

Regional Seminar

The Arab League, Human Rights and civil society: challenges ahead

16-17-18 February, 2013

The International Federation for Human Rights (FIDH)

in cooperation with

The Arab Organization for Human Rights (AOHR)

The Cairo Institute for Human Rights Studies (CIHRS)

The Egyptian Initiative for Personal Rights (EIPR)

Final Declaration and Recommendations

From 16 to 18 February 2013, more than 50 human rights defenders representing national, regional and international non- governmental organisations (NGOs) as well as human rights experts from different regional and universal human rights systems gathered in Cairo, Egypt, to discuss the challenges faced by the League of Arab States (LAS) in enhancing the protection and the promotion of human rights in the region and propose their vision to reform and strengthen the League of Arab State's human rights component.

The participants,

1.0 Expressing their appreciation that the Secretary General of the League of Arab States Dr. Nabil Al Araby and other representatives from LAS supported the discussions;

1.1 Regretting that Arab Civil Society Organizations (CSOs) still face severe restrictions toward their effective participation within the the LAS' political organs and that the accreditation of CSOs to attend the LAS's deliberations is pendant upon the approval of their country of registration.

1.2 Encouraged by the statement made by the Secretary General of the League of Arab States on the occasion of the fourth anniversary of the Arab Human rights Day in which he recognized the need to reform the Arab Charter on Human Rights and to bring it into conformity with universal human rights standards and acknowledging that reforming the League and its relevant mechanisms to ensure the full protection and promotion of human rights in the region has become a pressing requirement that can neither be condoned nor overlooked;

1.3 Encouraged by the League of Arab States positions over the deteriorating humanitarian and human rights situation in the Arab Republic of Syria and its unprecedented steps to address the human rights situation in Libya during the revolution;

1.4 Affirming that the League of Arab States needs to be consistent in its decisions with relation to human rights issues throughout the Arab region and that it needs to address other pressing human rights situations in the Arab region [including in Bahrain, Saudi Arabia, United Arab Emirates, Oman, Yemen and the Occupied Palestinian Territories] with the same degree of determination and persistence it has been over the situation in Libya and Syria;

1.5 Reiterating the responsibilities of Member States to respect, protect and promote the universality of human rights as stipulated by their obligations under the different international and regional agreements and conventions;

1.6 Reaffirming that no justification (be it political, cultural, religious or economic) could be used to derogate from the obligations of state and non state actors in the Arab region to respect, protect and fulfill universally recognized human rights standards and norms;

1.7 Stressing the importance of the correlation between LAS reforms on the one hand, and obligations of Member States by virtue of their ratification of international and regional human rights conventions on the other, which makes it imperative to ensure the respect of human rights and enact measures toward this end not only at the national level but also at the regional and international levels.

1.8 Affirming that the Arab Charter on Human Rights in its current form is inconsistent with international human rights standards and lacks effective guarantees to ensure the aspiration of Arab people to an effective human rights system;

1.9 Recalling past civil society initiatives and recommendations proposed to the League and its different mechanisms with the purpose of providing a comprehensive view on mechanisms to guarantee genuine and effective reforms that ensure strengthening the League's human rights protection and promotion mechanisms, including the recommendations of the First and Second Civil Arab Society Forum Parallel to the Arab Summit held in 2004 and 2006 and the recommendations of the Civil Society Forum Parallel to the Arab Economical and Social Summit in 2013;

1.10 Believing that the LAS cannot take on a new role in democratic transition, consult with civil society and support its claims in that regard, without operating an effective change in the modality of its relationship with civil society organisations, and set forth mechanisms and unambiguous criteria based on transparency, in order to ensure a permanent relationship with all the League's bodies.

