

Cairo Institute For Human Rights Studies  
Human Rights Movement (3)

# Arabs Caught between Domestic Oppression and Foreign Injustice

Tasks and Priorities of the Human Rights Movement  
in the Arab World on the Threshold of the  
Twenty- First Century

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Introduced and Edited by  
Bahey EL Din Hassan

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Oppression and Foreign Injustice**

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Issues (3)

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**Publisher:**

CAIRO INSTITUTE FOR HUMAN RIGHTS STUDIES

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**Deposit No.:** 9064/2001

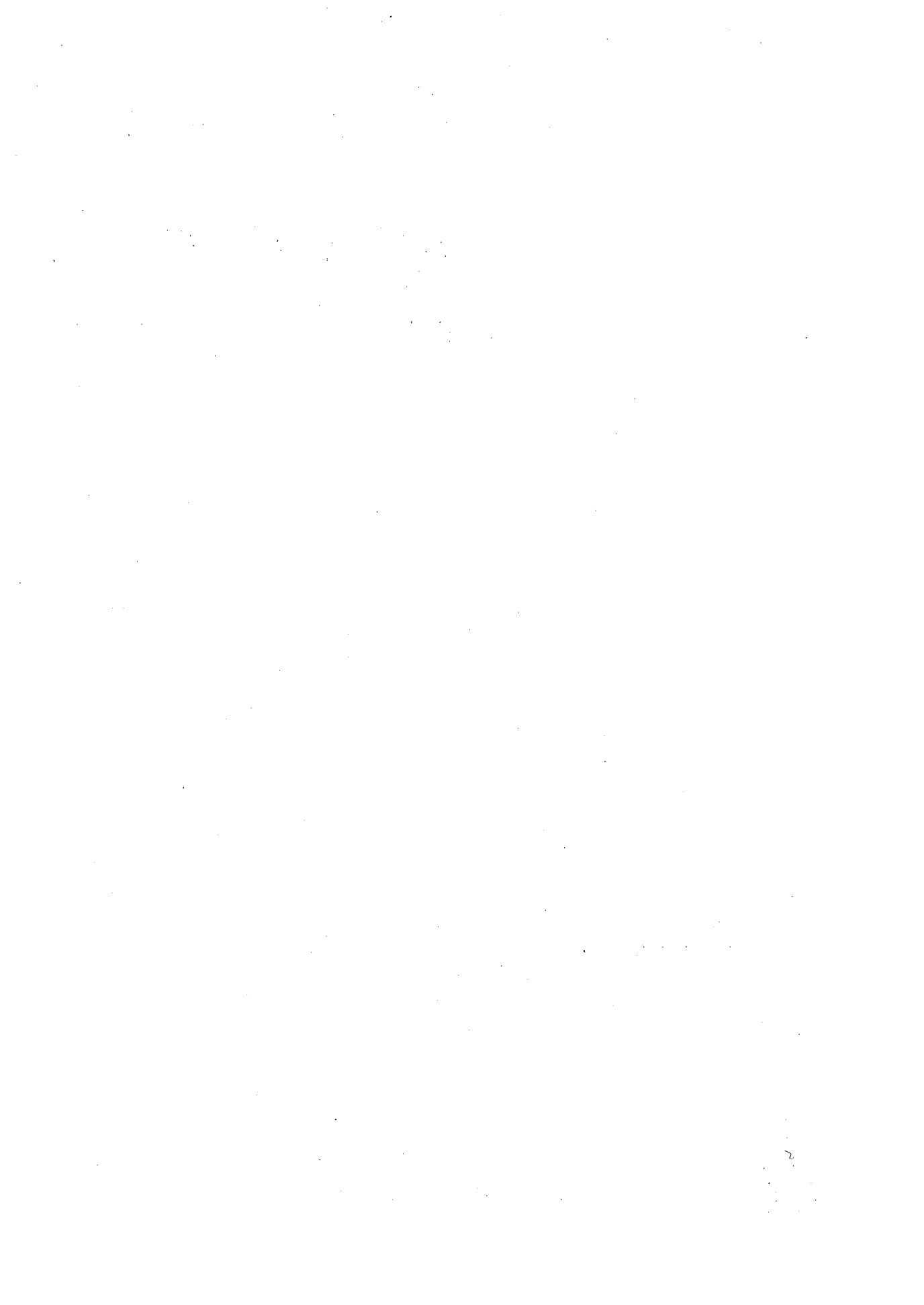
## Acknowledgments

We owe a major debt to the many individuals who helped make the First International Conference of the Arab Human Rights Movement a reality. Without them, this book would not exist. Members of the Moroccan Organization for Human Rights were indispensable in the organization of the conference.

Concerning the book itself, the translators deserve our gratitude for their work: Wassim Wagdy who did an exceptional job in translating the Casablanca Declaration and the document on the Tasks of the Arab Human Rights Movement; Mamoun Sharriffe; Manar Wafa; Mohamed Khaled; Ahmed Sultan and Sohair Sabry. We also owe a lot to Anita Fabious and Sara Baker for their proofreading work. Special thanks to Michelle Dunne who contributed to the translation of the book and did the final editing work July 2000.

Finally, we thank Sulaf Taha for coordinating the different processes of translation and editing of the book.

The conference and the publication of the book were made possible by the financial support of the following organizations: the Irish Aid, the International Commission of Jurists- Sweden Branch, ICCO- Netherlands, Norwegian Fund for Human Rights, French Aid, DANIDA, Netherlands Aid Agency, Network for Action and Communication for International Development, Alternatives Middle East Project for Research and Information (Ford Foundation).



# **The First International Conference Of the Arab Human Rights Movement**

Organized by the Cairo Institute for Human Rights Studies and hosted by the Moroccan Organization for Human Rights in Casablanca April 23-25, 1999, the conference was attended by more than 100 participants and observers representing 40 human rights organizations from 15 Arab countries, in addition to a number of international experts acting in the capacity of observers. Prime Minister Abd al-Rahman al-Yousufi opened the conference, which a number of other Moroccan ministers also attended, and Moroccan authorities took special steps to facilitate the conference.

The conference's convocation crowned discussions among most of the participants that took place via fax and e-mail over a period of two months. Such consultations included commenting on working papers that were circulated, building upon which the Casablanca Declaration was drafted. The draft Declaration likewise was discussed by members of the Advisory Board (23



members from 10 Arab countries) before the conference and a second draft was issued April 22, a mechanism designed to ensure full participation. Over three days the conference discussed a number of important issues in 16 working groups that met simultaneously, in addition to four general sessions. The first Arab human rights book fair, with participation by 15 human rights organizations, took place alongside the conference.

The conference approved the Casablanca Declaration and the programmatic instrument entitled "Tasks of the Arab Human Rights Movement" as well as a special resolution expressing solidarity with human rights defenders in Tunisia and Syria.

# INTRODUCTION

This conference was held at a unique time, a few months after the fiftieth anniversary of the Universal Declaration of Human Rights and a few months before the new millennium. The convergence of the two events gave a distinctive thrust to the conference. It was a chance to review and evaluate the status of human rights in the Arab world, the movement to defend them, and lessons learned. The conference was also a vantage point from which to look ahead at the future of the Arab human rights movement's strategies and priorities, as shown by the papers and documents included in this book.

To help the reader evaluate and appreciate the extent of success or failure of the Arab human rights movement in defining its mission and refining its priorities, it is important to highlight some of the critical issues and conclusions developed at the conference. Some of these positions and conclusions were adopted for the first time, or were never before addressed in such a gathering, in which almost all parts of the Arab human rights movement were represented.

The highlights were:

**First:** The conference issued, for the first time, a comprehensive programmatic document for the human rights movement in the Arab World.

The document defined the priorities of improving human rights conditions, as well as the mission and priorities of the movement in its struggle.

