Cairo Declaration on Human Rights in Islam

Cairo Declaration on Human Rights in Islam
(1990)
Organization of Islamic Conference

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Cairo Declaration on Human Rights in Islam

Adopted and proclaimed by Organization of Islamic Conference resolution 217 A (III) of adopted on 5 August 1990

PREAMBLE

The Nineteenth Islamic Conference of Foreign Ministers (Session of Peace, Interdependence and Development), held in Cairo, Arab Republic of Egypt, from 9-14 Muharram 1411H (31 July to 5 August 1990),
Keenly aware of the place of mankind in Islam as vicegerent of Allah on Earth;
Recognizing the importance of issuing a Document on Human Rights in Islam that will serve as a guide for Member states in all aspects of life;
Having examined the stages through which the preparation of this draft Document has so far, passed and the relevant report of the Secretary General;
Having examined the Report of the Meeting of the Committee of Legal Experts held in Tehran from 26 to 28 December, 1989;
Agrees to issue the Cairo Declaration on Human Rights in Islam that will serve as a general guidance for Member States in the Field of human rights.
Reaffirming the civilizing and historical role of the Islamic Ummah which Allah made as the best community and which gave humanity a universal and well-balanced civilization, in which harmony is established between hereunder and the hereafter, knowledge is combined with faith, and to fulfill the expectations from this community to guide all humanity which is confused because of different and conflicting beliefs and ideologies and to provide solutions for all chronic problems of this materialistic civilization.
In contribution to the efforts of mankind to assert human rights, to protect man from exploitation and persecution, and to affirm his freedom and right to a dignified life in accordance with the Islamic Shari'ah.
Convinced that mankind which has reached an advanced stage in materialistic science is still, and shall remain, in dire need of faith to support its civilization as well as a self-motivating force to guard its rights;
Believing that fundamental rights and freedoms according to Islam are an integral part of the Islamic religion and that no one shall have the right as a matter of principle to abolish them either in whole or in part or to violate or ignore them in as much as they are binding divine commands, which are contained in the Revealed Books of Allah and which were sent through the last of His Prophets to complete the preceding divine messages and that safeguarding those fundamental rights and freedoms is an act of worship whereas the neglect or violation thereof is an abominable sin, and that the safeguarding of those fundamental rights and freedom is an individual responsibility of every person and a collective responsibility of the entire Ummah;
Do hereby and on the basis of the above-mentioned principles declare as follows:
Article 1
(a) All human beings form one family whose members are united by submission to God and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, colour, language, sex, religious belief, political affiliation, social status or other considerations. True faith is the guarantee for enhancing such dignity along the path to human perfection. (b) All human beings are God's subjects, and the most loved by him are those who are most useful to the rest of His subjects, and no one has superiority over another except on the basis of piety and good deeds.

Article 2
(a) Life is a God-given gift and the right to life is guaranteed to every human being. It is the duty of individuals, societies and states to protect this right from any violation, and it is prohibited to take away life except for a Shari'ah-prescribed reason. (b) It is forbidden to resort to such means as may result in the genocidal annihilation of mankind. (c) The preservation of human life throughout the term of time willed by God is a duty prescribed by Shari'ah. (d) Safety from bodily harm is a guaranteed right. It is the duty of the state to safeguard it, and it is prohibited to breach it without a Shari'ah-prescribed reason.

Article 3
(a) In the event of the use of force and in case of armed conflict, it is not permissible to kill non-belligerents such as old men, women and children. The wounded and the sick shall have the right to medical treatment; and prisoners of war shall have the right to be fed, sheltered and clothed. It is prohibited to mutilate dead bodies. It is a duty to exchange prisoners of war and to arrange visits or reunions of the families separated by the circumstances of war. (b) It is prohibited to fell trees, to damage crops or livestock, and to destroy the enemy's civilian buildings and installations by shelling, blasting or any other means.

Article 4
Every human being is entitled to inviolability and the protection of his good name and honour during his life and after his death. The state and society shall protect his remains and burial place.

Article 5
(a) The family is the foundation of society, and marriage is the basis of its formation. Men and women have the right to marriage, and no restrictions stemming from race, colour or nationality shall prevent them from enjoying this right. (b) Society and the State shall remove all obstacles to marriage and shall facilitate marital procedure. They shall ensure family protection and welfare.

Article 6
(a) Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage. (b) The husband is responsible for the support and welfare of the family.