The participants to the seminar have agreed on a set of recommendations to the Secretary General and the Member-States of the LAS:

2.0 The Promotion of an effective regional system of human rights protection:

The participants urge the League of Arab States to take the necessary measures in view of:

2.1 - Demanding amendments of the Arab Charter of human rights in consonance with the Arab human rights experts' recommendations of January 2004;

2.2 - Clarifying the protection mandate of the League of Arab States by enhancing its monitoring capacity (recommendations and resolutions on the human rights situation in Member States, establishment of independent special procedures to receive information from all sources , investigate allegations, and make their findings public, establishment of an independent complaint mechanism to deal with individual and collective communications received in accordance with other systems' established practice); taking in to account the experiences acquired through the development of human rights protection mechanisms at the regional and international levels.

2.3 - Demanding interaction with local, regional and international NGOs through the development of a concrete modality of engagement between all LAS bodies concerned and NGOs. One that ensures a strategic, transparent and permanent relationship between civil society and LAS and is translated not only through institutional development and reform, but also through a genuine change in the perception of this relationship and the recognition of civil society as an imperative pillar to the system, through exploring the definition of clear criteria for granting consultative status to independent organizations, and the establishment of an independent management of the procedure pertaining to the granting of observer and/or consultative status, keeping in mind that the absence of an NGO domestic legal status should not be an obstacle in granting consultative status. Indeed the participants underlined that for the

sake of its credibility. LAS bodies should cooperate with genuine independent NGOs, without restriction pertaining to their registration in their country;

2.4 - Encouraging the publicity of meetings, in particular those meetings where situations of human rights are considered.

2.5 – Guaranteeing that any Arab Court for Human Rights, to provide redress to victims of human rights violations, including violations perpetrated by non-state actors, shall be established in accordance with international standards.

3.0 The strengthening of the Arab Committee for Human Rights:

The participants urge the League of Arab States to take the necessary measures in view of:

3.1 - Promoting the Arab Human Rights Committee (by inviting States Parties to submit their report, engaging in a constructive and result-oriented dialogue with the Committee, as well as ensuring that States Parties appoint qualified and independent experts for the election of the Committee's members in 2013)

3.2 - Urging the States parties to elect women as independent experts to the Committee

3.3 - Encouraging the States Parties to adopt clear criteria for the appointment of the members of the Committee in order to ensure their independence, their dedication and their human rights expertise.

3.4 - Encouraging local, regional and international NGOs to submit alternative reports and documentation to the Committee and to disseminate the Committee's concluding remarks through websites, social networks and traditional media of the country at stake. The NGOs should be able to review State reports and publish their review publicly, and attend the Committee's sessions. It is crucial that a separate public document be made stating in detail the relationship between civil society and the Committee and the possibility for the CSO to brief the experts prior to the Committee's sessions.

3.5 - Expanding the mandate of protection of the Committee by vesting it with the ability to interpret the provisions of the Charter in accordance with the universally established international human rights standards.

3.6 - Ensuring the Committee's transparency and competence by encouraging it to devise an access to information plan where it posts on its website mechanisms of its action, guidelines for reporting, state reports, concluding remarks, annual reports, or any other relevant documents.

3.7 - Supporting the Committee to clarify its methods of work, including the modalities of interaction with local, regional and international civil society organizations, notably in view of obtaining public sessions.

4.0 Ensuring a greater interaction with civil society organizations:

The participants urge the League of Arab States to take the necessary measures in view of:

4.1 - Amending the LAS Charter so that it explicitly recognizes universal human rights standards, and amending the procedures in order to allow for NGOs to attend meetings of all LAS bodies, possibly through an independent mechanism to grant consultative status to independent NGOs. Again, the status of registration of the NGO domestically should not be an obstacle to its application for consultative status.

4.2 - Encouraging interface meetings of independent NGOs with diplomatic missions of the Member states as well as with the Cabinet of the Secretary General and other relevant departments and units placed under the authority of the Secretary General.

4.3 - Taking concrete and enforceable steps, based on the United Nations standards in that respect, aiming at combating acts of reprisals against human rights defenders, including administrative and security harassment, for participating in the deliberations of the LAS bodies or providing information and analysis on the human rights situation in their countries.

The participants urge the Arab League's Member-States to sign the Swiss Initiative urging the United Nations Security Council to refer the situation in Syria to the International Criminal Court.