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Protection of Human Rights by the Organisation of Islamic Cooperation: between Universalism and Cultural Relativism

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Abstract. Recent developments in the OIC human rights regime, including the adoption of the OIC Declaration of Human Rights in 2020, reflect the changes in the Member States' common position on the issue. This study aims to examine the acts and mechanisms of protection of human rights of the Organisation from the standpoint of universal human rights concept and cultural relativism. It is premised on the idea that development of the existing relativist doctrines can either contribute or impede protection and promotion of human rights on state level. The study examined the OIC treaties and 'soft law' acts, official studies under the auspices of the Organisation as well as the activity of its human rights mechanisms. It revealed that the OIC contributes to the respect of the norms reflected in universal human rights acts in its Member States, although some circumstances exist that could impede international cooperation of the Organisation in this sphere. The approach of the OIC and its mechanisms is defined as pluralistic.

Keywords: human rights, cultural Relativism, Organisation of Islamic Cooperation, Cairo Declaration, Covenant on the Rights of the Child in Islam, Independent Permanent Human Rights Commission, OIC Declaration on Human Rights.

Research area: law.

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Защита прав человека в Организации исламского сотрудничества: между универсализмом и культурным релятивизмом

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Аннотация. Меры, принятые Организацией исламского сотрудничества (ОИС) в области защиты и поощрения прав человека в последние годы, отражают изменения в единой позиции государств – членов Организации. На это указывают и положения принятой в 2020 году Декларации ОИС о правах человека. Цель настоящего исследования – определить изменения в позиции государств – членов ОИС по вопросам прав человека с точки зрения универсальной концепции и культурного релятивизма. В его основу легло представление о том, что культурный релятивизм государств может как способствовать, так и препятствовать имплементации международных стандартов защиты и поощрения прав человека. В ходе исследования были рассмотрены международные договоры и акты рекомендательного характера, принятые в рамках ОИС, исследования под эгидой Организации и документы ее механизмов защиты прав человека. Согласно результатам исследования, деятельность ОИС способствует защите и поощрению универсальных прав человека в государствах-членах, однако некоторые обстоятельства препятствуют международному сотрудничеству Организации в данной области. Подход ОИС к правам человека характеризуется как плюралистический.

Ключевые слова: права человека, культурный релятивизм, Организация исламского сотрудничества, Каирская декларация, Пакт о правах ребенка в исламе, Независимая постоянная комиссия по правам человека, Декларация ОИС о правах человека.

Научная специальность: 5.1.5. Международно-правовые науки.

Introduction

In 2020, the OIC Declaration of Human Rights was adopted. Alongside other recent developments, it reflects the changes in the Organisation's approach to human rights. This study aims to examine the developments in acts and mechanisms of protection and promotion of human rights of the OIC from the standpoint of universalism and cultural relativism.

In relevant publications, cultural relativism is referred to as a doctrine justifying certain variations in moral rules and social institutions by cultural and historical divergences between the societies (Donnelly, 1984). As applied to human rights, the doctrine suggests that certain

derogations in interpretation and application of the universal human rights norms could be historically and culturally justified.

This study is premised on the idea that relativist doctrines can either contribute or impede protection and promotion of human rights by states. The focus is drawn on the concepts and methods that facilitate respect of the universal standards as reflected in the universal human rights acts.

The study explores the origins of different human rights approaches and debate on their correlation. It analyses the legal nature of the conflict between the concepts from the standpoint of implementation, fragmentation

and eurocentrism of international public law. Then, it considers different aspects of the OIC activity. Finally, it draws conclusions on the OIC position in the debate on cultural relativism.

For the purposes of the study, the OIC treaties and 'soft law' acts on human rights were explored alongside with its human rights mechanisms' activity and officially published studies and reports. Human rights doctrine in the field of human rights and Islamic law was taken into account.

I. Islamic States Relativist Approach and Universal Human Rights

Alongside adoption of the first universal human rights acts academic works on human rights as recognized and protected by Sharia appeared. The scholars were trying to find the answers to the two main questions, first being whether Islamic law recognized and protected fundamental human rights (Nawaz, 1965; Donnelly, 1982) and second concerning the ratio between the Islamic, Western and universal approaches to fundamental human rights (Ala Maudoodi, 1977; Renteln, 1988; Said, 1979).