Article 7
(a) As of the moment of birth, every child has rights due from the parents, society and the state to be accorded proper nursing, education and material, hygienic and moral care. Both the fetus and the mother must be protected and accorded special care. (b) Parents and those in such like capacity have the right to choose the type of education they desire for their children, provided they take into consideration the interest and future of the children in accordance with ethical values and the principles of the Sharī'ah. (c) Both parents are entitled to certain rights from their
children, and relatives are entitled to rights from their kin, in accordance with the tenets of the Shari’ah.

Article 8
Every human being has the right to enjoy his legal capacity in terms of both obligation and commitment. Should this capacity be lost or impaired, he shall be represented by his guardian.

Article 9
(a) The quest for knowledge is an obligation, and the provision of education is a duty for society and the State. The State shall ensure the availability of ways and means to acquire education and shall guarantee educational diversity in the interest of society so as to enable man to be acquainted with the religion of Islam and the facts of the Universe for the benefit of mankind. (b) Every human being has the right to receive both religious and worldly education from the various institutions of education and guidance, including the family, the school, the university, the media, etc., and in such an integrated and balanced manner as to develop his personality, strengthen his faith in God and promote his respect for and defence of both rights and obligations.

Article 10
Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism.

Article 11
(a) Human beings are born free, and no one has the right to enslave, humiliate, oppress or exploit them, and there can be no subjugation but to God the Most-High. (b) Colonialism of all types being one of the most evil forms of enslavement is totally prohibited. Peoples suffering from colonialism have the full right to freedom and self-determination. It is the duty of all States and peoples to support the struggle of colonized peoples for the liquidation of all forms of colonialism and occupation, and all States and peoples have the right to preserve their independent identity and exercise control over their wealth and natural resources.

Article 12
Every man shall have the right, within the framework of Shari’ah, to free movement and to select his place of residence whether inside or outside his country and, if persecuted, is entitled to seek asylum in another country. The country of refuge shall ensure his protection until he reaches safety, unless asylum is motivated by an act which Shari’ah regards as a crime.

Article 13
Work is a right guaranteed by the State and Society for each person able to work. Everyone shall be free to choose the work that suits him best and which serves his interests and those of society. The employee shall have the right to safety and security as well as to all other social guarantees. He may neither be assigned work beyond his capacity nor be subjected to compulsion or exploited or harmed in any way. He shall be entitled — without any discrimination between males and females — to fair wages for his work without delay, as well as to the holidays, allowances and promotions which he deserves. For his part, he shall be required to be dedicated and meticulous in his work. Should workers and employers disagree on any matter, the State shall intervene to settle the dispute and have the grievances redressed, the rights confirmed and justice enforced without bias.
Article 14
Everyone shall have the right to legitimate gains without monopolization, deceit or harm to oneself or to others. Usury (riba) is absolutely prohibited.

Article 15
(a) Everyone shall have the right to own property acquired in a legitimate way, and shall be entitled to the rights of ownership, without prejudice to oneself, others or to society in general. Expropriation is not permissible except for the requirements of public interest and upon payment of immediate and fair compensation. (b) Confiscation and seizure of property is prohibited except for a necessity dictated by law.

Article 16
Everyone shall have the right to enjoy the fruits of his scientific, literary, artistic or technical production and the right to protect the moral and material interests stemming therefrom, provided that such production is not contrary to the principles of Shari’ah.

Article 17
(a) Everyone shall have the right to live in a clean environment, away from vice and moral corruption, an environment that would foster his self-development; and it is incumbent upon the State and society in general to afford that right. (b) Everyone shall have the right to medical and social care, and to all public amenities provided by society and the State within the limits of their available resources. (c) The State shall ensure the right of the individual to a decent living which will enable him to meet all his requirements and those of his dependents, including food, clothing, housing, education, medical care and all other basic needs.

Article 18
(a) Everyone shall have the right to live in security for himself, his religion, his dependents, his honour and his property. (b) Everyone shall have the right to privacy in the conduct of his private affairs, in his home, among his family, with regard to his property and his relationships. It is not permitted to spy on him, to place him under surveillance or to besmirch his good name. The State shall protect him from arbitrary interference. (c) A private residence is inviolable in all cases. It will not be entered without permission from its inhabitants or in any unlawful manner, nor shall it be demolished or confiscated and its dwellers evicted.

