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Compatibility of the European Convention on Human Rights and the Cairo Declaration

Written question No. 651 to the Committee of Ministers
by Mr Pieter OMTZIGT, Netherlands, Group of the European People's Party

The European Court on Human Rights held that “sharia is incompatible with the fundamental principles of democracy” (paragraph 72 of the court ruling and paragraph 123 of the Grand Chamber Judgment of Refah partisi and others vs.Turkey) and that “ It is difficult to declare one’s respect for democracy and human rights while at the same time supporting a regime based on sharia, which clearly diverges from Convention values, particularly with regard to its criminal law and criminal procedure, its rules on the legal status of women and the way it intervenes in all spheres of private and public life in accordance with religious precepts” (same judgment).

At the same time the Cairo declaration on Human Rights in Islam explicitly states that “All the rights and freedoms stipulated in this Declaration are subject to the Islamic Sharia” (article 24) and “There shall be no crime or punishment except as provided for in the Sharia” (article 19) and furthermore men and women are not given equal rights and freedom of religion (including Apostasy) is limited.

A number of countries have signed both the European Convention on Human Rights and the Cairo declaration.

Mr Omtzigt,

To ask the Committee of Ministers:

– Whether the Committee of Ministers shares the view of the Grand Chamber that “sharia is incompatible with the fundamental principles of democracy”

– Whether the European Convention on Human Rights and the Cairo declaration are compatible with each other: can a country strictly observe both the Cairo declaration and the European Convention on Human Rights?