

OIC/CFM-38/2011/LEG/RES/FINAL

**RESOLUTIONS
ON
LEGAL AFFAIRS**

ADOPTED BY

**THE 38TH SESSION OF THE COUNCIL
OF FOREIGN MINISTERS**

(SESSION OF PEACE, COOPERATION AND DEVELOPMENT)

ASTANA, REPUBLIC OF KAZAKHSTAN

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**RESOLUTION NO.1/38-LEG
ON**

**FOLLOW UP AND COORDINATION OF
WORK ON HUMAN RIGHTS**

The Thirty-eighth Session of the Council of Foreign Ministers, (Session of Peace, Cooperation and Development), held in Astana, Republic of Kazakhstan, from 26 to 28 Rajab 1432 A.H. (28 – 30 June 2011 A.D.),

Recalling the noble motives and objectives of the glorious religion of Islam, which emphasizes the importance of human rights; and **mindful** of the universal and integral nature of Islamic laws on human rights and the prominent place of human being,

Bearing in mind the objectives of the OIC Charter of promoting and encouraging respect for human rights and fundamental freedoms for all people without distinction as to race, sex, or religion,

Recalling all relevant resolutions of the Islamic Summit and Foreign Ministers Conferences, in particular Resolution No. 49/19-Pol on the adoption of the “Cairo Declaration on Human Rights in Islam”;

Aware of the need for strengthening the existing mechanism within the OIC for exploring ways and means to promote and protect human rights through, *inter-alia*, the formulation of a set of Islamic covenants on human rights,

Recognizing the obligations and endeavors of the Member States to promote and protect internationally recognized human rights while taking into account the significance of their religious, national, and regional specificities and various historical and cultural backgrounds, and with due regard to the “Cairo Declaration on Human Rights in Islam”;

Mindful of the universal and integral nature of Islamic values with respect to human rights, the prominent place of Man in Islam as vicegerent of Allah on earth and hence the great importance attached by Islamic thought to the promotion, encouragement, and respect of human rights,

Recalling also the UN Commission on Human Rights and the Human Rights Council's Resolutions entitled “defamation of religions” which express deep concern over the negative stereotyping of religions and at the way Islam is frequently and wrongly associated with human rights violations and with terrorism, and which also express concern over the space devoted by the printed, audio-visual, and electronic media to inciting violence, xenophobia, or related intolerance and discrimination against Islam and other religions,

Reaffirming the universality, objectivity and non-selectivity of all human rights and also the need to promote and protect human rights through cooperation and consensus rather than confrontation and/or imposition of incompatible, alien and inhomogeneous values,

Expressing its deep concern over the attempts to exploit the issue of human rights to discredit the principles and rules of Islamic Shariah (laws) and to interfere in the affairs of Islamic States,

Having considered the relevant report of the Secretary General,

1. **Asserts** that human rights are universal in nature and must be considered in the context of dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds;
2. **Emphasizes** the necessity for the international community to address the human rights issue on an objective and indivisible basis, in all states, without selectivity or discrimination;
3. **Calls for** the necessity to consider human rights in their global conception and in all their civil, political, social, economic, and cultural facets within the framework of international cooperation and solidarity;
4. **Reaffirms** the right of States to adhere to their religious, social, and cultural specificities which constitute heritage and streams of thought that contribute towards enriching the common international conceptions of human rights;
5. **Calls for** the non-use of the universality of human rights as a pretext to interfere in the states' internal affairs and diminish their national sovereignty;
6. **Recalls** the rights of States, when necessary, to express reservations on the international conventions, covenants, and agreements they subscribe to, as part of their sovereign rights;
7. **Expresses its deep concern** over the frequent and erroneous association of Islam with violations of human rights and the misuse of the print and audio-visual media in propagating such misconceptions which lead to the reinforcement of prejudice and discrimination against Muslims and **calls on** the Member States to undertake information activities to counter these activities;
8. **Notes with grave concern** the increasing trend of Islamophobic measures in the Western countries, stresses the responsibility of those States to ensure full respect to Islam and all divine religions and the inapplicability of using freedom of expression or press as a pretext to defame religions, and **calls for** refrain from imposing restrictions, in any form whatsoever, on the cultural and religious rights and freedoms of people.
9. **Denounces** media campaigns and fabrications made by some quarters in non-Member States regarding the mistreatment of non-Muslim minorities and communities in the OIC Member States under the slogan of religious freedoms and so on.