Article 19
(a) All individuals are equal before the law, without distinction between the ruler and the ruled. (b) The right to resort to justice is guaranteed to everyone. (c) Liability is in essence personal. (d) There shall be no crime or punishment except as provided for in the Shari’ah. (e) A defendant is innocent until his guilt is proven in a fair trial in which he shall be given all the guarantees of defence.

Article 20
It is not permitted without legitimate reason to arrest an individual, or restrict his freedom, to exile or to punish him. It is not permitted to subject him to physical or psychological torture or to any form of humiliation, cruelty or indignity. Nor is it permitted to subject an individual to medical or scientific experimentation without his consent or at the risk of his health or of his life. Nor is it permitted to promulgate emergency laws that would provide executive authority for such actions.
Article 21
Taking hostages under any form or for any purpose is expressly forbidden.

Article 22
(a) Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari’ah. (b) Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari’ah. (c) Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society or weaken its faith. (d) It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form of racial discrimination.

Article 23
(a) Authority is a trust; and abuse or malicious exploitation thereof is absolutely prohibited, so that fundamental human rights may be guaranteed. (b) Everyone shall have the right to participate, directly or indirectly in the administration of his country’s public affairs. He shall also have the right to assume public office in accordance with the provisions of Shari‘ah.

Article 24
All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari‘ah.

Article 25
The Islamic Shari‘ah is the only source of reference for the explanation or clarification to any of the articles of this Declaration.

Cairo, 14 Muharram 1411H 5 August 1990

References
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The Cairo Declaration on Human Rights in Islam

Adopted and Issued at the Nineteenth Islamic Conference
of Foreign Ministers in Cairo
on 5 August 1990.

The Member States of the Organization of the Islamic Conference,

Reaffirming the civilizing and historical role of the Islamic Ummah which God made the best nation that has given mankind a universal and well-balanced civilization in which harmony is established between this life and the hereafter and knowledge is combined with faith; and the role that this Ummah should play to guide a humanity confused by competing trends and ideologies and to provide solutions to the chronic problems of this materialistic civilization.

Wishing to contribute to the efforts of mankind to assert human rights, to protect man from exploitation and persecution, and to affirm his freedom and right to a dignified life in accordance with the Islamic Shari’ah

Convinced that mankind which has reached an advanced stage in materialistic science is still, and shall remain, in dire need of faith to support its civilization and of a self-motivating force to guard its rights;

Believing that fundamental rights and universal freedoms in Islam are an integral part of the Islamic religion and that no one as a matter of principle has the right to suspend them in whole or in part or violate or ignore them in as much as they are binding divine commandments, which are contained in the Revealed Books of God and were sent through the last of His Prophets to complete the preceding divine messages thereby making their observance an act of worship and their neglect or violation an abominable sin, and accordingly every person is individually responsible — and the Ummah collectively responsible — for their safeguard.

Proceeding from the above-mentioned principles,

Declare the following:

Article 1
(a) All human beings form one family whose members are united by submission to God and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, colour, language, sex, religious belief, political affiliation, social status or other considerations. True faith is the guarantee for enhancing such dignity along the path to human perfection.
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Cairo, 14 Muharram 1411H
5 August 1990

http://www.religlaw.org/interdocs/docs/cairohislam1990.htm
(accessed 25 March 2008)
The Cairo Declaration on Human Rights Education and Dissemination

At the invitation of the Cairo Institute for Human Rights Studies, in coordination with the Office of the United Nations High Commissioner for Human Rights and the Euro-Mediterranean Human Rights Network, with the participation of around 100 human rights experts and defenders from 40 human rights groups from 14 Arab states, as well as experts from Africa, Asia, Latin America, and Europe, the Conference on Human Rights Education and Dissemination: A 21st-Century Agenda was held in Cairo, Egypt, 13–16 October 2000.

The Conference,
Having reviewed the United Nations Plan of Action for the Decade for Human Rights Education (1995–2004), and the progress achieved halfway through the Decade,

Having held extensive deliberations throughout its sessions, taking into consideration the close link between the lack of respect for human rights and the prevalence of poverty and corruption as evidenced by the World Human Development Report and the Report on Corruption in the World, and also noting the increasing concern at the adverse effects of globalization on the economic level, the abuse of human rights considerations in international relations, and the grave injustices they caused against peoples, especially in the Arab World,
Decides to adopt the following Cairo Declaration on Human Rights Education and Dissemination.

Participants reaffirm:
- Human rights principles are universal; civil, political, economic, social, cultural and joint rights are closely interconnected, interdependent and indivisible; women’s rights are an integral part of the human rights system.
- Human rights values are the fruit of the interaction and communication between civilizations and cultures throughout history, the product of the struggle by all
peoples against all forms of injustice and oppression internal and external. In this sense, such values belong to humanity as a whole.