A. Islamic Human Rights Doctrine

Some oriental lawyers and philosophers suggested that Sharia had been protecting fundamental human rights long before the adoption of the Universal Declaration on Human Rights (UDHR) and International Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR) (Traer, 1989). Meanwhile, it was asserted by other scholars that Sharia did not safeguard human rights enshrined in those acts (Coulson, 1957). The nature of rights and obligations as well as remedies sought in case of prejudice to such values as life, property and honour according to the Islamic legal doctrine revealed their aim of securing general legal order and not the individual.

Scholars attributed the authority of divine commands to states' obligation to protect human rights which is common to all norms of Islamic law due to their concurrently religious and legal nature (Faruqi, 1983). As regards universal standards, the UDHR preamble

provides that fundamental human rights protection is essential as their recognition is the foundation of freedom, justice and peace. The protection of human rights itself is considered an obligation under the UN Charter. Although the UDHR's wording does not appear to directly contradict any teaching on the primary source of human rights, one of the objectives raised by Saudi Arabia when abstaining from the vote on the final draft of the declaration was that the UDHR contradicted the notion of human rights as granted by Allah (Traer, 1989).

The existence of a relevant human rights doctrine in Islam is inextricably linked with the debate on the nature of human rights. It appears that it was not the source of the doctrine, religious or secular, that raised concerns but the implications of possible interpretation of Islamic divine provisions protecting the state, social institutions or any other social phenomena instead of the individual. Thus, the lack of individualism was considered an obstacle to inferring that foundations of universal fundamental human rights doctrine are enshrined in Islam.

B. The Ratio between the Universal, Western and Islamic Human Rights

The question of culturally justified regional approaches to human rights in international public law became acute with the adoption of the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (Aldeeb Abu-Sahlieh, 1990). According to its preamble, the Convention was issued by Governments of European countries which were like-minded and had a common heritage of political traditions, ideals, freedom and the rule of law. Technically, ECHR was a regional treaty reflecting the European states' approach to human rights, the adoption of which was justified by states' common historical and cultural heritage.

The Islamic states' approach to human rights had not been expressed in any international public law act until the end of the XX century. Before that, a debate occurred on the distinction of Western and other human rights approaches accompanied by the demand that

Western countries not impose their legal and political tradition on other States (Said, 1979). At the same time, the Islamic law concept of human rights was developed.

Anthropological research (Messer, 1997), as well as recent international law doctrine (Hogemann, 2020), suggests that numerous cultural approaches to human rights exist and have to be recognized. A pluralistic approach is introduced that implies coexistence of different cultural traditions alongside universal human rights standards. The distinction between cultural and ethical relativism is drawn (Salmon, 1999). Relativist approaches are deemed appropriate only if they do not contradict core ethical standards.

Today, Islamic States' concept of human rights is reflected in the OIC and the Arab League acts, while that of Western states is represented in e.g. the Council of Europe and the European Union acts. The universal human rights approach as contained in universal acts and UN bodies' activity is to be separated from the Western one so as to prevent eurocentrism.

The correlation and mutual influence of universal concept and relativist approaches are not sufficiently analysed. From the standpoint of international public law, the regional practice influences the inferences on existence of universal norms. At the same time, the universal acts are a means of codification and progressive development of international legal rules that are to be observed by States in their regional cooperation.

II. Legal Nature of the Conflict between Islamic and Universal Human Rights

International obligations of states in the field of human rights include states' implementation of universal standards which involves their adaptation to the particularities of the national legal systems. Regional international organisations may facilitate the process by adopting acts and mechanisms that address legal culture particularities of the member states. However, such acts and mechanisms may contribute to regional fragmentation of international law and its ethnocentrism, a striking example of which in human rights doctrine is eurocentrism.

A. Relevant particularities of Islamic Law

Islamic international law doctrine provides for the respect on equal footing and in good faith of the lawfully concluded agreements, which applies to conventions between Muslims and non-Muslims (Malekian, 2011). Thus, human rights treaties have to be implemented in the legal systems of Islamic state parties according to both international public law and Sharia.

Historically, Islamic law developed upon a set of fundamental principles that differ from those found in other legal systems. Firstly, the initial cause of creation of the state was considered the will of a superior essence, laws being direct commands of that essence. The interconnection between lawful and pious behaviour has been strengthening, the source of applicable legal rules being Islamic scriptures (Van Den Berg, 2006). Thus, for an international law norm to be implemented in national legal systems of an Islamic State, it has to be compatible with Islam.