10. **Expresses** the need to pursue, as a matter of priority, a common policy aimed at preventing defamation of Islam perpetrated under the pretext and justification of the freedom of expression in particular through media and Internet.
11. **Commends** the valuable efforts of the Secretary General during his visit to Geneva and his speech to the Meeting of the Human Rights Council as well as the intensive consultations with senior officials of States and International Organizations regarding human rights and the valuable contribution of the Open-ended Working Group on Human Rights and Humanitarian Issues at the United Nations Office in Geneva towards safeguarding the interests of the Islamic countries and **urges** the OIC Member States to consider the possibility of establishing regional arrangements in the field of Islamic human rights to boost their regional cooperation in this regard.
12. **Expresses** deep concern over any activities which may be carried out by certain Governmental and Nongovernmental Organizations, supported by governments, in order to attack OIC Member States for political purposes and to further their foreign policy objectives in international forums.
13. **Exhorts all states** to take, in line with their national laws and in consonance with international human rights instruments, all appropriate measures to encourage understanding, tolerance, and respect in matters connected with freedom of religion or creed.
14. **Calls upon** Member States to continue their active coordination and cooperation in the field of human rights particularly in the relevant international forums in order to strengthen Islamic solidarity to confront any initiative that may lead to the use of human rights as a means of exercising political pressure on any Member State.
15. **Decides** that the General Secretariat and the Member States shall undertake to follow up Member States' missions with the relevant international organizations, in particular, at the UN Headquarters in New York and Geneva, and to hold meetings on appropriate occasions, to consider and discuss human rights issues with a view to adopting a unified position among Member States vis-à-vis campaigns and draft resolutions that target OIC Member States at relevant international fora.
16. **Requests** the Member States to sign and ratify the Covenant on the Rights of the Child in Islam as soon as possible.
17. **Requests** the Secretary General to follow up the implementation of this resolution and submit a report thereon to the 39th Session of the Council of Foreign Ministers.

RESOLUTION NO. 2/38-LEG
ON
THE ESTABLISHMENT OF THE OIC INDEPENDENT PERMANENT
HUMAN RIGHTS COMMISSION

The Thirty-eighth Session of the Council of Foreign Ministers, (Session of Peace, Cooperation and Development), held in Astana, Republic of Kazakhstan, from 26 to 28 Rajab 1432 A.H. (28-30 June 2011 A.D.),

Mindful of the need to empower the Organization of the Islamic Conference with a mechanism to strengthen and protect human rights in the Member States,

Recalling the Ten-Year Programme of Actions adopted by the 3rd Extraordinary Islamic Summit Conference held in Makkah Al Mukarramah in December 2005 which called for considering the establishment of an independent permanent commission to promote human rights in the Member States,

Seeking to implement articles 5 and 15 of the Charter of the Organization of the Islamic Conference, unanimously adopted by the 11th session of the Islamic Summit Conference held at Dakar, Republic of Senegal on 13-14 March 2008, which consider the Independent Permanent Commission on Human Rights as a key OIC organ,

Having considered the report of the meeting of the Intergovernmental Group of Experts on the Establishment of the OIC Independent Permanent Commission on Human Rights at the OIC headquarters in Jeddah, Saudi Arabia from 1 – 3 Rabiul Awwal 1431H (15 – 17 February 2010), and the Draft Statute of the OIC Independent Permanent Commission on Human Rights, attached as Annex 1 Ref. OIC/IPCHHR/2010/DR.STATUTE.

1. **Adopts** the draft statute of the Independent Permanent Human Rights Commission as per document No. (OIC/IPHRC/2010/DR.STATUTE);
2. **Decides** that the IPHRC should start its operation within the OIC General Secretariat, pending a decision on its headquarters' location to be taken at the 39th Session of the CFM, and **requests** the Secretary General to provide secretarial services to the IPHRC within the adopted budget of the General Secretariat.
3. **Expresses** its thanks and appreciation to the Secretary General for his efforts in preparing the necessary documents for the establishment of the Independent Permanent Commission on Human Rights, and to the Intergovernmental Group of Experts on the establishment of the Commission for their diligent work in preparing the Commission's draft statute;
4. **Requests** the Secretary General to follow up the implementation of this resolution and to present a report thereon to the 39th session of the CFM.