**Second:** The conference established the various international human rights instruments as the sole reference for the human rights movement in the Arab World. The conference demanded that the Arab League discard "The Arab Charter of Human Rights" and set in place an Arab accord of human rights in conformity with the human rights principles. The conference took a similar position on the Cairo Declaration on Human Rights in Islam, adding that this declaration is insulting to Islam itself. This does not mean that the conference ignored the concept of cultural specificity, but rather that the conference rejected its use to undermine human rights and justify violations against them. The conference appealed to scholars and intellectuals in the Arab World in this regard.

**Third:** The conference also defended the right of Islamic political groups to legalized political existence. It urged Arab governments to recognize these groups as long as they do not use violence to achieve their goals. The Conference urged armed Islamic groups to give up their weapons and join the peaceful political arena.

**Fourth:** The conference drew special attention to the collective rights of Arab peoples, Palestinians and Iraqis in particular. It strongly criticized the manipulation of human rights by certain parties in the international community.

**Fifth:** The conference took a clear, unwavering position on the rights of national minorities in the Arab World. It emphasized the importance of granting them the right to self-determination, particularly in the cases of Kurdistan and Southern Sudan.

**Sixth:** The conference supported integrating women's rights into the larger body of human rights, concretizing this in specific well-defined recommendations.

Various parts of the Arab human rights movements were fully represented at the conference. This, along with the mechanism used for deliberations, added weight to the positions developed the conference, as expressed in the programmatic document and the declaration.

The three-day conference was a final discussion of issues deliberated for almost two months through facsimile and e-mail messages among more than 100 human rights activists from more than 15 Arab countries, Africa, Europe, and the United States of America. Some of these activists only participated in preliminary preparations because of limitations on numbers of participants, individual commitments, or non-voluntary reasons such as travel restrictions imposed on them by their governments, as was the case of Mr. Aktham Naisa (Syria) and Mr. Monsef Almarzouky (Tunisia). Their mere participation in the preparatory deliberations was a challenge, as neither was allowed access to fax machines and their mail was subject to severe censorship. Mr. Almarzouky was even deprived of telephone service. However both of them made valuable contributions, via preparatory work, to the conference's effectiveness.

The conference was inaugurated with four empty seats reserved for Mr. Naisa, Mr. Almarzouky, Mr. Khamees Qasaila (Tunisia), and Ms. Radia Nasrawy (Tunisia). The first two managed to send messages to the conference before it adjourned, which were copied and circulated to all conference participants. This militant attitude typified the conference, its preparatory discussion, working papers, and concluding documents.

Another notable feature of the conference was its participants representing different generations, geographic regions, and ideological backgrounds. All Arab countries with human rights movements (40 organizations) were represented at the conference. Representation, however, varied depending on the strength of the movement in the different countries. From countries where the movement is relatively strong (Egypt, Tunisia, Morocco, Palestine) there were of course more representatives, and within this context human rights organizations were more prominently represented according to their militancy and effectiveness. The three generations involved in the movement (20s to 60s) also were represented, even if this required inviting more than two colleagues from the same organization. Special consideration was given to the intermediate generation (between the age of 35 and 50), which carries the heaviest burden at this stage. Although the human rights movement is not a political one, all ideological orientations within the movement were duly represented at the

conference. This comprehensive and inclusive approach to selecting conference participants was reflected in the division of labor, distribution of responsibilities, and management of sessions as well as during the preliminary preparations.

This unique blend enriched the papers, the preliminary preparations, and the conference sessions, as shown in the final documents of the conference. As such this conference/book can be viewed as a mirror reflecting the maturity of the Arab human rights movement, as well as its strength and weakness.

Finally, I would like to express my appreciation and gratitude to every participant at the conference. Special thanks to the Moroccan human rights organization who arranged the conference and to the Moroccan government, which facilitated everything necessary to the conference's success. The interest shown by the government of Morocco in the conference was reflected in the number of Moroccan cabinet ministers who attended both the opening and concluding sessions, and in Prime Minister Abdel Rahman Elyousify's delivery of the keynote speech.

Special recognition goes to the members of the conference consultative committee, to Mohamed Laghtas and Edrees Ben Zekry from the Moroccan human rights organization, to Majdy Alnaeem and Sara Hasan (Sudan) who acted as the conference coordinators in their capacity as Cairo Institute's staff, to Mohammed El Sayed Said who played an important role in the intellectual preparation of the conference, to Essam Mohamed Hasan (Hisham Mubarak Center for Law, Egypt) who contributed to the workings of the drafting committee and who prepared this book for publishing, and finally to Hany Mejally and Edrees Alyazmy who were designated by the consultative committee to review the English and French versions of the conference documents.

**Bahey El Din Hassan**

# Opening Speeches



# **The Arab Movement: a Continuous March**

## **1) The speech of Mr. Abdel-Rahman Al-Yousofy, Prime Minister of the Kingdom of Morocco**

**Mister ministers,**

Sister and brother defenders of human rights,

Representatives of Arab and international organizations,

Honorable guests,

I am extremely honored and glad to be with you in this First



Since the middle of this century, Arab contributions to international human rights movement have been distinguished by two events:

**First:** On the official level, there was the participation of Mr. Charles Malik, on behalf of Lebanon, in the drafting of the Universal Declaration of Human Rights, together with Rony Casan from France, Eleanor Roosevelt from the United States, and many others.

**Second:** On the non-governmental level, the defense of public freedoms was incorporated into the statute of the Arab Lawyers Union at its foundation in 1944, before the United Nations and the Arab League were established.

From the first quarter of this century until the early seventies, the Arab movement was involved in putting an end to colonization in Arab countries and resisting Zionism following the dividing of Palestine. The year 1972, when the Arab Lawyers Union obtained consultative status at the United Nations, was a turning point in the focus on human rights in the Arab World.

In this respect, I would mention the silver jubilee of the Universal Declaration of Human Rights in 1973. At that time the notion of an Arab human rights organization in the framework of the Arab Lawyers Union emerged. A seminar was held in Beirut where a decision was made to create an Arab human rights organization. The late Takkeyy El-Din Al-Solh received us and helped to register the organization. The outbreak of civil war in Lebanon, however, caused its activities to be frozen. Given the state of the Arab world at that time, I used to say to my brothers: "We will have to revive the organization in an island or on board of a ship!"

And it proved to be true. The Arab Organization for Human Rights was re-established in the island of Cyprus in 1983 following the Israeli attack on Lebanon.

I recall that, in choosing the name for the organization, it was our dear Mansour Al-Kekhya who suggested the name of the Arab Organization for Human Rights (AOHR). Since then the AOHR has been contributing, together with the Arab Lawyers Union, to international events, setting rules and mechanisms, strengthening means of observation, monitoring the conditions of human rights in the Arab World and the Occupied Territories, mobilizing Arabic public opinion for the defense of human rights, and

spreading the culture of human rights in the Arab region, as well as contributing to the development of the African human rights movement.

In addition, the AOHR supported local organizations, at the core of which has been the Tunisian League. These local organizations made tangible progress from the eighties through early nineties in a number of Arab countries, on top of which have been Morocco, Egypt, Algeria, Palestine, Lebanon, Kuwait, Mauritania, and Jordan. There have been progress and withdrawal, according to local political situations.

Sisters and dear brothers,

Ladies and gentlemen,

From the above mentioned, we can reach four main conclusions and lessons:

**First:** That the Arab human rights movement has been identified, since its establishment, with the common concerns and challenges of the Arab peoples.

**Second:** That the old, strong, and deeply rooted organizations must sustain and support the emergence of local Arab organizations, and establish strong cooperation with them.

**Third:** That human rights work requires a minimum level of democracy and civil peace in order to be able to thrive and grow.

