



Doc. 13965

27 January 2016

Compatibility of Sharia law with the European Convention on Human Rights: can States Parties to the Convention be signatories of the “Cairo Declaration”?

Motion for a resolution

tabled by Mr Pieter OMTZIGT and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The European Court of Human Rights, in its judgment on *Refah Partisi v. Turkey*, found it “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.”

Whilst no Member State of the Council of Europe has formally enacted Sharia rules, informal Islamic tribunals reportedly apply such rules, in particular in the field of private law (e.g. family, inheritance, contracts and torts law) to willing members of Muslim communities in several Member States.

The Cairo Declaration on Human Rights in Islam of the member states of the Organisation of the Islamic Conference (OIC) affirms the validity of the Sharia as guidance for OIC member states in the field of human rights. The Declaration does not recognise equal rights of men and women and of persons with different sexual orientations, limits freedom of expression and of religion only in such a manner as would not be contrary to the principles of the Sharia and stipulates that there are no other crimes or punishments than those mentioned in the Sharia. Three States Parties to the European Convention on Human Rights have adhered to the Cairo Declaration.

In view of the above, the Assembly resolves to investigate the compatibility of Sharia law, including its informal application, with the ECHR and the implications for State Parties of adherence to the Cairo Declaration.

Signed (see overleaf)



*Signed*¹:

OMTZIGT Pieter, Netherlands, EPP/CD
ALLAVENA Jean-Charles, Monaco, EPP/CD
BALFE Richard, United Kingdom, EC
BECK Marieluise, Germany, ALDE
CENTEMERO Elena, Italy, EPP/CD
CIMOSZEWICZ Tomasz, Poland, EPP/CD
FARMANYAN Samvel, Armenia, EPP/CD
FRESKO-ROLFO Béatrice, Monaco, EPP/CD
HALICKI Andrzej, Poland, EPP/CD
JENSSEN Frank J., Norway, EPP/CD
KIRILOV Danail, Bulgaria, EPP/CD
KÖCK Eduard, Austria, EPP/CD
KORODI Attila, Romania, EPP/CD
KOVÁCS Elvira, Serbia, EPP/CD
LĪBIŅA-EGNERE Inese, Latvia, EPP/CD
MARIANI Thierry, France, EPP/CD
MATEU Meritxell, Andorra, ALDE
MITCHELL Olivia, Ireland, EPP/CD
OBRADOVIĆ Marija, Serbia, EPP/CD
SCHOU Ingjerd, Norway, EPP/CD
SCHRIJVER Nico, Netherlands, SOC
SHARMA Virendra, United Kingdom, SOC
TAKTAKISHVILI Chiora, Georgia, ALDE
VERCAMER Stefaan, Belgium, EPP/CD
VLASENKO Sergiy, Ukraine, EPP/CD
YEMETS Leonid, Ukraine, EPP/CD
ZINGERIS Emanuelis, Lithuania, EPP/CD

1. ALDE: Alliance of Liberals and Democrats for Europe
EC: European Conservatives Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group