Secondly, the main sources of Islamic religious and legal knowledge include guidance to any sphere of human life and, thus, they contain or imply all necessary rules of conduct. The Quran, according to its wording, was revealed <...> as an exposition of everything (16:89) (Krachkovsky, 1963). Both the wording and substance of the Revealed Book are to be preserved while no critic of them is allowed. Thus, it is crucial to discover foundations for protection of human rights in the main sources of Islamic law for their effective respect on the territory of Islamic States.

Thirdly, judges and religious and legal scholars play an incomparable role in Islamic legal systems. They make respective inferences and resolve the occurring conflicts between legal provisions, assuring coherence of the system. This idea could be supported by the authority of the founders of the main Islamic law schools (madhab) as well as such sources of legal rules as fatwa, i.e. Islamic case law.

Apparently, legal and religious scholars and practitioners ensure the implementation of the universal human rights standards in Islamic states. Their authoritative judgments and theories based on undisputable sources of Islamic

law influence state practice in the field. Today, some legal scholars tend to believe that Islamic law sources contain all necessary mechanisms for the system's adaptation to the modern universal human rights doctrine (Saeed, 2018).

Finally, the heads of Islamic States are considered Allah's representatives on Earth, one of their primary obligations being to preserve religion from undue practices and ideological influences (Van Den Berg, 2006). All government bodies assume the responsibility for their proper and pious ruling before Allah and their acts are to reflect the divine commands. According to the al-Shura principle of Islamic constitutional law, heads of State and other State authorities should consult the wisest and most decent representatives of the Muslim Umma (Said, 1979). Therefore, it is important for Islamic states' authorities to be sure that the measures taken align with divine prescriptions while taking into account the recommendations of recognised specialists in the field of human rights in Islam.

B. Fragmentation of International Public Law and Eurocentrism

In spite of the claims that countries from different political and cultural backgrounds negotiated the text of the UDHR (Saeed, 2006), a lot of modern-day OIC Member States had not gained independence by the time the Declaration was adopted. They include Algeria (1962), Benin (1960), Mali (1960), Mauritania (1960), Morocco (1956), Tunisia (1956) and other states. Even though some Islamic states were present, such representation did not reflect the global share of Muslim communities. As a result, the legal systems of numerous modern day states were underrepresented, which lead to their advocacy for reconsidering international law norms with equal regard to all existing legal orders and rejection of the 'civilizing mission' of the European countries (Samour, 2014). Today, eurocentrism is considered a topical issue of international public law (Fassbender, 2012).

Eurocentrism seems relevant to human rights law as well. As mentioned above, Islamic scholars insisted that Western human rights approach not be imposed on others. Due regard to all states' teachings and practice could help

to elaborate a regime that would be ultimately applicable in most States and would not technically fit only European legal orders.

In some legal families, a separate approach to international public law emerges. Thus, Islamic law scholars develop the doctrine of "Islamic international law" aimed at exploring international law norms and principles enshrined in Islamic legal sources (Malekian, 2011). From certain perspective, this implies development of an 'Islamic' international legal order which could disintegrate the universal one. However, reconsideration of state practice in light of international public law is necessary for progressive development of international law towards a genuinely universal set of norms.

C. The OIC and Universal Human Rights Implementation

The OIC activity in the field of human rights is based upon its Charter as revised in 2008. According to its provisions, the Member States adhere to the principles of the UN Charter and international law, seek to preserve and promote core Islamic values, contribute to the dialogue among civilizations and promote human rights and fundamental freedoms.

Article 1 of the Charter reiterates the Member States' objectives to promote human rights and freedoms including the rights of women, children, youth, elderly and people with special needs alongside preserving Islamic values and heritage. The principles of the OIC functioning include commitment to the principles of the UN Charter, human rights protection and promotion being one of them. In their fulfilment of the OIC principles, the States shall be guided and inspired by the noble Islamic teachings and values. As can be seen, the regime enshrined in the OIC's founding document implies concurrent observance of the universal and Islamic human rights doctrines.

It is worth mentioning that national legal systems of Islamic States are diverse and their human rights practice varies. That makes any international law obligation assumed by states under the auspices of the OIC a step towards creation of a common Islamic approach. At the same time, expertise of the OIC mechanisms in both international human rights law and Is-

Islamic law ensures compatibility of the Islamic concept with the universal standards. As regards its international cooperation, the OIC enjoys the UN General Assembly Observer status and participation in its bodies' activity. Thus, the OIC has relevant international law means to ensure application of the universal human rights standards by its Member States.