**Fourth:** That the protection of human rights defenders, individuals and organizations, is an utmost priority.

Honorable participants,

As much as Arab and international circumstances surrounding us provide some hope, they raise, at the same time, great challenges to the Arab human rights movement:

In the Arab context and in our dear country, the basis for a democratic structure was established upon independence. The democratic cause has witnessed, under His Highness the King, a tangible development since mid seventies. This orientation has become deeper since the early nineties. Democratic parties and non-governmental organizations have greatly contributed to the development of the democratic thinking. In this regard, the constitution was amended, the political climate became far more open,

and systematic dialogue was established between the state and various parts of civil society such as political parties, syndicates, and associations. In 1993, Morocco ratified four important human rights conventions: the Convention on the Rights of the Child, The Convention against Torture, The Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Protection of Migrant workers and their Families. It must be noted that Morocco ratified the two international covenants in 1979. Steady progress is taking place in settling pending files related to human rights cases. The government also adopted a plan of action to involve women in development through the contribution of non-governmental organizations. The National Conference on Children's rights is held annually under the auspices of Her Highness Princess Miriam, and in close cooperation with the National Observatory of the Rights of the Child. Our country has taken major steps towards setting up a national plan for human rights education. In addition, last February Morocco hosted the first Arab conference in this field, in which governments participated, as well as non-governmental organizations and intergovernmental organizations represented by UNESCO, ALESCO, (in the framework of the Arab League), and ISESCO (in the framework of the Islamic Conference Organizations.)

Certainly, the dialogue between the state and human rights organizations will continue with the aim of entrenching the safeguards and principles of a state of rights and law.

In any case, I am leaving to non-governmental organizations the task of evaluating the situation in all Arab countries, including Morocco, with full freedom.

Sisters and dear brothers,

No doubt, the first task for human rights organizations in the Arab region is to contribute to spread the democratic thinking, practice, and behavior and to call for entrenching democratic institutions.

Human rights rules are not just legal standards. Rather, they provide the cultural base for the building of democratic and fair societies. These universal rules must be entrenched in our local cultures, because the universality of human rights is nothing but a meeting point of the most splendid aspects of each culture, the aspects that honor the people through

protecting their rights to equality, to life, to a decent life, and to participate in individual and collective self-determination.

The states of the European Union and those of the European Council have been able to incorporate and build close cooperation on the basis of democracy and human rights principles. No doubt these universal values, a persistent need of the Arab peoples, will also be able to contribute to preparing a solid ground for Arabic cooperation and unity.

Honorable participants,

I would like to call on the Arab human rights movement, as I did a few days ago in front of the permanent office of the Arab Lawyers Union, to seize the opportunity of the 50<sup>th</sup> Anniversary of the Geneva Conventions of 1949, to exert pressures to urge the international community to take its responsibility regarding forcing Israel to implement the Fourth Geneva Convention in the Occupied Territories, and to withdraw from all the Arab lands it occupies in contravention to the international law and the United Nations resolutions. In this respect, Morocco strongly supports any initiative for holding an international conference on the implementation of the Fourth Convention in the Occupied Territories. This, however, is pending the commitment of all state parties to this Convention. Once again, I would like to commend the stance of the states of the European Union that reject the de facto policy in Jerusalem. I would also like to stress that peace should not be realized at the expense of human or peoples' rights.

Sisters and brothers,

In fact, human rights violations have deepened political problems, and created crises related to legitimacy. This has created movements which are able to mobilize a wide range of the population who suffer from social marginalization, political exclusion, economic deprivation, and grievances against the international order. All this has led to more violence, instability, and human rights violations. In many countries, advocates for democracy and defenders of human rights have found themselves between the hammer of official violence and the anvil of civil violence, with weak international support.

This state of affairs highlights the size of the tasks laid down on the shoulders of all democracy advocates, first and foremost defenders of human rights.

We can only have effective impact on our surroundings through strengthening means of influence, including Arab organizations for human rights, individually, collectively, and in cooperation.

Reforming and strengthening the means of reform is a priority. By democratic practice, effective operating, sufficient planning, and strong cooperation, the Arab human rights movement will not only muster the huge resources available and potentially available to it, it can also penetrate and establish a strong trend in Arab societies and in the international human rights movement. Such a trend would compel all actors, governmental and non-governmental, to take these rights into consideration in their policies and practices, and not to manipulate them for any purpose. Therefore, we are optimistic about your conference, or our conference. May God help you.

# **The Arab Region is a Victim of the Distortion of International Legitimacy**

## **2) Speech of Mr. Abdel-Aziz Banany Chairman of the Moroccan Organization for Human Rights**

**Ladies and gentlemen,**

It is a great honor for the organization I represent to welcome in Morocco the First International Conference for the Arab Human Rights Movement.

We welcome the Prime Minister Mr. Abdel-Rahman Al-Yousofy, whose attendance is not purely official. His attendance is in fact a source of pride and hope.

It is a source of pride due to the pioneering role he played with other Arab activists on behalf of human rights, establishing our movement.

And it is a source of hope because the government he presides over can contribute to achieving major progress towards reinforcing human rights and entrenching a state of rights and law in Morocco.

We also welcome all other officials, representatives of political parties, organizations, and unions, actors of civil society, members of the diplomatic corps, members of the press, and all our respected guests.

It is a pleasure to greet the representatives of international, regional, and national non-governmental organizations. I would like to point out in particular to the guests coming from abroad:

- The President of the International Federation of Human Rights
- The Executive Director of the NGO Section of the Canadian International Development Agency.
- The observers from Amnesty International, Middle East Watch, Penal Reform International, and the Euro-Mediterranean Human Rights Net Work.

As we welcome all participants, we would like to make special thanks to the Cairo Institute for Human Rights Studies and its director Mr. Bahey El-Din Hasssan, who is known by all human rights defenders for the great services he has offered to the cause of these rights in the region.

We commend the initiative taken by the Cairo Institute for Human Rights Studies and commend the role it played in the preparation of this historic conference.

It is impossible for us to start our work without recalling the situation of a number of Arab human rights defenders, and particularly our comrades in our struggle such as:

- Mansour Al-Kekhya who disappeared in December 1993 during participating in the AOHR general assembly, the one before the last assembly. He was in the company of a number of persons attending here. This involuntary disappearance is the responsibility of both the Egyptian and Libyan governments.

- Yousif Fatah-Alla who was murdered in June 1994. It is clear from many factors and strong evidence that this case was that of a physical elimination operation which was disguised in a terrorist act; and that in any case the state of Algeria is to be questioned regarding this crime.

We will never give up, and will continue trying to disclose the truth in both of the two cases.

We feel sorry about the absence of Khamis Koseila, Vice Chair of the Tunisian League of Human Rights, which is the first pluralistic independent league in the Arab world. He should have been with us, but he is serving a three year term in prison for a misdemeanor of opinion following a trial that unfair according to the report of the observers delegated by the Euro-Mediterranean Human Rights Net.

Also should be attendant are Monsif Al-Marzouky, former chairman of the said league, and Radya Al-Nasrawy, the Tunisian lawyer who courageously defends political detainees and who is facing pressures and restrictions and is prevented from leaving her country.

Moreover, a number of members of the Committee for the Defense of Freedom in Syria have been detained for years. An invitation was forwarded to Mr. Aktham Na'issah, leading member of this committee, who has been released, but he could not come because he did not receive his passport.

Thus we can understand why 14 Arab governments joined other governments of the South to express reservations on the Universal Declaration of Human Rights Defenders adopted by consensus by the UN General Assembly on the 9<sup>th</sup> of last December. With some bitterness we note that beside the oppression practiced against human rights defenders in Arab countries, there are also organizations concerned with the defense of these rights in exile. These are two indications that perfectly reflect the human rights situation in many Arab countries.

Ladies and Gentlemen,

Our conference is held in the context of the 50<sup>th</sup> Anniversary of the Universal Declaration of Human Rights. On this occasion we would like to express our delight with the tangible progress in these rights since World War II.

This progress has been embodied in creating international standards in the two covenants of 1966 and other conventions related to human rights, creating international, regional and national bodies which protect and promote these rights, and in the great attention given to the human rights issues among the concerns of international public opinion as a result of the revolution in communication means.

However, the international human rights movement is still facing many challenges.

The United Nations, which played a magnificent role in supporting human rights, has unfortunately undergone a serious crisis, shaking its credibility. This was manifested recently when it was once again marginalized regarding the crimes against humanity committed by the Serbs in Cosova. This fact leads us to assert that regaining respect for



international legitimacy and the role of the UN in maintaining peace entails amending the UN Charter of 1948.

