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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS  
AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Written statement\* submitted by the Association for World Education,  
a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2003]

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- This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The International Bill of Human Rights should be applicable without exceptions for all States

1. The principal aim of the 1948 Universal Declaration of Human Rights (UDHR) was to create a framework for a universal code based on mutual consent. The early years of the United Nations were overshadowed by the division between the Western and Communist conceptions of human rights, although neither side called into question the concept of universality. The debate centred on *which* rights — political, economic, and social — were to be included among the Universal Instruments. In the 1960s, with the arrival of a large number of Third-World states that had not been present in 1948, there were discussions as to whether new states were bound by those covenants that had been adopted before they became independent and joined the United Nations. By and large, consensus was reached on the universality of human rights, but a new concept — that of “cultural relativism”— was to evolve soon after the 1979 Islamic revolution in Iran.
2. A crucial part of the debate has consisted in bringing national legislation into conformity with the universal human rights standards, as defined in what is usually called the “International Bill of Human Rights”: the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; and the Covenant on Civil and Political Rights. Usually, states that ratified the international covenants modified their legislation if it was not in conformity.
3. But the problem with such goals is that they can be nullified through repeated attempts to deliberately confuse universal human rights issues. A “religious” example was the ‘Universal Islamic Declaration of Human Rights,’ proclaimed at UNESCO in 1981, and followed by the ‘Cairo Declaration on Human Rights in Islam’ (CDHRI), adopted in August 1990 by the 19th Islamic Conference of Foreign Ministers of the 45 OIC countries, meeting in Teheran. (1)
4. Already at the 36th session of the UN General Assembly in 1981, the representative of Iran had expressed the Iranian Government’s position, and this was reaffirmed on 7 Dec. 1984: *“It recognizes no legal tradition apart from Islamic law (...) conventions, declarations and resolutions or decisions of international organizations, which were contrary to Islam, had no validity in the Islamic Republic of Iran (...) The Universal Declaration of Human Rights, which represented a secular understanding of the Judeo-Christian traditions, could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran.”* If a choice had to be made between its stipulations and *“the divine law of the country,”* Iran would always choose Islamic law. Since then, Iran has led the struggle to modify the UDHR. (2)
5. It is significant that article 24 of the CDHRI states that it is *“subject to the Islamic shari’a,”* and its article 25 confirms that *shari’a “is the only source of reference for the explanation or clarification of this Declaration.”* It is thus clear that the *shari’a* law has supremacy and the 1990 CDHRI primacy — in the view of its authors — over the International Bill of Human Rights (UDHR included) and all the other UN Covenants.

6. Soon after the Cairo Declaration was consecrated as an “international instrument,” a seminar took place at the United Nations in Geneva. On taking office in 1997, Iranian president Mohammed Reza Khatami had called for a global “Dialogue of Civilizations.” A few months later, Iran’s foreign minister, Kamal Kharazi — the first speaker at the Jubilee Commemoration of the UDHR to address the Commission, on 17 March 1998 — called for a “*revision of the UN’s Universal Declaration of Human Rights.*” On 9-10 November 1998, the Office of the High Commissioner for Human Rights (OHCHR) jointly hosted a seminar with the Organization of the Islamic Conference (OIC), entitled ‘Enriching the Universality of Human Rights: Islamic Perspectives on the Universal Declaration of Human Rights,’ at which 20 Muslim experts on Islam presented papers. (3)

7. In his opening address the secretary-general of the OIC, Dr. Azeddine Laraki, stated:

*“An elite of Muslim experts in the field of Sharia and Law are thus being offered the opportunity to present researches which expound the Islamic perspective as to human rights and recall the contribution of Islam to the laying of the foundations of these rights through which Islam aimed at leading people out of the obscurities and into enlightenment, at ensuring dignity in their life and non-submission to anyone but God, and at asserting their freedom and their right to justice and equality on the basis of the two sources of Islamic Shari’a: Qur’an and Sunna and on Fiqh jurisprudence, away from politicking, demagoguery or reliance on local practices and mores which are subject to variations according to historical legacies.”* (4)

