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The influence of religion on the creation of the Islamic Declaration of Human Rights

The Second World War was one of the bloodiest conflicts in human history. Millions of civilian victims were severely affected, making the definition and proclamation of human rights norms indispensable. On December 10, 1948, during the third session of the United Nations General Assembly, the Universal Declaration of Human Rights (hereinafter: UDHR) was adopted. It was intended to be a document of universal character. However, the problem lies in the fact that its global reception has been highly debated ever since its foundation. This is due to the wording of certain UDHR articles, which do not align with the values of cultural circles outside the Western tradition. The document was ratified by the majority of states. However, the Soviet Union, along with its dependent states – Poland, Czechoslovakia, and Yugoslavia – abstained, fearing that the act could be used by foreign countries to interfere in their internal affairs. Saudi Arabia also protested, justifying its opposition by objecting to the document's equal treatment of men and women (Piechowiak, 1997: 9).

The basic norms contained in the UDHR can be briefly characterized as the introduction of international protection for individual rights in the following areas:

- equality of all people among themselves,
- exclusion of discrimination based on religion, race, political beliefs, or ideology,
- exclusion of slavery,
- exclusion of torture and other forms of physical abuse of human beings,
- equality before the law for all individuals,
- prohibition of declaring a person guilty without a court ruling,
- equality between women and men, regardless of race, religion, political views, or ideology (it was also recognized that marriage should be entered into with the consent of both parties),
- possibility to change or abandon one's religious faith,
- right to work, social security, education, and an adequate (minimum) standard of living (*Universal Declaration of Human Rights*, 1948: Articles 1-30).

Marek Piechowiak, a former lecturer at the Department of Philosophy at the University of Zielona Góra (UZ) and collaborator of the Constitutional Tribunal, conducted a philosophical and legal analysis of the canon of human rights. He traces its founda-

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tions in the development of Western philosophical systems, starting from Socrates and ending with Enlightenment thought. He also emphasizes the role of Christianity in the birth of the concept of human rights. According to him, Western Christianity contributed to the development of individualism in the human being, both at the level of religious practices (e.g., the concept of free will) and theological thought. In particular, the views of St. Thomas Aquinas and his followers were of importance (Piechowiak, 1999: 220-221). Based on the philosophical and religious origins outlined by Piechowiak, one could challenge the universal character of the UDHR, which were, after all, shaped within the Western civilizational sphere. A direct critique of human rights as encompassing all people in various cultural circles was carried out by the American political scientist John J. Mearsheimer. He observed that these rights do not align with Western norms and can only be implemented by individual states within their own territory, or imported through the use of force (Mearsheimer, 2021: 172-182). The human rights described in the UDHR do not align particularly with the principles that prevail in the countries of the Middle East, where all legal and axiological foundations derive from Islam. These are embedded in the Quran, which is regarded as the source of binding law. The norms stemming from religion are referred to as *sharia*, which should be understood as the path through earthly existence and as the way to paradise. There are several schools and interpretations of Islamic law, referred to as *ijtihad*, meaning the effort made by legal scholars to understand divine commands. Thus, Islamic jurists do not create law, but rather discover how divine laws are presented, which is known as *fiqh* (Sadowa, Kuriata, 2015: 211). By referring to the principles of Islamic jurisprudence, it can be stated that the norms contained in the UDHR are unacceptable, as they do not come from God and were not included in the Quran, where the Prophet Muhammad wrote the words of Allah. Therefore, they cannot be practically recognized as the framework for national legislation. Although the governments of Islamic countries may have adopted the UDHR under the influence of Western powers, in practice, the sources of law should be sought in their native religion. The following quote from the Quran demonstrates that it serves as the basis for law: “This is the Book of Allah, there is no doubt in it; it is a guidance for the pious” (Quran: Surah 2, Verse 2). This leads to significant discrepancies between actual conduct and human rights norms, and based on this, Western politicians and media accuse Middle Eastern countries of violating human rights. The differences are most clearly visible between the principles of the so-called universal human rights and Quranic law in the matter of women’s rights protection. For example, the Quran states that “Men are the caretakers of women, as men have been provisioned by Allah over women and tasked with supporting them financially. And righteous women are devoutly obedient and, when alone, protective of what Allah has entrusted them with. And if you sense ill-conduct from your women, advise them first; if they persist, do not share their beds; but if they still persist, then discipline them gently. But if they change their ways, do not be unjust to them” (Quran: Surah 4, Verse 34). Already based

