

Statement by Bürgerbewegung Pax Europa

OSCE Human Dimension Implementation Meeting

Working Session 2 Fundamental Freedoms II

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Which human rights?

During the Helsinki Process and the start of the CSCE, respect for human rights and fundamental freedoms including the freedom of thought, conscience, religion or belief was accepted for the first time as a principle. At the height of the Cold War the inclusion of the humanitarian aspect was a victory for the West, including the neutral states.

Gently forcing the then Soviet Union into accepting the term “human rights” for the first time is without a doubt the greatest achievement of the then CSCE, now OSCE, paving the way for the demise of the Communist bloc. However, during the height of the Cold War there was no doubt as to what the term “human rights” referred to, namely the Universal Declaration of Human Rights, accepted by nearly all member countries of the United Nations, though some with reservations. Among those were reservations by Saudi Arabia referring to the Koran and Sharia, especially with respect to the right to choose one's religion.

Nowadays, the term “human rights” has two opposite meanings:

- In the non-Muslim world, “human rights” refers to the Universal Declaration of Human Rights of 1948, which affirms that all people – men and women – are guaranteed individual rights;
- whereas in the Cairo Declaration of Human Rights in Islam of 1990 (CDHRI), men and women are not equal and it is the duty of men and women to follow the will of Allah. Dignity is granted only to those who submit to Allah's will. The CDHRI divides all humans into two separate legal persons within its defined categories, namely men and women, believers and non-believers (kuffar). Any rights or freedoms are binding commandments from Allah as delivered through Mohammed, the last prophet.

All member states of the Organization of the Islamic Cooperation accept only the CDHRI.

We also note that the delegation of the Russian Federation, in its Interpretative Statement of 26 July 2012 (PC.DEC/1045), requested the following statement to be added to Rules of Procedure:

We consider it important, as enshrined in the Vienna Declaration and Programme of Action of 1993, to **treat human rights globally in a fair and equal manner**, on the same footing, and with the same emphasis in **view of their universality, indivisibility**, interdependence and interrelatedness

In light of the above observations, BPE asks for urgent clarification as to which set of human rights is referred to during discussions in the Human Dimension. This is a question of paramount importance due to the implications:

1. When BPE discusses the plight of young girls and women with respect to forced marriages, violence, and/or FGM, BPE always refers to the Universal Declaration of Human Rights, whereas the member states of the OIC refer exclusively to the CDHRI, which has ramifications on the status of the girl or woman.
2. Participating States that are also member states of the OIC thus refer to a different set of human rights at OSCE meeting in the Human Dimension.
3. It follows that within the Human Dimension of the OSCE there two diametrically opposed sets of human rights.

Recommendation

- BPE recommends that OSCE and participating States refer to and use **only** the Universal Declaration of Human Rights.
- BPE recommends that this important point is renewed and clarified at the next summit meeting.