8. In a prior letter to delegations, the new High Commissioner for Human Rights, Mary Robinson, explained: “*We have agreed that for the purpose of this seminar, Islam is understood in terms of ‘Shari’a’ (Qur’an and Hadith) and not in terms of tradition or practices that may vary and mix with historical heritage.*” In her Opening Statement, as Moderator, she expressed why she “was happy to accept the invitation of the Foreign Minister of the Islamic Republic of Iran to facilitate a process of preparing Islamic commentaries on the Universal Declaration.” For the first time at a UN public seminar, no questions were allowed from the more than 250 participants from about 80 States, intergovernmental, and UN bodies, as well as 41 NGOs.

7. In a prior press release, the Geneva-based International Commission of Jurists (ICJ) had strongly criticized the CDHRI, then being presented for approval at the Summit Meeting of OIC Heads of State and Government held in Dakar on 9 December 1991. It stated its view: “The ICJ wishes, however, to call the attention of the Muslim communities and world public opinion to the negative implications which might follow the Summit’s adoption of the Islamic Draft Declaration on Human Rights in Islam, as elaborated on 5 August 1990 in Cairo during the Nineteenth Islamic Conference of Foreign Ministers.” Two months later (February 1992), its Secretary-General — Adama Dieng, a pre-eminent Senegalese jurist — declared in a joint statement to the Commission on Human Rights, for the ICJ and the Paris-based International Federation for Human Rights (Feb. 1992) on this ‘Cairo Declaration on Human Rights in Islam’:

i) *It gravely threatens the inter-cultural consensus on which the international human rights instruments are based;*

ii) *It introduces, in the name of the defence of human rights, an intolerable discrimination against both non-Muslims and women;*

iii) *It reveals a deliberately restrictive character in regard to certain fundamental rights and freedoms, to the point that certain essential provisions are below the legal standard in effect in a number of Muslim countries;*

iv) *It confirms under cover of the “Islamic Sharia (Law)” the legitimacy of practices, such as corporal punishment, that attack the integrity and dignity of the human being.*

10. In spite of this clear warning by the head of a much-esteemed NGO, himself a Muslim — later to become a UN Special Rapporteur — High Commissioner Mary Robinson warmly welcomed the invitation from Iran’s foreign minister for a seminar at the United Nations.

11. At this same period in 1998 the year 2001 had been officially designated by the UN General Assembly as a “United Nations Year of Dialogue Among Civilizations” — once again on the initiative of Iran — even as the Khomeini fatwa against Salman Rushdie remained in effect. This “Dialogue of Civilization Year” included the “Durban World Conference Against Racism,” — just before the 11 September 2001  *jihad*  attack — which gravely tarnished the UN’s reputation.

12. Also in 2000, a bill in the Iranian parliament to end marriages for young girls aged nine — introduced following the 1979 Islamic revolution — was refused by religious groups on the grounds that it would be against Islamic teachings to make changes to the current law, since “*Islamic scholars had put a lot of efforts into these laws.*” (Muhammad Ali Sheikh, quoted in parliament.) Yet, in 1994, Iran signed and then ratified the Convention on the Rights of the Child, article 1 of which specifies: “*A child means a person below the age of 18 unless, under existing law, majority may be attained earlier.*” (5)

13. Another example where member states sign and ratify UN covenants, and then act in total contradiction with what they have accepted is the Sudan. In his first report, dated 1 February 1994, the Special Rapporteur on the Sudan, Gaspar Biro, called upon “*the Government of Sudan to bring its legislation into accordance with international instruments to which it is a party [a signatory in 1986].*” On 18 February 1994 Sudanese ambassador Ali Ahmed Sahloul sent a letter to all the permanent representatives and observers at the UN in Geneva. This followed a similarly worded circular distributed the previous day at the Commission on Human Rights, entitled — in bold dashes — ‘ATTACK ON ISLAM’.