on a single sura, one can conclude that the gender equality enshrined in the UDHR is unacceptable for Islamic countries. Of course, many more examples could be cited. Additionally, some Quranic commandments are interpreted differently depending on the dominant traditions in specific countries. This is most evident in the approach to women's dress. Many Europeans believe that Muslim women must wear a hijab, meaning a face covering. However, wearing a hijab is a tradition specific to Arab culture. In contrast, in Afghanistan, women wear a burqa, a full-body covering that leaves only mesh openings for the eyes. Meanwhile, in Shia Iran, women were only required to cover their hair with a scarf. Currently, Iranian women are protesting against the obligation to cover their hair. Some media reports suggest that their demands may be met. This is because Islamic legal scholars argue that the Prophet only commanded people to dress modestly and cover body parts associated with sexuality (Kuriata, 2015: 143-147). It is worth mentioning the story of Nasrin Sotoudeh, an Iranian lawyer and human rights defender, who in 2010 was sentenced to 6 years in prison for "spreading hostile propaganda" and "conspiring against public security": "This viewpoint, which existed in every Iranian woman's mind, found a wide reflection through the Girls of Revolution Street movement against compulsory hijab. The protest aimed to challenge the imposition of mandatory hijab and bring down the commanding hands of oppressive men. Many men stood alongside them because they were tired of such injustice and inequality toward women. They knew that happiness could not be achieved without justice and equality. That's why many men joined the street girls' movement in various cities. They would climb onto electric poles in their towns, tie a feminine scarf to a branch, and wave it in the air" (Sotoudeh, 2023: 73).

On Bulgarian beaches, one can observe Muslim women bathing in special suits that cover almost the entire body but not the face. Additionally, women can move freely without the supervision of men. This confirms that the interpretation of Quranic law depends on local traditions. Among Shia Persians, it is more liberal than among Arabs and the nations of Afghanistan. However, this does not change the fact that promoting gender equality as outlined in the UDHR is fundamentally incompatible with the legal norms in Islamic countries. Aili Mari Tripp described how, in the Maghreb countries (Tunisia, Morocco, Algeria), women's rights were used as a political tool by ruling elites to weaken Islamist extremists and strengthen their image as modern leaders. Faced with the threat of Salafi movements and under both domestic and international pressure, even Islamist parties began to support gender reforms. Tripp also highlights the crucial role of women's rights activists and their regional cooperation, which contributed to synchronized reforms across the three countries, especially during moments of political crisis (Tripp, 2019: 64-65).

The UDHR's right to freely express religious beliefs is also a major issue for Islamic countries. This statement alone contradicts the *Shahada*, the Islamic declaration of faith: "There is no god but God, and Muhammad is the Messenger of God" (Jazydzy,

2020 [1441]: 16). The Quran states that: “It is truly I. I am Allah! There is no god ‘worthy of worship’ except Me. So worship Me ‘alone’, and establish prayer for My remembrance” (Quran: Surah 20, Verse 14).