- Commendable cultural specificity—as a human right—entrenches people’s feeling of dignity and equality, promotes their participation in the conduct of public affairs in their countries, and promotes their consciousness and awareness of the common destiny of all humankind. It is not used to justify marginalizing or consolidating the inferior status of women, nor to justify excluding the other on whatever religious, cultural or political grounds, or to waive commitment to international instruments.

- Respect for human rights is a prime interest for every person, group, people, and for humanity as a whole. This is considering that the enjoyment of dignity, freedom and equality by all is a crucial factor in the flourishing of the human person, in advancing nations and developing their material and human wealth, and in promoting the sense of citizenship.

- Human rights education and dissemination is a fundamental human right. This imposes on governments in particular great responsibilities to explicate, propagate and disseminate human rights principles and their protection mechanisms.

First: The Concept of Human Rights Education and Culture

Human rights education is, in essence, a public endeavor to enable people to learn the basic knowledge essential at once for their emancipation from all forms of oppression and suppression and the inculcation of feelings of responsibility and concern as regards the public good. Human rights culture comprises the host of values, mental and behavioral structures, cultural heritage, norms and traditions commensurate with human rights principles, along with methods of socialization that transmit such culture at home, school, intermediary agencies and the media.

Human rights education and dissemination is a continuous and comprehensive process that covers all the aspects of life, a process that should be brought into all kinds of practices whether personal, professional, cultural, social, political, or civic. It is necessary that all professions adhere to codes of practice committed to values that are inspired by the fundamental human rights.

The fundamental purpose of human rights education is to interweave knowledge and practice. Human rights education, inculcating dignity and responsibility along with social and moral responsibility, inevitably leads people to mutual respect, collective support and adaptation to their respective needs and rights. It leads people to accept working together to reach freely suitable and renewable formulas that would ensure the balance of interests and joint work towards the common good, without the need to resort to the sway violence, arbitrary or organized, which does away with the freedom of everybody.

Second: The Objectives of Human Rights Education and Dissemination

1. Developing and flourishing the human personality in its spiritual, intellectual and social dimensions, and entrenching people’s sense of dignity, freedom, equality, social justice and democratic practice.

2. Enhancing men and women’s awareness of their rights so as to help enable them to transform human rights principles into social, economic and political reality. It would also enhance their ability to defend, maintain and advance human rights on all levels.

3. Consolidating friendship and solidarity among peoples; promoting respect for the rights of others; cherishing cultural pluralism and diversity and encouraging the flourishing of the national cultures of all groups and peoples; enriching the culture of dialogue, mutual tolerance and renouncing violence; pro-
moting non-violence, fighting bigotry, and immunizing the people against the discourse of hatred.

4. Promoting a culture of peace that is based on justice and respect of human rights, foremost of which are the rights to self-determination and to resist occupation; in addition to democratizing international relations and institutions so as to reflect the common interests of humanity.

Third: Recommendations

Having studied the obstacles to human rights education and dissemination in the Arab World, the Conference makes the following recommendations:

1. Call upon the Arab governments to:
   1.1. Ratify all the international human rights instruments; to drop reservations for those states that have ratified with reservations; to monitor their practical application; to respect all human rights indivisibly; and to not use the manipulation of human rights by some parties in the international community or cultural specificity as a pretext to justify waiving their commitments towards their peoples and citizens.
   1.2. Eliminate all restrictions to the freedoms of opinion, expression and assembly, and academic freedoms, in conformity with the universally recognized human rights principles, and to the right to own and manage radio and TV stations and print media channels.
   1.3. Draw up national plans for human rights education. This would be the greatest contribution to the promotion of the sense of belonging and citizenship, considering that raising people’s and societies’ awareness of human rights is the first line of defense of human rights and nations’ rights.

In this regard, special attention should be given to:

(i) Revising educational curricula and media materials to rid them of messages against human rights, and enriching educational curricula with human rights content.

(ii) Including courses on human rights in higher and post-graduate education, and encouraging MA and PhD research in human rights.

(iii) Including human rights in literacy and informal education programs.

(iv) Including human rights courses in programs qualifying teachers, lawyers, judges, physicians, media personnel, religious scholars, police and army officers, civil servants, and those who work in the different fields of art.