III. The OIC Human Rights Treaties and 'soft law' Acts

Several human rights treaties and 'soft law' acts have been adopted under the auspices of the OIC that reflect the common position of its Member States.

A. Dhaka and Cairo Declarations on Human Rights in Islam

The 1983 Dhaka Declaration was adopted by Resolution No. 3/14 of the XIV Islamic Conference of Foreign Ministers (Dhaka Declaration). The Declaration recognises fundamental human rights as a part of Islamic faith. It attributes to them the authority of divine commands and to their respect the quality of an act of worship. It is proclaimed that Sharia calls for the safeguard of people's religion, soul, mind, honour, wealth and progeny. The universal application of the Declaration implies that it addresses human rights of all Muslims of the globe.

The Dhaka Declaration appeals to the piety of Muslims in its attempt to give grounds for respect of human rights. It is usually considered as a disadvantage of the Declaration. Yet, Dhaka declaration is a 'soft law' act reflecting the OIC Member States common position on the necessity to integrate human rights concept in their religious and, therefore, legal doctrines.

In 1990, the Cairo Declaration was adopted by Resolution No. 49/19-P of the XIX Conference of Foreign Ministers (Cairo Declaration). The preamble of the act expresses the OIC Member States' intention to contribute to the efforts of mankind to assert human rights in accordance with Sharia. It reaffirms that human rights concept is the integral part of Islamic religion. Impermissibility of human rights' full or partial suspension or violation is proclaimed one of the principles of the Declaration.

The Cairo Declaration enumerates rights and freedoms protected by the OIC Member states. Many of them align with those protected by the UDHR, some of the rights being accorded only to men, such as freedom of movement and residence and the right to seek asylum from prosecution. Some human rights are protected that are not proclaimed by the UDHR, such as protection during war and armed conflict and protection of intellectual property rights.

The Cairo Declaration subordinates the rights and duties proclaimed by it to the provisions of Sharia as both applicable law and source of interpretation. On the one hand, such dispositions make it possible to interpret human rights scope in derogation from the universal standards. At the same time, it is important to consider the Declaration as an act expressing Member States' common position on a catalogue of human rights and freedoms preserved by their legal systems. As such, the Cairo Declaration approximates national practice to the universal standards.

Neither the Dhaka nor the Cairo Declaration defines expressly the correlation between universal human rights and human rights in Islam.

B. The OIC Covenant on the Rights of the Child in Islam

Adopted in 2004, the Covenant on the Rights of a Child in Islam (OIC Covenant) is the first binding international law act adopted under the auspices of the OIC. According to the preamble of the OIC Covenant, the parties thereof proceed from Islamic efforts on issues of childhood which contributed to the 1989 Convention on the Rights of the Child (CRC). Thus, the OIC Covenant is implied to be compatible with and complementing the CRC.

Respect of the provisions of Sharia and observance of the domestic legislation of Member States as well as cultural and civilisation constants of the Umma can be found among the principles of the OIC Covenant. The wording of the act reveals its parties' intention to preserve their relativist approach and respect the internationally recognised standards. Their position could be defined as pluralistic.

By the time of the adoption of the OIC Covenant 55 out of 57 OIC Member States had

bound themselves with the provisions of the CRC, Palestine and Somalia adhering to it in 2014 and 2015 respectively. At the same time, the CRC received numerous reservations by Islamic States, most of them with regards to articles 2, 14, 20 and 21 (Hashemi, 2007). The articles are concerned with freedom of thought, expression and conscience as well as rules on adoption.

Article 20 of CRC mentions the Islamic Kafalah system of guardianship. However, it was found by Islamic States' to contradict the Islamic system of guardianship as opposed to the system of adoption established in other legal systems. The IPHRC outcome document on the OIC Covenant revision of 2017 refers to Kafalah as a means to ensure the bondage with the child's biological family. As the system of Kafalah is itself approved of by CRC, protection of its principles through the OIC Covenant could not be found contradictory to it. At the same time, the wording of article 20 of the CRC reflects the influence of Islamic legal culture on universal human rights protection.

Since 2018, the OIC bodies have been working on the draft of the revised version of the OIC Covenant.

C. The OIC Declaration on Human Rights

Adopted in November 2020 by Resolution No. 63/47 of the Council of Foreign Ministers, the OIC Declaration on Human Rights (OIC Declaration) contains 25 articles, including those on children's and women's rights, freedom of religion and freedom of expression. The Declaration guarantees 26 out of 32 rights and freedoms enshrined in the UDHR (Kayaoglu, 2020). Some of the rights previously attributed only to men are granted to women as well.