Contemporary Islam is not unfamiliar with the concept of religious war. The term *jihad* in Islamic theology has multiple meanings, such as the struggle against temptations, the struggle with oneself, etc. Additionally, this concept has evolved throughout history, changing its meaning over time. It is also worth noting that *jihad* extends far beyond theology and has entered political ideology, where it is used to justify struggles against the Western world, its influences, and so on. Therefore, the interpretation of this term depends on the views of scholars in theology and law (Sadowski, 2013: 32-34). However, the most well-known meaning of this term is war against non-believers, where war is understood as armed conflict. *Jihad* as a religious war has justification in the Quran. This is indicated, for example, by the quote: “They are those who have been expelled from their homes for no reason other than proclaiming: ‘Our Lord is Allah’. Had Allah not repelled ‘the aggression of’ some people by means of others, destruction would have surely claimed monasteries, churches, synagogues, and mosques in which Allah’s Name is often mentioned. Allah will certainly help those who stand up for Him. Allah is truly All-Powerful, Almighty” (Quran: Surah 22, Verse 40).

Additionally, there is an ongoing debate about whether Islam supports terrorism or not. Both sides of the discussion can find arguments in the Quran to support their views. In any case, one of the fundamental characteristics of Islam is its lack of tolerance toward other religions, especially regarding the free propagation of their principles. Media reports from Egypt often highlight how the Muslim majority treats the Coptic Christian minority. Another source demonstrating the actual lack of religious tolerance in Islamic countries is the reports from Open Doors, an organization that monitors the persecution of Christians worldwide. Islamic countries have consistently ranked among the top in Open Doors’ rankings (Open Doors, 2025). If other religious beliefs, even those referred to as ‘religions of the Book’, are barely tolerated, then apostasy is even less accepted in Islamic customs and statutory law.

The examples presented above illustrate that the UDHR is fundamentally incompatible with the Islamic world, where religion holds the utmost importance. One can confidently refer to the concepts of Feliks Koneczny or the American political scientist, Samuel Huntington, who drew from Koneczny’s views, in arguing that there exists a distinct Islamic civilization. This civilization is primarily based on religion. The desire among Muslims to create their own catalog of human rights may have stemmed from continuous pressure from the United States and other Western countries on this issue. On August 5, 1990, in the capital of Egypt, representatives of 45 countries belonging to the Organization of the Islamic Conference adopted a document titled the Cairo Declaration on Human Rights in Islam (hereinafter: CDHRI). It is worth noting that seeking equivalents of human rights norms within the Quran represents a compromise ap-

proach to the entire concept of human rights. The radicals, on the other hand, reject such references altogether, as these rights are not explicitly mentioned *expressis verbis* in the Quran. The title of the document points to a connection with the UDHR, but it seeks the sources of these rights within Islam, primarily in the Quran. As was noted earlier, everything depends on the appropriate theological and legal interpretation. In the preamble of the document, it is emphasized that Islam and the Prophet Muhammad have their place in humanity, which led to the adoption of a catalog of human rights protection norms, taking into account the principles of religion (*Cairo Declaration on Human Rights in Islam*, 1990). The best reflection of the religious foundations in the CDHRI is found in the following words: "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" (CDHRI, 1990). From this passage, it can be inferred that the CDHRI primarily draws from the Islamic tradition, meaning it refers to the principles found in the Quran and the legal and theological interpretation of the norms outlined in this document. Moreover, the authors of the preamble assert that the norms contained in the CDHRI have a universal significance. They provide two reasons for their belief. One is that they promote Islam, and the other is that they offer solutions to the problems faced by the contemporary world, which is based on materialism. Therefore, the authors have directly indicated that the CDHRI is a document born from religious determinism.