At the same time, the selective criteria in the field of human rights by countries with democratic traditions, in addition to the escalation of racism and xenophobia in Europe and its interaction with the escalation of intolerance in the South, all constitute severe blows to the principle of the universality of human rights.

Moreover, the increasing globalization of the economy and free markets threatens a deterioration in social conditions of the majority of the population in under-developed countries and lack of the conditions necessary to enjoy basic social rights.

Ladies and gentlemen,

Over the past twenty years, the human rights situation in the Arab region has witnessed undeniable progress. Among the goals of this conference is to objectively assess the gains of the movement.

In fact the components of this conference--high level representation of the Arab human rights movement, and a number of organizations and associations concerned with the defense and promotion of these rights, in addition to the wide variety and rich content of the booklets and books displayed at the sidelines of our activities--all embody the developments achieved in this field and give rise to hope.

However the objectiveness that must characterize our discussions requires that we also study the obstacles faced by our movement at the beginning of the 21<sup>st</sup> century.

In fact, the Arab region has, for historical and geo-strategic reasons, been the first victim of the distortion of international legitimacy. What has become of the hundreds of resolutions taken by the UN regarding Palestine? All peace "processes" taken under the auspices of the United States have failed dramatically, the last of which was the Oslo Convention. The impudence of the state of Israel, and the unconditioned protection it enjoys by the biggest power in the world, cause it not to respect the international opinion, even the Geneva Conventions adopted half a century ago.

At the same time, how can the sanctions imposed on the Iraqi people for the last eight years, including air strikes last December, be justified within the notion of international legitimacy and respect for human rights?

Also, the sanctions and strong blockade imposed for seven years on Libya, recently lifted, stress the importance of the infamous principle of collective responsibility. In addition, these measures that isolated these two countries will not help to democratize their political regimes and or promote respect for human rights. In any case they are causing great harm to the human rights issue in the Arab World. Our movement can only strongly condemn this dangerous deviation.

In another arena, Somalia and Sudan are still the scenes of ethnic wars and collective violations of human rights. Also, various and serious violations of rights have taken place in Algeria in the last seven years by armed groups and paramilitary militias pretending to be Islamist. The fates of thousands of disappeared persons are still unknown. In addition, international human rights organizations have been prevented from investigating these violations. Given that the chance for restoring peace has decreased recently, what is the role to be played by our movement to help stop these violations?

Generally speaking, the Arab region still suffers from a terrible regression in the field of human rights. Governments' stance towards these rights is that they either reject international standards or refrain from their actual implementation if the state has officially adopted them.

Our movement has to face many challenges. We focus on five of them that need particular attention in our deliberations.

The first challenge lies in those who cling to religious particularity. Many Arab governments and religious political groups do not hesitate from using the progress taking place in science, technology, and communications. But they oppose the progress reached by humankind in the field of protecting human dignity and in the disposition of public affairs. They do this on the basis of religious interpretations of questionable validity and compliance with Islamic teachings. With such interpretations, they try to justify killing, torture, restricting freedoms, and monopolizing power.

Competing for power in the Islamic World has always meant using religion for justifying physical and intellectual violence and hegemony.

Religious particularity in our nations is frequently used to lend legitimacy to discrimination and injustice against women, which means against half of the population, a situation that essentially contradicts the values upon which the Islamic religion is based.

The second challenge is to be able to contribute, with all components of civil society, to promoting basic social rights and development. It is necessary to stress that dignity is indivisible, and that it is common sense that there is a close relation between practicing freedoms and civil and political rights, and enjoying the right to health, education, and to a decent standard of living.

The third challenge lies in that countries apparently lack, to various degrees, the rule of law. This is manifested in the spread of bribery, favoritism, and hegemony, and in the absence or rigging of elections, and the subjection of the judiciary to the political power. It is clear that this lack is related to oppression and to restriction of basic rights and freedoms. It highlights the natural interaction between the democratization of public life and respect for human rights.

The fourth challenge is to avoid the confusion between the task of human right defenders and the role of political actors. This is a difficult problem faced by many of our national groups, and can, to a great extent, explain the crisis of the AOHR. It is that in the countries of the South in general, and especially because of the lack of the rule of law, our movement is not and cannot be non-political. We are in fact concerned with the absence of the constitutional, legislative, and administrative guarantees that would secure basic rights and freedoms. We are also concerned with the disposition of public affairs and with fair and free participation of the citizens. We are concerned, as well, with anything related to the respect of individual and collective rights and freedoms. Our right to criticize the government is legitimate, and is of a major importance in the protection of human rights. But we believe that our movement must be unbiased and respect the opinion of all its members.

In other words, human rights work shall not be in the service of politics whether for the rulers or the opposition. It is the political work that should be in the service of the human rights issue.

The fifth challenge lies in the obstacles and difficulties that hamper the strengthening of the human rights movement and the emergence and growth of civil society. No democratic progress or development in general is possible without a free and creative contribution by individuals and groups. This means that the protection of general freedoms, particularly freedom of expression and of setting up associations, is an important condition for the development of our nations and a priority for our movement.

Our organizations and groups also need to accelerate their development in order to be able to fully undertake their mission.

All these challenges highlight the utmost and historical importance of our conference.

Ladies and gentlemen,

Holding the first conference in Morocco reflects the development of human rights situation in our countries. The positive side of this development is due to the activities of non-governmental organizations on the one hand, and to the struggle of national human rights movement on the other, as well as to the will of the political general authorities.

The program of the government of Mr. Abdel-Rahman Al-Yousofy adopts our main demands. Many positive measures have been taken since the last decade, and since last October. However, all these gains, though very important, are not a comprehensive remedy for all the raised issues.

We are aware of the importance of continuing the struggle for removing all the remnants of the past, and for supporting legal and practical guarantees for enjoying human rights, for establishing the basis of the rule of law, and for accelerating democratic transformation.

Ladies and gentlemen,

This conference is held at the end of a century of which the first half was characterized by colonization of most of the Arab countries, and the second half by the absence of democracy and suppression of freedoms and increasing gaps between social classes. The gap between our countries and the rest of the world has widened. Nationalist, populist, and fanatic discourse will only increase our political, economic, social, and cultural backwardness.

The responsibility of political, economic, and social actors is great, and the political will of the rulers to reform is important, but it can never be fully effective without democratizing the state's institutions, rethinking the role of individuals, and strengthening civil society in our nations. The role of Arab human rights defenders and their persistence are of vital importance.

We trust that our deliberations, based on reasonable thinking and insight, will help clarify our goals and strategies and determine the means to strengthen our movement.

Ladies and gentlemen,

In the name of the Moroccan Organization for Human Rights, I wish every success for our activities. Thank you for your kind attention.

## Indicative Aspects

### **3)Speech of Mr. Bahey el-Din Hassan, Director Cairo Institute for Human Rights Studies**

Your Excellency Mr. Prime Minister, Abdel-Rahman Youssofi, one of the pioneers of the Arab human rights movement,

Honorable Ministers, Honorable Governor, of Casablanca

Honorable representatives of Moroccan political parties, civil society institutions, and press,

Honorable guests – Arabs and foreigners,

Fellow human rights defenders,

My colleague Abdel-Aziz Benani, President of the Moroccan Organization for Human Rights,

My colleagues who are absent yet ever present:

Ms. Radiah Nasrawy, the Tunisian lawyer,

Mr. Khamis Koseila, Vice President of the Tunisian League for Human Rights, who is currently behind bars,

Mr. Aktham Na'issah, spokesperson of the Committees for the Defense of Human Rights and Democratic Freedoms in Syria,

Mr. Mouncef Al-Marzouki, spokesperson of the Council on the Respect of Freedoms and Human Rights in Tunisia,

A quarter of a century ago, Mr. Youssofi, along with a small number of those concerned about human rights at the time, took the initiative of establishing the first Arab regional human rights organization. Since then many nations around the world have joined the procession of democratic transformation, whereas the Arab world alone has stayed behind. Certainly many things have changed, and conditions have improved incrementally here and there. However, the defining and tell-tale features of human rights conditions in the Arab world remain essentially as they were.