The preamble of the Declaration expresses the adherence of the OIC Member States to the idea of human rights and the mission of their protection. It refers to Medina Charter alongside the universal human rights acts. That reflects the OIC Member States' adherence to the Islamic and international law doctrines at the same time. The Declaration affirms that human rights are universal, indivisible, interdependent

and interconnected but points at the need to consider states' historical and cultural background.

The revised Cairo Declaration does not contain any direct references to Sharia. However, it uses Islamic religious terms in describing the scope of some rights, for instance the 'right to life as a gift by Allah Almighty' or women's 'right to motherhood in line with Allah's creation'.

Article 1 of the Declaration proclaims that all individuals are equal without any discrimination, including on the grounds of sex, religion, sect and age. Article 5 on women's rights affirms that men and women are equal in their dignity, rights and obligations as prescribed by applicable law. It encourages the OIC Member States to take measures aimed at women empowerment. The effectiveness of these provisions relies on national legal rules application, including interpretation and application of Islamic legal sources.

The OIC Declaration reflects some achievements in the field of the rights of the child. It guarantees equality to all children and prohibits sentencing children to capital punishment. However, the Declaration does not contain dispositions concerning children's freedom of conscience and religion. In general, it approximates the OIC acts regime to universal standards but it doesn't expressly provide for all guaranties granted by the CRC.

The right to security of one's religion is considered a part of the right to privacy (article 19). The approach expressed in the 1990 Cairo Declaration concerning that right hasn't been modified. The OIC Member States continue to grant protection to religion through protection of fundamental human rights.

As for certain negative developments, the right to seek asylum granted by the Cairo Declaration is no longer granted by the OIC Declaration on Human Rights. Although article 12 of the Declaration guarantees the same universally recognized human rights and fundamental freedoms to all refugees and migrants, the general approach to the issue of refugees is reflected in article 11 that only preserves expressly the right of refugees to return to their countries of origin, not their right to assimilation or re-

settlement on the territory of the OIC' Member States.

The OIC Declaration reflects some particularities of the Islamic human rights doctrine, while it refers to universal standards and reflects their wording, demonstrating the pluralistic approach of the OIC Member States. The Declaration gives rise to expectations of further approximation of the two approaches.

IV. The OIC Human Rights

Protection Mechanisms

Several human rights protection mechanisms function under the auspices of the OIC. They include the Independent Permanent Human Rights Commission (IPHRC), its Field Visit Commissions (FVC) and Women Development Organisation (WDO). In 2017, IPHRC encouraged the OIC Member States to establish a separate mechanism for the implementation of the revised OIC Covenant.

A. Independent Permanent Human Rights Commission

The IPHRC activity is based on Chapter X of the OIC Charter and its 2011 Statute. According to Article 15 of the OIC Charter the aim of the IPHRC is to promote human rights preserved by both the OIC acts and universal human rights acts in conformity with Islamic values. Thus, human rights promotion by the IPHRC is subject to universal and Islamic doctrines. Meanwhile, as an OIC body, IPHRC's activity is subject to universal principle of human rights protection and promotion.

As can be inferred from Chapter IV of the Statute of the IPHRC, it is rather a consultative body established in order to assist the OIC bodies and Member States in their efforts to promote and protect human rights. The IPHRC is also meant to support the OIC position on human rights at the international level and consolidate cooperation among the Member States in this area.

Representatives of the UN human rights bodies are regularly invited to participate in the IPHRC sessions. At the end of each session outcome documents are adopted. These documents include both interpretation of Sharia provisions and references to universal international law

acts. It is common for these publications to outline the areas of common ground between the universal concept of human rights and human rights in Islam. As to the recommendations, they frequently include accession or ratification of universal treaties by the OIC Member States, their implementation and cooperation with the UN bodies. However, some recommendations raise concerns. E.g. the IPHRC Study on Gender Identity of 2018 recommends reducing donations to the UN bodies and organisations and reconsidering cooperation with them if these bodies and organisations promote the views that do not correspond to those held by the OIC Member States. Such recommendations beyond doubt impede international cooperation in the field of human rights.