14. In its official ‘Comments on the Report,’ Sudan announced: “*All Muslims are ordained by God to subject themselves to Sharia Laws and that matter could not be contested or challenged by a Special Rapporteur or other UN agencies or representatives.*”

15. On 14-15 March 2002, the OIC organized a “Symposium of Human Rights in Islam” — just before the six-week session of the Commission began. The first paper, criticising America’s reaction to 11 September 2001, — was entitled “War Against Terrorism: Impact on Human Rights.” It was delivered by the same Ahmad Al-Mufti, who had threatened Gaspar Biro and had been reprimanded in a General Assembly resolution (5 Dec. 1995). No longer a senior official in the Sudanese Justice Department, he had become director-general of the Khartoum International Centre for

Human Rights, affirming: *“We believe that Islam adds new positive dimensions to human rights, since, unlike international instruments, it attributes them to a divine source thereby adding a new moral motivation for complying with them.”* (6)

16. On 15 March 2002 Mary Robinson addressed the OIC Conference Symposium. In her official statement, she declared under the heading, A greater need for an understanding of Islam:

*“No one can deny that at its core Islam is entirely consonant with the principles of fundamental human rights, including human dignity, tolerance, solidarity and quality. Numerous passages from the Qur’an and sayings of the Prophet Muhammad will testify to this. No one can deny, from a historic perspective, the revolutionary force that is Islam, which bestowed rights upon women and children long before similar recognition was afforded in other civilisations. Custom and tradition have tended to limit these rights, but as more Islamic States ratify the Convention for the Elimination of Discrimination against Women, ways forward for women are being found and women are leading the debate. And no one can deny the acceptance of the universality of human rights by Islamic States.”*

17. At the back of the room where she spoke could be found various written statements by the participants, as well as copies of the 1990 ‘Cairo Declaration of Human Rights in Islam’ (7) – but not the 1948 Universal Declaration of Human Rights, normally available in five languages.

18. On 14 September 2000 — in a written reply to the Association for World Education’s formal request concerning the publication in 1997 of the ‘Cairo Declaration’ in the UN’s Vol. II of International Instruments — the legal advisor to the High Commissioner for Human Rights made the point: *“The Member States which have acceded to and ratified United Nations Human Rights Conventions remain bound, under all circumstances, by the provisions of those texts, as well as the erga omnes obligations under customary international law.”*

19. In international relations, human rights issues are frequently interpreted as belonging to the moral and religious sphere, despite the existence of legally binding international covenants that have developed the principles of the 1948 Universal Declaration of Human Rights. Only a firm and uncompromising stand on the most fundamental questions can bring about an effective, universal implementation of the ideals set forth in the International Bill of Human Rights.

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- (1) Written Statement by the Association for World Education: E/CN.4/2000/NGO/3.
  - (2) A/C.3/37/SR.56, § 53-55, and A/C.3/39/SR.65.
  - (3) For details on the background to this, see David Littman, "Universal Human Rights and 'Human Rights in Islam,'" Midstream, Feb.-March 1999, 3-7; idem, "Islamism Grows Stronger at the United Nations", Middle East Quarterly, Sept. 1999, pp. 59-64.
  - (4) HR/IP/SEM/1999/1 (PART I), 15 March 1999, p. 006.
  - (5) "Iran Bill to End Marriage at 9. Guardian Consent Still Needed", International Herald Tribune, 10 August 2000.
  - (6) OIC/SEM/2002/3 (Part Two: Conclusions), (2) Strengthening compliance, p. 14.
  - (7) ANNEX TO RES. NO.49/19-P (OIC/SEM/2002/2) (LEG1-5. DISK NO.6/24-ICFM)
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\*With the author's permission, this statement — with cuts & additions — is based on his article, "Human Rights and Human Wrongs. Sharia can't be exception to international human-rights norms" by David G. Littman (an AWE representative to the UN), NRO (19 Jan. 2003): <http://www.nationalreview.com/script/printpage.asp?ref=/comment/comment-littman011903.asp>

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