The UDHR states in its first article that all people are born free and equal in dignity and rights (UDHR, 1948: Article 1). However, such a statement is insufficient for the CDHRI, as it contradicts the principles outlined by Islam. Instead, it proposes recognizing all people as one family, descended from the biblical Adam. Equality, regardless of race, language, origin, or even religion, is granted to all men. It is, however, emphasized that Islam, as the true faith, is the only guarantor of human dignity. In paragraph b, it is added that all people are children of God, and before Him, all are equal (CDHRI, 1990: Article 1). The authors of the CDHRI seem to have proposed a rather convoluted rhetoric. While they acknowledged that all people form one family, equality can only exist among men. This solution arises from the fact that, according to the principles found in the Quran, a woman is subordinate to a man. Therefore, there can be no talk of equality between the sexes. Additionally, the authors of the CDHRI try to emphasize that all people – meaning men – are equal in the eyes of religion, but the legal norm was framed in such a way that it suggests Muslims are more equal due to their belief in the true God. The UDHR guarantees all people the right to life, liberty, and security. For the authors of the CDHRI, this solution is unacceptable. They state that human life

is a gift from God. Therefore, its protection is the responsibility of societies, states, and other individuals (CDHRI, 1990: Article 2a). Simply emphasizing the divine origin of human life would not change much in the obligation to protect human life, if not for the fact that it can be weakened by the aforementioned Article 1. One could interpret it to mean that since men are equal to each other and Islam is the true religion, the protection of human life applies exclusively to Muslim men. It is also important to remember that in Islamic legal culture, there are often sharply opposing views, even though they are derived from the same source which is the Quran. In paragraph b of Article 2 of the CDHRI, it is added that the use of means that could lead to the destruction of humanity is prohibited (CDHRI, 1990: Article 2b). It can be inferred that the authors intend to introduce a ban on the use of weapons of mass destruction, such as nuclear or biological ones. Such a norm may have arisen because the Arabian Peninsula in 1990 felt threatened by the possibility of an attack from Iraq. In the subsequent paragraphs of Article 3, the signatory countries are tasked with the duty of protecting the human body. It is added that this is to be in accordance with Sharia law, which, after all, allows the possibility of corporal punishment. Additionally, there is a separate paragraph stating that human life is preserved for as long as God wills (CDHRI, 1990: Article 2c, 2d). Referring to God as the guarantor of the length of life can, on one hand, serve as a real guarantee of its protection, but on the other hand, it allows for an interpretation that could permit the application of corporal punishment as prescribed in the Quranic law. This is especially true as this type of punishment can take on entirely different forms depending on how the passages in the Quran are interpreted.

Article 3 guarantees the protection of civilian life during armed conflict. Additionally, the possibility of providing medical care to prisoners of war is allowed. A ban on the mutilation of corpses has also been established. Interestingly, in paragraph b, there is a principle stating that during war, it is forbidden to cut down trees, destroy crops, damage civilian buildings, or kill animals belonging to the civilian population (CDHRI, 1990: Article 3). In this regard, the CDHRI places much greater emphasis on the protection of civilian life than the UDHR. Furthermore, no Western norms of international humanitarian law or human rights protection have introduced a ban on destroying plants or killing animals. In Article 4, the principle of protecting human dignity is introduced, both during life and after death (CDHRI, 1990: Article 4). In the next article of the CDHRI, there is a guarantee of the right to marry. It excludes reasons that would prevent a marriage between a woman and a man based on nationality, race, or language. The state and society are obligated to remove any obstacles to the formation of a marriage. The CDHRI also includes a statement that the family is the foundation of society (CDHRI, 1990: Article 5). At this point, it is important to note that although marriage in Islam is considered a contract, it is the man who holds the rights within it. There is no equal division of responsibilities, rights, and privileges. Furthermore, in Article 5, there is no mention of a prohibition on hindering a marriage based on religious grounds. An

interesting solution is proposed in Article 6, where equality between women and men is introduced in terms of human dignity, rights, but also social and financial independence. Additionally, it is emphasized that men are responsible for providing the material conditions for the family (CDHRI, 1990: Article 6). It must be acknowledged that this provision is far from the common belief that a Muslim woman must be subordinate to a man. It seems that such beliefs in the West stem from practice rather than legal norms. As previously stated, not only are there various interpretations of the Quranic law, but also the influence of local traditions in different Islamic countries plays a significant role.