IPHRC session documents outline the necessity to involve Islamic scholars in further development of human rights doctrines, example of which is a recommendation contained in the 2017 study on the OIC Covenant. It appears that the Commission is especially concerned with ensuring the authoritative interpretation of national legislation that would make OIC acts on human rights effectively applicable on the territory of the OIC Member States.

The IPHRC takes into consideration Islamic States' cultural particularities when including Sharia-based interpretations of universal norms or recommendations to involve religious leaders in human rights promotion processes. It refers to Islamic law and universal treaties at the same time, thus supporting the pluralistic approach and developing a relativist concept with regard to application of universal standards.

B. Field Visit Commissions

Since 2014, the OIC has been sending FVC to countries and regions in which violations of human rights raise concerns of the Member States. So far, four FVC have examined the situation in Central African Republic (CAR) (2014), Palestine (2015), State of Azad Jammu and Kashmir (2016) and Myanmar (2018).

FVC mandates derive from decisions of various bodies of OIC which include Islamic Summit (2015 visit to Palestine, 2018 visit to Bangladesh), Council of Foreign Ministers

(2015 visit to Palestine; 2016 visit to Pakistan; 2018 visit to Bangladesh) and Executive Committee (2014 visit to CAR). Requests and recommendations to examine human rights situation in a certain area are construed to be a FVC mandate.

Permission of the State visited is required for a FVC to enter its territory. Denial of such permission has been a deterrent factor in case of States that have no member or observer status in the OIC. For example, the Republic of India did not respond to the request to let the IPHRC representatives on its territory. As a result, the examination performed on the questions of human rights violations on the territory of Jammu and Kashmir relied on Pakistani politicians' and refugees' testimony. Similarly, FVC received no positive response from the Government of Myanmar to grant access to its territory so the primary source of information became refugees from the Rohingya refugee camps in neighbouring countries, mostly Bangladesh.

The aim of all four FVC was to investigate human rights violations against Muslim population of the respective territories. Report on each situation contains a description of historical background, findings on current situations and the IPHRC recommendations. The latter are addressed to the OIC, its Member States, non-Member States suspected of human rights violations and even the UN, its bodies and international community.

FVC findings are focused on representation of the factual background of a situation rather than human rights interpretation. FVC reports contain references to the UN Charter, international law in general, international humanitarian law and international human rights treaties. No reference to human rights in Islam or OIC declarations or covenants can be found. Thus, FVCs are aimed at ensuring that the universal standards' are respected with regard to the Muslim population of the globe and not asserting the relativist concept of human rights in Islam.

C. Women Development Organisation

The WDO was established and its Statute was adopted in 2009. It took eleven years for

the Statute to enter into force upon the 15th ratification by the Republic of Cameroon. WDO is aimed at women empowerment in the OIC Member States. It does so by means of training, education and rehabilitation in line with the principles of Islamic values.

WDO Members are the OIC Member States that acceded to its founding document. Its Council consists of Ministers concerned with women's affairs in Member States. It is the Council's mission to adopt policies and programs linked with women development.

The main functions of the WDO are to raise awareness about women empowerment and the role of Islam in preserving the rights of Muslim women. As all OIC mechanisms, the Organisation aims at consulting Member States and promoting the interests of the OIC at the international fora. The WDO shall implement the OIC acts and recommendations, including the OIC Plan of Action for the Advancement of Women (OPAAW) of 2016 and Resolutions adopted by the OIC main bodies and conferences of ministers in charge of women.

Conclusions

As of March 2021, 51 out of 57 OIC Member States (89 %) are bound by the provisions of the ICCPR and ICESCR. These At the same time, it cannot be affirmed that the OIC Member States who have bound themselves with the provisions of universal treaties have ensured their full respect on their territories.

The OIC Member States and the OIC itself seek to preserve and develop their relativist concept of human rights in Islam as a part of Islamic legal systems.

The nature of the conflict between the two concepts of human rights is connected with Islamic states' human rights implementation mechanisms. This process should take into account the particularities of Islamic legal culture. From the standpoint of international law, the conflict should be considered in light of eurocentrism and regional fragmentation of human rights law.

The OIC and its human rights protection mechanisms take into account the above mentioned particularities through addressing gov-

ernmental and academic sources as well as international and Islamic doctrines in the field of human rights. Sometimes, lack of cooperation or counter productivity of the OIC bodies' recommendations can impede the alignment of

the two approaches. In general, the measures taken by the OIC appear to contribute to human rights protection in its Member States. The approach of the Organisation can be described as pluralistic.

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