To date no-one can claim that there has been a single instance of unimpeachable elections in the Arab world. The transfer of power is still suppressed by different means in different countries. The principle of the rule of law is still looking for an Arab nation that would embrace it along with its pursuant commitments. The principle of the independence of the judiciary is still under attack, treated as a kind of pollution of the political and social environment of our lands. Two years ago, with the consensus of the Arab ministers of interior on considering human rights organizations a "threat to national security," we entered a new phase whose rallying slogan, from the Atlantic Ocean to the Arab Gulf, is to liberate the Arab world from the defenders of human rights!

On December 9, when the world was celebrating the fiftieth anniversary of the Universal Declaration of Human Rights, 26 states were submitting a memorandum to the United Nations expressing their reservations on the declaration protecting the defenders of human rights issued that same day – the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Countries with the worst human rights records in the world were represented by 12 states; the Arab world on the other hand had the disgrace of being represented by a larger number: 14 countries. The "G26" chose an Arab ambassador to lead the procession of executioners and to submit the memorandum on their behalf. What an honor!

And still ... and still ... and still!

And unfortunately the principal purposes for which the Arab Organization for Human Rights was established a quarter of a century ago still obtain!

The first of such purposes at the time was to prepare reports on human rights violations in Arab countries and to submit these reports to the UN Human Rights Commission. Needless to say, this objective remains on our agenda. Yet, another has been added on top of it, namely the task of defending our very mission! This is to say that we have to prove that this mission is to safeguard the dignity and freedom of the Arab citizen (the cornerstone of the dignity and sovereignty of any nation), and that it does not serve some "foreign interest!"

A quarter of a century ago, one of the objectives of the Arab Organization for Human Rights was to urge the League of Arab States to adopt an Arab Declaration on Human Rights. Now our task has come to be to convince the Arab League to renounce the Charter it adopted in this regard, as it has come down in history as the first document to allow the violation of the right to life under the guise of human rights!

And still ... and still ... and still!

But why is the Arab world an exception among the major regions of the world?

Why is there no other region where a number of the prominent intellectuals and religious scholars are busily doing injustice to one of its major religions and to its cultural heritage, exerting all efforts to show that it does not respect the dignity or rights of man?! Even worse, they try to convince the public of that!

And still ... and still ... and still!

But why?

In fact this "why" is one of the principal motives for convening this conference. But our conference has left that answer to scholars, intellectuals and specialized seminars, and occupied itself with a more fundamental question: how -- the question of efficacy.

How to overcome all of this? How to catch up with the march of democracy and human rights in the world?



Or in short, how to be treated as human beings like all other human beings?

My intention is not to get ahead of the conference deliberations, but from the working papers and preparatory discussions by fax and e-mail among the participants over the last two months we can identify a number of principal themes for such deliberations:

The first theme concerns **intellectual tasks**. It involves the sort of position the Arab human rights movement should take on the use of religion in political blackmail and in opposing human rights, whether by some governments or political movements, in the name of Arab cultural specificity.

The second theme concerns **action-oriented tasks**. It involves a position on accelerating democratic transformation and on the nature of relations between human rights movements and political coalitions that share the same objective.

The third theme concerns **programmatic tasks**. It involves the appropriate formula by which the Arab human rights movement might amalgamate both individual human rights and the collective rights of the Arab peoples and minorities in the Arab world – civil and political rights as well as economic, social, and cultural rights.

The fourth theme concerns **international dimensions** in a world where economic and political globalization becomes more deeply rooted day by day, to such an extent that international actors have come to play an influential role on the local level. This necessitates taking stands on a number of international issues and on the work of the relevant international institutions. It also calls for standing against the overwhelmingly negative and aggressive role played by some major powers in relation to a number of vital Arab issues, especially in Palestine and Iraq. In addition, these powers cloak such doings in the rhetoric of human rights, thus doing great harm to human rights and their defenders.

The fifth theme concerns **structure** and is closely related to the question of efficacy – the “how.”

Under this theme questions arise about how suited to the grave tasks of the movement are the working methods of and relationships among human rights groups on the local, regional, and international levels. In addition

there are questions about the nature of necessary changes to these structures, so as to help accelerate the work of the movement in improving and protecting human rights.

Ladies and Gentlemen, Guests and Colleagues,

In past events organized by the Cairo Institute for Human Rights Studies, I have been used to inaugurating them in the name of CIHRS; this time, however, there are good reasons for which I must declare the conference open on behalf of and in the name of all participants.

For in fact the preparation for this conference of ours has been based from the very start on the full participation of those invited. And thus the role of CIHRS was confined to initiating the call, facilitating coordination work, and providing the best opportunity for creative interaction between the participants (including those who could not to attend).

This conference is the result of a gigantic collective effort. Dozens of human rights defenders from more than ten Arab countries (some living abroad) participated in preparing for it. There are those who drafted the 16 working papers, those who took part in organization work, those who submitted written interventions and comments on the working papers and on the draft "Tasks of the Arab Human Rights Movement," and those who established local circulation points in several Arab and European countries for the redistribution of the working papers and discussions to cut costs. This conference does not belong to CIHRS; it belongs to us – all of us!

In this regard, I cannot fail to pay tribute to the limitless generosity of our colleagues in the Moroccan Organization for Human Rights, without which such great efforts could not have been pooled today. I would also like in this context to note that the steering group that carried out the practical tasks of preparing for the conference included activists from three different Arab countries: Morocco, Sudan, and Egypt.

Even the draft "Tasks of the Arab Human Rights Movement" that you have in your hands today, from which the Casablanca Declaration will be derived, is the fruit of 16 working papers submitted by 15 human rights defenders from several Arab countries, as well as two months of discussions. In fact, some of the paragraphs in this document quote directly from the working papers. The conference consultative panel, composed of 23 human rights defenders from ten Arab countries, reviewed the first draft

of the "Tasks." Based on the comments by the panel, the second draft, in your hands now, was prepared.

The difficult challenge before us now is how to crystallize such colossal intellectual, action-oriented, and organizational efforts (carried out throughout the Arab world and in several capitals in Europe, Africa, and North America) in one document – a document that should crown these efforts and meet the great hopes laid upon the shoulders of our conference.

Colleagues, fellow human rights defenders,

In your name, I declare the First International Conference of the Arab Human Rights Movement open.

# TASKS OF THE ARAB HUMAN RIGHTS MOVEMENT

*"A Programmatic Instrument"*



# **TASKS OF THE ARAB HUMAN RIGHTS MOVEMENT\***

## **"A Programmatic Instrument"**

**Adopted by the First International Conference of the Arab  
Human Rights Movement  
April 23 - 25, 1999**

Upon invitation by the Cairo Institute for Human Rights, and hosted by the Moroccan Organization for Human Rights, the "First International Conference of the Arab Human Rights Movement" was held in Casablanca on April 23-25, 1999, to deliberate the responsibilities and tasks of the movement in the next stage in the light of the progress made in the fifty years since the adoption of the Universal Declaration of Human Rights.

Having considered the international human rights instruments, covenants, and declarations, as well as the outcomes of prior conferences for the consolidation of the international human rights protection system on the regional and international levels, foremost of which the World Conference on Human Rights, Vienna 1993,

Having examined the outcomes and recommendations of previous conferences, meetings, and consultations among the Arab human rights organizations,

Having reviewed the periodic reports, the theoretical contributions, the guidelines, and other documents of credible human rights organizations working on the local, Arab regional, and international levels,

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\*The Casablanca Declaration was derived from the second draft of this instrument. The first was drafted by Bahey El Din Hassan and Mohamed El Saed Sa'eed. The second draft was prepared in the light of observations by the Consultative Panel of the conference. (This instrument third draft).

Having reviewed the general working paper of the conference, the working papers on the fifteen themes of the conference, and two months of written discussions among the participants of the conference,

Having had ample discussions within the working groups of the conference and within the panel sessions,

The First International Conference of the Arab Human Rights Movement has resolved to adopt the following instrument under the title "Tasks of the Arab Human Rights Movement" to serve as a guide for the different Arab associations struggling for the respect of human rights in the Arab world.