**Statute of
The OIC Independent Permanent
Human Rights Commission**

Statute of the OIC Independent Permanent Human Rights Commission

Preamble:

Taking into account the Islamic values and principles on human rights which call for the need to respect human rights and dignity,

Pursuant to the provisions of article 5 and article 15 of the Charter which stipulate that: "The Independent Permanent Commission on Human Rights shall promote the civil, political, social and economic rights enshrined in the Organisation's covenants and declarations and in universally agreed human rights instruments, in conformity with Islamic values,"

Pursuant to the provisions of the Ten-Year Programme of Action adopted by the Third Extraordinary Session of the Islamic Summit Conference held in Makkah Al Mukarramah in December 2005, which called for consideration of the possibility of establishing an independent permanent body to promote human rights in Member States,

Recalling the Cairo Declaration on Human Rights in Islam adopted in 1990,

Pursuant to relevant international instruments, charters and conventions,

Member States agreed on the statute of the Independent Permanent Commission on Human Rights as follows:

CHAPTER I
DEFINITIONS

Article 1:

Wherever they appear in the present Statute, the following terms shall be interpreted as indicated below:

CHARTER:	Charter of the Organization of the Islamic Conference.
ORGANIZATION:	Organization of the Islamic Conference (OIC)
COMMISSION:	Independent Permanent Human Rights Commission of the Organization of the Islamic Conference.
SUMMIT:	Islamic Summit Conference.
COUNCIL:	Council of Foreign Minister.
SECRETARY GENERAL:	OIC Secretary General.
MEMBER STATES:	OIC Member States.
GENERAL SECRETARIAT:	OIC General Secretariat.
EXPERTS:	Experts nominated for the membership of the Independent Permanent Human Rights Commission.
MEMBER:	Member of the OIC Independent Permanent Human Rights Commission.
STATUTE:	Statute of the OIC Independent Permanent Human Rights Commission.

CHAPTER II

COMPOSITION AND MEMBERSHIP OF THE COMMISSION

Article 2:

There shall be established within the Organization of the Islamic Conference a commission called the OIC Independent Permanent Human Rights Commission.

Article 3:

The Commission shall be composed of 18 members nominated by the Member States' governments among experts of established distinction in the area of human rights and elected by the Council of Foreign Ministers for a three-year period renewable once.

Article 4:

The General Secretariat collects nominations and coordinates with the Member States on the list of candidates which it then circulates prior to its submission to the Council of Foreign Ministers.

Article 5:

In the event of any expert's incapacity to continue his functions, his State shall appoint an alternate expert to complete his term in line with the standards and procedures laid out in this Statute.

Article 6:

The Member States shall encourage the nomination of women to the membership of the Commission.

Article 7:

In the election of the experts due consideration shall be given to equitable geographical distribution among Member States.

CHAPTER III

OBJECTIVES OF THE COMMISSION

Article 8:

The Commission shall seek to advance human rights and serve the interests of the Islamic Ummah in this domain, consolidate respect for the Islamic cultures and noble values and promote inter-civilizational dialogue, consistent with the principles and objectives of the OIC Charter.

Article 9:

The Commission shall support the Member States' efforts to consolidate civil, political, economic, social and cultural rights.

Article 10:

The Commission shall cooperate with the Member States to ensure consolidation of civil, political, economic, social and cultural rights in the Member States in accordance with the OIC Charter, and to monitor observance of the human rights of Muslim communities and minorities.

Article 11:

The Commission shall support the Member States' efforts in terms of policies aimed at enhancing legislation and policies in favour of advancing the rights of women, the young and those with special needs, in the economic, social, political and cultural fields as well as eliminating all forms of violence and discrimination.

CHAPTER IV

MANDATE OF THE COMMISSION

Article 12:

The Commission shall carry out consultative tasks for the Council and submit recommendations to it. It shall also carry out other tasks as may be assigned to it by the Summit or the Council.

Article 13:

The Commission shall support the OIC's position on human rights at the international level and consolidate cooperation among the Member States in the area of human rights.

Article 14:

The Commission shall provide technical cooperation in the field of human rights and awareness-raising about these rights in the Member States, and offer approving Member States consultancy on human rights issues.

Article 15:

The Commission shall promote and support the role of Member State-accredited national institutions and civil society organizations active in the area of human rights in accordance with the OIC Charter and work procedures, in addition to enhancing cooperation between the Organization and other international and regional human rights organizations.

Article 16:

The Commission shall conduct studies and research on priority human rights issues, including those issues referred to it by the Council, and coordinate efforts and information exchange with Member States' working groups on human rights issues in international fora.

Article 17:

The Commission may cooperate with Member States, at their request, in the elaboration of human rights instruments. It may also submit recommendations on refinement of OIC human rights declarations and covenants as well as suggest ratification of human rights covenants and instruments within the OIC framework and in harmony with Islamic values and agreed international standards.

CHAPTER V

PROCEDURAL PROVISIONS

Article 18:

The headquarters of the Commission shall be in one of the OIC Member States and the Commission shall convene bi-annually in ordinary meetings. It may also hold extraordinary meetings at the request of any Member State or of the Secretary General with the approval of the Member States' simple majority.