(v) Establishing national institutions for human rights education and dissemination; enhancing the role of those already existing in some Arab countries; and coordinating efforts to realize national plans in cooperation with local, regional and Arab human rights organizations.

(vi) Consolidating cooperation with the relevant United Nations bodies and the international human rights education institutions.

(vii) Paying special attention to the role the arts and letters may play in human rights education and dissemination, given their special capacity to address and inspire human consciousness. Special attention should also be given to knowledge of living reality as a starting point, in addition to developing non-traditional educational materials (such as films and plays).

2. U rging the League of Arab States to concern itself with the human rights issues of the Arab peoples and citizens. This requires revising the Arab Charter for Human Rights so as to bring it into conformity with human rights values and principles; establishing a special system for the Permanent Arab Committee on Human Rights in order to activate it; and opening channels of cooperation with Arab non-governmental organizations. Also, the League
of Arab States is urged to contribute in activating the plans of the United Nations bodies concerned with human rights education and dissemination.

3. Establishing an Arab regional committee for human rights education and dissemination to include Arab governments that are active in this regard and the relevant Arab non-governmental organization, with a view to develop plans and programs in cooperation with the relevant United Nations bodies.

4. Urging education experts to develop human rights education curricula to address the heart and emotions as well as the mind. Such curricula should not be restricted to conveying information and knowledge; they should seek to develop critical thinking and attitudes. Thus they may help create a cultural environment that safeguards individual and collective rights and furthers the establishment of the state of law and right. It is necessary that such curricula be based on the universal human rights principles while drawing upon the respective people’s specific culture and historical experience in resisting all forms of political, social, cultural and religious oppression and foreign occupation.

5. Calling upon the political parties in the Arab World to declare their full commitment to the international human rights instruments; to enhance the human rights content in their platforms and practices on the ground; to follow democratic practices internally; and to attach special importance to human rights culture in their cadre-training programs for the youth.

6. Urging the radio, TV and the print media to consider seriously promoting human rights values, pluralism and diversity, and to avoid all that may instigate racial or religious hatred, deride the opinions of the other, or degrade human dignity. Also, the Arab Press Union, the different press syndicates and civil society institutions are called upon to monitor the media’s adherence to professional codes of ethics in this regard. Moreover, human rights organizations, both governmental and non-governmental, are called upon to adopt special training programs for media personnel.

7. Urging human rights organizations, both governmental and non-governmental, to make the best use of media channels, especially the radio and TV, in disseminating the human rights culture. This may include establishing special platforms, designing special programs, and making use of modern technology to this end. Human rights organizations are urged to study the components of popular culture that form the consciousness of individuals, with a view to reaching the discourse suitable for the dissemination of human rights.

8. Calling upon the Arab intellectuals, politicians and religious scholars to abstain from entangling religion in a confrontation with human rights, to consider those rights provided by the international human rights law as a minimum to build upon not to be reduced in the name of cultural specificity or any other pretext, and to work towards the entrenchment of human rights values in the Arab cultural traditions.

9. Calling upon academics, researchers and religious scholars to work for highlighting the roots of human rights in the Arab culture, to underscore the contribution of the Islamic and Christian civilizations in establishing human rights values, and to dismantle that artificial contradiction between a number of human rights principles and some obsolete fundamentalist interpretations.

10. Urging the non-governmental human rights institutions in the Arab World to promote local and regional coordination among them, as well as with the relevant local and regional governmental agencies, and with religious institutions concerned with human rights culture. They are also urged to carry out field research to assess the Arab experiences, both governmental and non-governmental, in human rights education, with a view to identifying the obstacles and making recommendations for improvement.

11. Urging the Secretary-General of the United Nations to take special notice of the is-
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sue of human rights education and dissemination, and to designate his yearly address on Human Rights Day, December 10th, this year for calling upon governments to enhance their efforts in this regard, particularly in activating the United Nations Decade for Human Rights Education, including the mobilization of the necessary human and material resources.

12. Urging the United Nations High Commissioner for Human Rights to undertake the necessary doubling of efforts in order to activate the United Nations Decade for Human Rights Education in the best possible way, and to extend better support to the governments and non-governmental organizations active in this field.

13. Urging the United Nations High Commissioner for Human Rights and the UNESCO’s Division for Peace, Human Rights, Democracy and Tolerance to consider the translation of all publications related to human rights issues into Arabic and making them widely available for the Arabic reader.

Source: www.cihrs.org/activities/Conference/Conference2_d.htm