in improving the enjoyment of human rights by their population.

The OIC needs to address one of the core issues of concern among its own Member States, i.e., poverty and under development with the financial muscles of richer countries that can be methodically put to use by the institution of Islamic Development Bank (IsDB). This will not only help the Least developing Member States in stabilizing their economies and strengthen their human rights and development prospects but would also enhance solidarity on all issues of common concern.

To strengthen collective OIC action and to counter divergent policies at international forums, the OIC needs to introduce a strong system of checks and balance to hold its Member States accountable for violating OIC resolutions.

Efforts must be made to expedite the operationalization of the Islamic Court of Justice, which is pending due to lack of requisite number of ratifications of its Statute. It will help in resolving their bilateral disputes and complaints of human rights violations including at the national level.

The OIC, with its large and active membership, representing four continents, can play a very assertive role in giving a moralistic direction to the development of universal human rights norms and standards. To this end, it should work with likeminded countries (especially from other conservative, traditionalist and religious societies) and organizations (such as African Union, ASEAN, Arab League, Gulf Cooperation Council etc.) to keep the focus of international law development in line with the ethical and moralistic values. It will also help in pushing for a balanced conception of human rights framework, which truly respects the particularities of existing cultural diversity that serves to unite rather than divide the humanity.

The OIC must also reach out to the civil society and NHRIs of Member States to strengthen the human rights culture in every society. The platform of IPHRC can be used to build this mutually beneficial relationship for sharing of best practices. Cooperation with credible international NGOs can also help IPHRC in promoting and protecting the rights of Muslim communities in different parts of the world as well as to address misconceptions about incompatibility of Islam with human rights.

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