### **First: International Conditions**

Taking into account the great impact of international developments on human rights conditions in the Arab world, the First International Conference of the Arab Human Rights Movement discussed the current conditions that affect the international protection of human rights.

The Conference noted that the main feature of current international conditions is the continued inability of the international community to take advantage of new and positive transformations to establish and promote effective systems to concretize the common responsibility of humanity in several spheres, at the head of which is the responsibility for protecting and maintaining respect for human rights.

A- The Conference noted the following as some of the positive factors resulting from the end of the Cold War: the spread of the wave of democratic transformation to new areas, Eastern Europe in particular; the contemporary technological and scientific revolution that opens up significant horizons for progress; the increasing realization of the need to expand international cooperation in all realms; the marked interest in promoting creative cultural diversity on the international level; and the desire of a number of new regional groupings to participate more effectively in responding to the challenges facing humanity.

B- These positive transformations in the general climate of international relations were reflected in the rise of some positive factors concerning the struggle for human rights. As expressed by the Vienna Conference of 1993 and other relevant conferences such as the International Conference on Population and Development (ICPD) -- Cairo 1994, the Social Summit -- Copenhagen 1995, and the World Conference on Women -

-Beijing 1995, it is necessary to employ such new factors to promote the conviction that all political systems should respect human rights, and consolidate the international human rights protection system in force within the UN system. This may be brought about by closer monitoring of the violations by member states, closer follow-up of such violations, and more resolute protection of individual and collective rights, such as may call for developing the mechanisms currently in force (such as the recent adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women), or founding new protection systems, particularly the International Criminal Court and the Higher Commissioner for Human Rights.

The Conference declares its full support of the achievements in this respect. In this context, the Conference commends the openness the UN has shown towards NGOs, which has had its positive effects, and urges the generalization of this tendency in all the institutions of the international community, and demands that the Arab regional institutions adopt such an orientation.

C- The Conference further observes that some international political developments were by and large positive and have attenuated concern about certain dangers facing human rights. Contrary to the fears that the globalization process would lead to the hegemony of a certain culture over all others, the international community in general affirmed its resolve to defend cultural diversity, the principle of equality between all cultures, and their equal right to self-expression. The international community also affirmed its determination to secure the optimum conditions for cultural coexistence in democratic frameworks. The Conference also notes the continuation and growth of the international awareness of the necessity of eliminating the advocacy of hatred and violence and its attendant wars and ethnic cleansing. This is in addition to the international community's affirmation of the international responsibility for protecting ethnic, religious, and linguistic minorities.

There is also a marked improvement in the performance of a number of international organizations and UN agencies. We particularly refer in this regard to the Declaration on the Fundamental Rights of Labor adopted by the International Labor Organization in its 1998 general assembly, the endorsement by the World Conference on Human Rights of women's rights as an integral part of the human rights system, and the adoption of the International Declaration on Combating Violence against Women.



Moreover, the Conference notes that women's rights have come to have better international follow-up frameworks and wider international acceptance, and that they have come to be treated within a framework of global solidarity between their advocates.

D- However, the Conference cannot but note with concern that the international community has not as yet succeeded in mobilizing these new positive factors so as to transcend limitations on respect for human rights and to progress towards a qualitatively new future for the international protection of human rights. This failure is manifested in several ways. For example, the founding of new mechanisms for monitoring, follow up, and protection (such as the Office of the High Commissioner for Human Rights) was not matched by movement forward in the international protection system. It is still far from being able to apply, immediately and in full, the contractual mechanisms or enforce their respect on the part of the UN states members. Furthermore, it has been proven that these mechanisms are not adequate for putting an end to grave violations by some states party to these conventions.

E- At the same time, the Conference notes with regret that contrary to all the optimistic expectations of the early nineties, the role of the UN in international affairs is being marginalized. It is being increasingly appended to the unilateral action mechanisms of a certain superpower, namely the United States of America, or an alliance of great powers, leading to the invalidation or misemployment of international legal mechanisms.

Furthermore, the Conference notes with great concern that while hopes to resuscitate the UN role fade, consultations and measures to reform the international organization are not progressing swiftly enough to make it more representative of the peoples of the world and less dependent on the will of superpowers possessing the right to veto.

F- The Conference draws attention to the grave risks entailed by the delay of fundamental reforms to the international order. This may lead to the persistence of a host of risks and negative factors, and to missing a rare opportunity in world history to found a new and just world order.

These risks are more serious than ever. Primary among them is the danger of ethnic, national, and religious conflicts and the ensuing horrors and crimes against humanity, such as these currently taking place in Kosovo and those that occurred in Bosnia and Herzegovina, in the Balkans, Iraq, Rwanda, Burundi and elsewhere.

In the light of these conflicting indications, the **First International Conference for the Arab Human Rights Movement affirms that:**

1- It is determined to support the struggle to make fundamental reforms to the international order, focusing on the UN system with the aim of making it more representative of the peoples of the world and more effective in expressing the common interests and responsibilities of humanity.

2- It calls upon the peoples of the world to work in solidarity towards development, eradication of poverty, cultural flourishing and diversity, ensuring the right of self-determination to the peoples deprived thereof, struggling against violence, extremism, and hate-mongering, preclusion of the recurrence of ethnic cleansing campaigns; prevention of crimes of genocide; and ensuring full respect for international humanitarian law and international human rights law.

3- It urges continued work towards the improvement of the international human rights protection system within the UN, and the employment of all the mechanisms it provides including new ones, so as to ensure governments' full respect for their commitments according to the international instruments.

4- It urges promotion of the awareness of the interconnectedness of the fate of the peoples, the common interest in development, and full respect for human rights. This is to be done by way of peaceful struggle and international cooperation in all spheres, including seeking to found new international working mechanisms to reflect the common responsibility for development and the eradication of poverty.

## **Second: The Problem of Manipulating Human Rights**

The Conference notes that the continuing disability to found a new and effective system for human rights protection and advocacy within the UN--because of delays and obstruction in reforms that would increase the effectiveness of the UN in international affairs in general--exacerbates the problem of the propagandist and politicized use of human rights principles by certain superpowers in their foreign policies.

The Conference draws attention to the grave consequences of employing the principles of human rights to realize foreign policy objectives in omission of the honest application and full respect of the human rights principles in all spheres and on all levels.

Moreover, the Conference recalls the fact the Arab world has suffered and still does from the opportunist, politicized, and propagandist employment of human rights on the part of certain superpowers. This is clearly manifested in the double standard policy whereby the superpowers, foremost of which is the U.S., collude with Israel in violating international law and fundamental human rights in the Occupied Territories. They also keep silent on the persistence of this occupation, as well as its consolidation through continuous expansion of settlements, in clear violation of international law and UN resolutions.

Furthermore, the Conference draws attention to the grave consequences of the misapplication of international sanctions provided by Chapter 7 of the UN Charter. While the U.S. stands in defense of Israel, and has always rejected the application of sanctions to deter Israel from continuously violating human rights, international law, and UN Security Council resolutions, it goes to extremes in employing the arsenal of sanctions against Arab states, particularly Iraq, causing untold suffering for peoples--not the rulers.

Among the principal consequences of the sustained application of the sanctions system against Iraq are skyrocketing infant mortality rates and the misery and economic deprivation of the Iraqi people as a whole. Deprivation was imposed on wide sectors that deserve protection, not sanctions, from the international order.

This credibility gap constitutes one of the paramount obstacles to the dissemination of human rights culture in the Arab world, and frustrates efforts to emphasize the universality of human rights and to entrench them, especially among the youth. Also, this credibility gap has afforded the Arab governments an ideal milieu for manipulating the principles of sovereignty and patriotic sentiments to impugn the lofty human rights principles, to further the belief that they are mere utopian ideals, and to maintain that they are thus inapplicable in the real world.

**In the light of all these considerations, the First International Conference for the Arab Human Rights Movement calls upon:**

1- All human rights defenders to warn of the dangers of the opportunistic and politicized employment of human rights principles in the foreign policies of the great powers in general; and to affirm that bringing states and governments to account for the policies that may result in serious human rights violations should be carried out essentially within the UN system and the framework of international legality.