In Article 7, protection of the life of both a child and their mother is introduced. The protection begins during the prenatal period and covers the material and emotional aspects of the child's life. Additionally, parents are granted the right to guide their children's education, including the selection of schools, but with the condition that the preferences, talents, and well-being of the child in their future adult life are taken into account. It is also important to note that both parents are granted equal parental rights (CDHRI, 1990: Article 7). In the next article, the principle is introduced that every person has the right to enjoy the full scope of their rights, with all privileges and obligations. In the case of the loss or impairment of this ability, the person has the right to be represented by their guardian (CDHRI, 1990: Article 8). This principle arises from the equality of all believers before God, who is, after all, the source of law. The situation can become complicated when it comes to women. In the CDHRI itself, there are two mutually exclusive provisions. In the first article, equality is granted only to men, but in the subsequent one, the principle of equality between women and men is introduced, which makes the whole idea open for interpretation and dependable on the practices customary in a given country or even social group. In the next article, the right to free education at all levels is introduced, as well as the right to participate in religious practices. The article is indeed more detailed due to the inclusion of references to religion (CDHRI, 1990: Article 9). It is worth noting that, were it not for the doubts regarding the interpretation of norms related to gender equality, it would not differ much from the solutions proposed in the UDHR.

The most important article in the entire document should be considered Article 10. In it, Islam is recognized as a religion of pure nature. At the same time, a ban is introduced on using poor living conditions for converting to another religion or promoting atheism (CDHRI, 1990: Article 10). This provision should be interpreted as an indirect introduction of a ban on changing religion. The significance of this article lies in the fact that, in addition to the lack of religious tolerance, it may require seeking more detailed solutions for human rights in the Quran. The next article is a condemnation of colonialism, meaning the historical influence of Western empires across the entire area inhabited by Muslims (CDHRI, 1990: Article 11). In addition, it is also a condemnation of wartime occupation, which can again be seen in the threat posed by Iraq to the other Arabic states.

Article 12 introduces the principle of freedom of movement, but on the condition that it is not prohibited by the Quranic law. The following article introduces the right to work, which is to be ensured by the state and society. The document guarantees equality between women and men in terms of wages, promotions, and performing the same duties (CDHRI, 1990: Article 12). Along with the article on parenthood, it directly guarantees equal rights for men and women. Article 14 prohibits usury, which, of course, has its basis in the Quran. It is worth noting that the banking system in Islamic countries is one of the most honest in the world. Its specificity lies in the adoption of systemic solutions that have not been considered in other parts of the world (CDHRI, 1990: Article 14; Al-Kaber, 2000: 48). In the area of protection of artistic and intellectual creations, freedom is guaranteed, but on the condition that the works comply with Sharia law (CDHRI, 1990: Article 16). Thus, a limitation on creative freedom is introduced. Its boundaries must end where the Quran prohibits it. It is a truism to recall the case of the book *The Satanic Verses* by Salman Rushdie, where the themes, although drawn from the Quran, are connected not to the Prophet, but Satan.

The next article provides basic social rights. Among them is the right to live in a clean environment, free from moral corruption, which must be ensured by the state. In addition, the right to medical and social care is defined, which must be organized by the state. The national authorities are also obligated to ensure their citizens a dignified standard of living. This term is understood as the obligation to provide food, clothing, housing, education, and meet all other basic needs (CDHRI, 1990: Article 17). The entire catalog of social rights significantly exceeds the regulations contained in the UDHR. Some of these rights have been guaranteed in other human rights agreements signed by Western countries. For this reason, it can be argued that the CDHRI goes far beyond the scope of basic human rights.