Article 19:

Two thirds of the Commission's members shall constitute the quorum for its meetings.

Article 20:

The Commission adopts its recommendations by consensus and if not possible, by a two-third majority of the voting members present.

Article 21:

Upon the host country's consent and the approval of all its members the Commission may invite, as guests, OIC subsidiary organs and specialized and affiliated institutions relevant OIC accredited governmental and non-governmental organizations, and national human rights institution. Member States and OIC observers may also participate in the Commission's meetings as non-voting observers, in accordance with OIC standards.

Article 22:

The Commission shall be assisted in the performance of its duties by a Secretariat headed by an Administrative Director appointed by the Secretary-General in consultation with the Member States. The Secretariat shall be governed by the OIC Personnel Regulations.

Article 23:

The Secretary General shall appoint the Commission's staff from a list of Member State nominees submitted by the Administrative Director. He shall also avail the Commission of the services necessary for it to assume its duties effectively.

Article 24:

The Commission submits its draft annual operating budgets to the OIC Permanent Finance Committee. The budgets are adopted by the Council and governed by the OIC financial regulations.

**CHAPTER VI
TRANSITIONAL PROVISIONS**

Article 25:

Mindful of the provisions in this present Statute, the Commission shall temporarily apply the rules and procedures of OIC meetings pending its elaborating of its own procedural rules and their adoption by the Council, within a year from the entry in force of the present Statute.

**CHAPTER VII
FINAL PROVISIONS**

Article 26:

The Commission's headquarters State and the States hosting the Commission's meetings shall provide the necessary facilities, privileges and immunities for the Commission to perform its functions. The provisions of the OIC Agreement on privileges and immunities apply to the Commission.

Article 27:

The Commission's languages are Arabic, English and French.

Article 28:

The present Statute may be amended by a decision from the Council, based on a request from any Member State. Amendments are approved by a decision from the Council.

Article 29:

The present Statute shall enter into force upon its adoption by the Council of Foreign Ministers.

RESOLUTION NO. 3/38-LEG
ON
THE SIGNING/RATIFICATION OF (ACCESSION TO)
THE CHARTER AND THE AGREEMENTS CONCLUDED
UNDER THE ORGANIZATION OF THE ISLAMIC CONFERENCE

The Thirty-eighth Session of the Council of Foreign Ministers, (Session of Peace, Cooperation and Development), held in Astana, Republic of Kazakhstan, from 26 to 28 Rajab 1432 A.H. (28 -30 June 2011 A.D.),

Having considered the signing, ratification and accession status of the agreements concluded under the Organization of the Islamic Conference,

Noting that the minimum number of ratifications by Member States required for the entry into force of some of these agreements has not been reached as required by their provisions, and the importance of accelerating the ratification in order to support the role of the Organization and widen the scope of cooperation among Member States,

Taking note of the Report of the OIC Secretary General contained as Document No. (OIC/CFM-38/2011/LEG/SG-REP.2),

1. *Urges* Member States again to sign, ratify or accede to, as soon as possible, the various agreements concluded within the framework of the Organization of the Islamic Conference.
 2. *Requests* the Secretary General to implement this resolution and to report thereon to the 39th Session of the Council of Foreign Ministers.
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RESOLUTION NO. 4/38-LEG

ON

COOPERATION AGREEMENT BETWEEN THE OIC AND THE AFRICAN UNION

The Thirty-Eight Session of the Council of Foreign Ministers (Session of Peace, Cooperation and Development), held in Astana, Republic of Kazakhstan, from 24-26 Rajab 1432 H (28-30 June 2011).

Recalling the principles and objectives of the Charter of the Organization of the Islamic Conference and the Ten-Year Programme of Action, as well as the relevant resolutions adopted by the different sessions of the Islamic Summit Conference and the Council of Foreign Ministers; and recalling the cooperation agreements, friendly relations and constructive cooperation existing between the OIC and international and regional organizations and groupings;

Stressing the importance of building, preserving and promoting close relations and fruitful cooperation between the OIC and international and regional organizations and gatherings in their joint endeavor to resolve international problems and serve their common interests;

- 1- **Approves** the draft cooperation agreement between the Organization of the Islamic Conference and the African Union.
- 2- **Mandates** the Secretary General to take the necessary measures with the African Union for the signature of the agreement.
- 3- **Requests** the Secretary-General to follow up the implementation of this resolution and to report thereon to the 39th Session of the Council of Foreign Ministers.