2- The UN General Assembly to adopt a declaration on respect for human rights in international relations, including prohibition of resorting in foreign policy to mechanisms that lead to the violation of individuals' and peoples' rights, or to the propagation of certain rights in such a way as to violate others.

3- International and Arab human rights organizations to assign a special section in their periodic reports to monitoring the consistency of the foreign policies of great powers with human rights principles, monitoring the misuse of human rights propaganda, and exposing any violation or manipulation of the collective rights of the peoples in international institutions.

4- The Security Council Committee for Reviewing the Sanctions System and its Application to consider the views of the NGOs working in the fields of human rights, children, women and other vulnerable groups, and to give special attention to examining the ruinous effects of the protracted application of these sanctions in Iraq for nearly a decade, which has had horrific effects on the Iraqi people. The Conference urges the UN General Assembly to adopt a resolution calling for the immediate termination of the sanctions on Iraq, without further delay or conditions, affirming the priority of human interests over any political objectives.

5- Arab public opinion to categorically reject the manipulation of patriotic sentiments and the principle of sovereignty in international relations by some Arab governments. The Conference firmly believes that all attempts to construct an artificial conflict between patriotism on the one hand and human rights and democratic liberties on the other will do away with them all. The Conference denounces such government propaganda as unethical manipulation of lofty sentiments that seeks to evade the obligation to respect and protect human rights and also seeks to defame human rights defenders.

6- Arab public opinion to reject all attempts to use cultural or religious specificity to challenge the principle of the universality of human rights. In this respect, the Conference affirms that commendable and genuine specificity is that which does not legitimize degrading or violating human rights; it is that which entrenches the dignity and equality of citizens, enriches their culture and lives, and promotes their participation in the administration of public affairs.

### **Third: Peace and the Rights of Peoples and Minorities**

The Conference affirms that for the Arab human rights movement the rights of the Palestinian people is the accurate standard to measure the consistency with and dedication to human rights principles of any international position, and of the true meaning of peace as a right and as a prerequisite for enjoying other fundamental rights.

This means that the Arab human rights movement will in no case accept any excuses or pretexts for abstaining from an undiminished defense of the collective and individual rights of the Palestinian people. The Movement considers respect for these rights, as well as fair and bold criticism of Israeli and American practices in violation thereof, as among its most significant tasks within the international movement.

**In the light of this consideration, the Arab human rights movement emphasizes:**

1- Its support for the proposed UN special decade for the culture of peace, provided that the UN take into consideration the necessity of distinguishing between just peace--based upon the respect of fundamental rights, justice, and peoples' inherent dignity--on the one hand and unjust "peace" on the other. The latter means nothing but imposing submission and resignation on peoples, and implies a grave violation of their individual and collective fundamental rights.

The Conference expresses its fear that a well-intended call for the dissemination of a culture of peace that does not provide for human rights may turn into promotion of a culture of oppression and subservient acceptance of the status quo. As such, it would be diametrically opposed to dignity as a fundamental foundation of the universality of rights according to the preamble of the Universal Declaration of Human Rights.

2- The peace acceptable to the Arab human rights movement is that based on international law and UN resolutions; that which includes all the parties in the region; and which secures justice and respect for human rights, including the right to resist occupation and oppression. The just and comprehensive peace required in our region should ensure the withdrawal of Israel from all the lands occupied on June 5th, 1967, and should guarantee minimum collective rights of the Palestinian people. This includes:

A) The right of the Palestinian people to self-determination and to establishing their independent state on their national soil with Jerusalem as its capital.

B) The Palestinian refugees' right of return and compensation according to UN General Assembly Resolutions 191, 192, and 194 and later relevant resolutions.

C) Immediate cessation of the policy of swallowing the Occupied Palestinian Territories by expanding existing settlements and building new ones in contravention of the relevant UN resolutions. The required peace also calls for the discontinuation of derogatory propaganda against the Arabs and their civilization, termination of all forms of racial discrimination and human rights violations committed by Israel, and the elimination of the expansionist Zionist nature of Israel.

D) Immediate and unconditional Israeli withdrawal from south Lebanon according to the UN Security Council Resolution 425, and from the Golan Heights according to Resolution 242, and cessation of all acts of violence committed against the Lebanese people.

3- The High Contracting Parties of the Fourth Geneva Convention on the Protection of Civilian Persons in Times of War should fulfill their legal obligations under Article (1) of the Convention, by compelling the Israeli occupation forces to enforce the provisions of the Convention in the Palestinian occupied territories. The Conference asserts that the enforcement of the Convention constitutes the minimum required for the protection and safety of Palestinian civilians and their property, especially in the interim period. In this respect, the Conference:

A) Stresses the necessity of convening the Conference of the High Contracting Parties as scheduled on July 15th, 1999, to examine the measures necessary for applying the provisions of the Convention in the Palestinian occupied territories.

B) Calls upon the High Contracting Parties to resolutely oppose the Israeli grave breaches of the Convention, such as torture, maltreatment, and taking of hostages, which constitute war crimes, in addition to other violations, especially settlement in the Occupied Territories including Jerusalem.

C) Appreciates the position of the European Union in rejection of the Israeli stance on Jerusalem, and commends the recommendation of the European Commission to embargo goods produced in Israeli settlements. The Conference calls upon the other High Contracting Parties to adopt similar positions.

D) Calls upon international and Arab organizations, especially those working in the field of human rights, to join the campaign for implementing

the Fourth Geneva Convention in the Palestinian Occupied Territories through generating pressure on the High Contracting Parties to fulfill their legal commitments.

4- The Conference calls upon all Arab states to observe the Arab League resolutions on Palestinian refugees, especially in relation to guaranteeing the rights of work and education to residents, as well as the freedom of movement, travel, and return to their places of residence. The Conference also demands the immediate release of Palestinian political prisoners in the Arab countries. The Conference also calls upon the Palestinian Authority to respect human rights and the separation of powers, and further demands that the Palestinian Authority abolish state security courts and release political detainees.

**In this context, the Conference:**

1- Vehemently condemns all acts of oppression, tyranny, and war that have been and still are practiced against some minorities in the Arab world, especially acts of genocide, displacement, and enslavement. The Arab human rights movement will treat such crimes as crimes against humanity.

2- Endorses efforts towards recognizing the inalienable collective rights of the Kurdish people, including their right to self-determination, and supports negotiation efforts to acquire political status and broad self-rule rights in all countries where Kurds live on the basis of equality. The obtainment of these rights in one country should not be contingent upon their obtainment elsewhere. Furthermore, the struggle for these rights should continue in all cases.

The Conference calls upon the governments of Turkey and Iraq to immediately recognize the right of the Kurdish people to extensive self-rule, and their right to enjoy their cultural and other rights provided for in the UN Declaration on the Rights of Minorities. The Conference urges both governments to start negotiations, on the basis of good will and mutual respect, to legalize these rights. It also calls upon the United Nations to convene a special conference bringing together all the concerned parties with the aim of reaching an integrated and comprehensive solution to the protracted plight of the Kurdish people and to enable them to exercise their national rights.

3- The Arab human rights movement also calls for earnest efforts to enable the people of southern Sudan to obtain their rights, including self-rule and self-determination, within a negotiated constitutional formula. This new framework should put an end to the civil war in Sudan, prepare the

ground for enacting a new constitution, and ensure the right of equal participation in the administration of public affairs.

4- The Conference expresses its firm belief that respect for human and democratic rights--foremost of which is equality in dignity, citizenship, and the enjoyment of rights--is the sound approach to prevent the eruption of the minorities problems in the Arab world. The Conference also believes that respect for the rights of the minorities is the appropriate way to preclude the outbreak of violence and instability, which could lead to calls for partition, thus aggravating the existing problems. The Conference declares its full sympathy for the struggle of minorities and all democratic forces to obtain the rights provided for in the UN Declaration on the Rights of Minorities, without prejudice to the right to peace and development for all citizens.