The CDHRI also guarantees the right to a safe life, including religious safety, the preservation of one's honor, dignity, property, and privacy. As a consequence, the right to domestic peace is introduced, which is the responsibility of the state. An interesting solution is the guarantee of equality for all individuals before the law. However, it is clearly stated that by law, the authors mean Sharia, which in practice means that there can be no exemption from the punishments prescribed by the Quranic law (CDHRI, 1990: Article 18). Thus, through this provision, the obligation to implement Sharia as the only legal system is introduced. A separate article concerning human rights addresses the prohibition of abductions and taking hostages (CDHRI, 1990: Article 21). The introduction of this provision indicates how significant a threat abduction may pose to Muslims.

The CDHRI consists of 25 articles, most of which have been summarized and discussed here. One might get the impression that this document was modeled on the UDHR. Other human rights protection documents in Western countries were also considered as models. This is why provisions regarding the protection of social rights were included. All legal norms in the CDHRI can be divided into two groups. The first group

consists of provisions directly referring to the principles of Islam, the Quran, and Sharia. The second group is created by provisions that can be described as modernization-oriented. This group includes, for example, the right to work, medical care, social care, etc. In the first group, provisions concerning marriage, parenthood, religious tolerance, and apostasy will certainly be found. One might get the impression that there are provisions that mutually exclude each other. This is related to the attempt to adopt solutions that stand between modernity and religious norms. This is especially evident in the case of gender equality. In the first article, it is stated that all men are equal. It is added that people descend from the biblical Adam. Later, it is emphasized that in terms of dignity and rights, men and women are equal. In the case of parental rights and duties, it is also stated that there is equality between women and men. The interpretation that will be adopted depends on the theological and legal interpretation, which, after all, varies depending on individual countries. For example, the media report that there is a possibility for Iranian women not to be required to wear headscarves. Such an interpretation has been endorsed by Iranian clerics. The differences in the treatment of women are evident when comparing Saudi Arabia and Iran. In the former, a breakthrough was the permission for women to drive cars. At the same time, in Iran, women could engage in professional sports, fly airplanes, etc. From the observations made by a graduate of history and theology at the University of Zielona Góra, who lived in Jordan for over ten years, it appears that even relatively liberal human rights provisions apply only to Muslims. Non-believers are treated as if they are outside the law. Thus, even those provisions in the CDHRI that do not directly stem from religion are not applied to non-Muslims. This perception is reflected in the Open Doors reports, which document cases of not only physical violence but also legal, economic, and social discrimination based on a religion other than Islam. Therefore, it can be concluded that the CDHRI was created as a reflection of the influence of religion on societies, law, and the functioning of Muslim states. Compared to the principles contained in the UDHR, these are more widely accepted among the followers of the Prophet.

In conclusion, it should be added that researchers have long advocated for changes in the legislation of Islamic countries regarding human rights. The Arab Spring, which took place in 2010-2011, was a turning point and an opportunity to introduce them. During this period, the constitutions of involved Arabic countries that underwent significant modifications, but the results varied depending on the country. For Arabic states to more effectively implement international human rights standards, they should incorporate these rights into their constitutions and establish appropriate supervisory bodies (Mahmoudi, 2016: 544). In cases where Islamic law conflicts with these standards (such as in the case of polygamy or child marriage), practical legal restrictions can be introduced that, in effect, would make these practices nearly impossible without openly opposing tradition.

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Abstract: The Cairo Declaration of Human Rights (CDHRI), adopted by the Organization of Islamic Cooperation (OIC), presents an alternative to the Universal Declaration of Human Rights (UDHR), grounded in Islamic principles and Sharia law. While the UDHR emphasizes universal equality and freedoms, the CDHRI focuses on the religious foundations of human rights, with an emphasis on male equality and qualified rights for women, subject to varying interpretations of Islamic law. The CDHRI also includes provisions for social rights, such as work and healthcare, but non-Muslims may face discrimination. It stresses the protection of life, family, and equal parental rights, while allowing for religious freedom, but its principles are deeply intertwined with Islamic theology and the cultural context of the Muslim world.

Keywords: Cairo Declaration of Human Rights, Universal Declaration of Human Rights, islamic principles, sharia law, equality

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