#### **Fourth: The General Condition of the Arab World**

The Conference discussed the general condition of the Arab world as it affects human rights, and took note of three principal features of the political situation.

**First:** Inter-Arab relations have been self-absorbed and turbulent since at least the second Gulf crisis. All the hopes that the Arab world could assimilate the lessons of the second Gulf crisis through restructuring the Arab system or establishing a new one have been frustrated. The hoped-for system would respond to the essential needs of the Arab peoples, enable them to withstand the political and cultural test they face, and add to their great reservoir of feelings of mutual belonging. Instead the nineties have aggravated the confidence and credibility crisis of Arab institutions.

**Second:** On another level, and because of the first fact, the participation of the Arabs in determining their fate has contracted. The political and economic future of the Arab world is to a large degree being shaped outside the Arab polity and institutions. This becomes doubly important given the fact that the nineties have witnessed spreading destruction of Arab societies. In addition to Kuwait, then Iraq, destruction plagues Sudan, Somalia, Algeria, Yemen and Libya for various reasons. This brings attention to the huge defects in the internal and external relations of the Arab societies.

**Third:** The Arab world in the nineties proved its "specificity" as an exception to the wave of democratic transformation spread all over the world since the eighties. In opposition to all high hopes, the final balance of transformations in political and human rights conditions is in the minus



column. This is not only in comparison to the rest of the world, but even to the Arab world itself in the eighties.

The Conference members agree that this general condition causes utmost concern and fear for the collective fate of the Arab world as a whole. The members also agree on the indispensability of exerting all possible efforts to surmount such deteriorating conditions and start a new era in the Arab world.

The Conference maintains that the necessary reforms to the general Arab conditions lie beyond the mandate of the Arab human rights movement. They require the mobilization of political forces and considerations rather than pure humanitarian and human rights forces and interests.

However, the Conference fully realizes the mutual influence of political and human rights considerations, and the impossibility of separating them. The Conference realizes that the struggle for human rights will fail if the Arab polity is doomed and if its violent internal outbursts and protracted civil wars continue. The Conference also recognizes that reforming the human rights conditions is an integral part of the general political reform in the Arab region.

#### **Consequently, the Conference:**

1- Calls upon all the forces of civil society and NGOs in the Arab world to embark on an immediate principled reconciliation, without awaiting official reconciliation between Arab governments. The Conference also calls upon them to work together to bring pressure towards reforming and upgrading the institutions of the Arab League and of pan-Arab action.

2- Urges substantial reforms to the legislative structures of pan-Arab institutions, foremost of which is the Arab League, with due regard to the urgent need to uphold the dignity of Arab citizens, their inalienable rights, and their participation in and control over these institutions. Moreover, these institutions should be open towards Arab civil society organizations.

In this respect the Conferences calls upon the Arab League to review all its instruments that bear on human rights, especially the Arab Convention to Combat Terrorism, and to bring them into compliance with international human rights standards. The Conference further calls upon the Arab League to annul the "Arab Charter for Human Rights" adopted in 1994. The Charter contains fundamental violations and degrades the human being in the Arab world by going to extremes in granting exceptions and privileges to administrative and arbitrary powers. The Conference demands the drafting--

in cooperation and consultation with the Arab human rights NGOs--of a new Arab instrument on human rights that is compatible with internationally recognized standards. The Conference further decides to form a working group to prepare a draft convention in this respect.

### **Fifth: Exceptional Conditions in Some Arab Countries**

The Conference reviewed the humanitarian catastrophes stemming from the tumultuous and protracted international and internal crises in a number of Arab countries, particularly Somalia, Iraq, Yemen, Sudan, Libya, and Algeria. The Conference notes that oppression, authoritarian ways of government, and ruthless and arbitrary policies form the background and the root-cause of the crises in these countries. Yet, the Conference asserts that the policies of the superpowers, as well as unfavorable international and Arab circumstances, also had a prominent role in aggravating such crises.

The Conference calls on the institutions of the Arab system to end their passivity regarding such catastrophic conditions in the Arab world. These institutions are urged to allocate adequate programs and resources to contribute to ending such crises, in affirmation of the principles of Arab brotherhood, self-reliance, and the collective political and social self-determination of the Arab countries.

**In addition to such requisite revival of Arab political and social solidarity, the Conference demands the following:**

#### **1- In relation to Iraq:**

A) The immediate and unconditional termination of the sanctions system imposed since August 1990.

B) The initiation of substantial political reforms leading to a constitutional and democratic system in Iraq -- a system that would consecrate equality between citizens, abolish political confessionalism, consider the different formations as bases for national unity according to the principle of equality in citizenship, and enshrine fundamental human rights, including the right of the Kurds to self-determination.

C) Urging the government of Iraq to undertake positive initiatives towards Arab reconciliation. These would include setting the Kuwaiti captives free.

## **2- In relation to Sudan:**

The Conference calls for immediate and serious negotiations with the aim of ending the exceptional conditions that followed the coup d'état of 1989. The Conference also calls for a comprehensive constitutional convention to gather all the political and civil forces to restore democracy and peace, and to provide the people of southern Sudan with their rights to full self-rule and self-determination.

## **3- In relation to Somalia:**

The Conference regrets the omission and apathy that characterize Arab and international positions on the conditions in Somalia. The Conference affirms the need for an effective Arab stance to help restore the state and public order in Somalia, put an end to chaos, violence, and divisions, and initiate a constitutional and political process that would lead to the free and direct election of a new all-Somali government.

## **4- In relation to Algeria:**

Emphasizing its full condemnation of the crimes and human rights violations perpetrated by the armed groups, the Conference considers that the Algerian authorities are largely responsible for the crisis in the human rights situation the country has witnessed since 1992. Regretting the new setback in the Algerian elections that impelled candidates for presidency to withdraw, which may further aggravate the political condition, the Conference asserts the need to consolidate the political reforms launched in 1989. Those reforms should pave the way for the following: the participation of all forces in the political process, cessation of the armed conflict, termination of all forms of violence, and working towards creating a new climate for national dialogue through legislative measures. Such might include general amnesty for those detained without trial and the retrial of those who have been indicted under exceptional laws. The Conference expresses its deep alarm at the involuntary disappearance of thousands of Algerians, and calls for bringing them back to their families, the disclosure of the truth concerning the circumstances of their disappearance, bringing those responsible for the crimes of involuntary disappearance, torture, and killing to justice, and expanding the freedoms of expression, association, assembly, and other rights. Moreover, the Conference calls for a new policy against violence to be based on disbanding all armed militias and rehabilitating and compensating the victims of violence. The Conference also demands more effective guarantees of the fairness of elections that

would ensure their credibility and legitimacy in the eyes of the Algerian people and the international community.

## **Sixth: The Human Rights Condition in the Arab World**

The Conference noticed that, with few exceptions, the human rights condition in the Arab world as a whole continued to deteriorate throughout the nineties. In addition to those Arab countries suffering from catastrophic situations and civil wars, the political process that gave rise to hopes of a democratic system has stagnated or partially regressed in a number of cases. In some cases this backpedaling constituted an unquantifiable setback for human rights, for it was in fact a return to a condition in qualitative opposition to democracy. The Conference particularly regrets that such reversal was especially evident in the cases of Egypt, Tunisia, Jordan, and Yemen—which had realized some relative progress in human rights. The Conference also regrets the fact that Tunisia is heading speedily towards the model of the police state that is based on suppressing the freedoms of opinion, expression, and the press, and prosecuting any expression of dissent through legal or illegal methods. These include character assassination, marginalizing the human rights movement and persecuting human rights defenders, and employing a dependent judiciary with no will of its own to issue unfair decisions.

Unfortunately, in relation to the Palestinian national revolution, actual practices have frustrated the high hopes of a democratic authority that would bring about the participation of all citizens. Practices on the ground have disappointed those who had expected that the Palestinian Authority would establish a system for the respect of human rights and fundamental freedoms, and above all the respect of the independence and integrity of the judiciary and enabling it to extend judicial and legal protection to the rights and freedoms of the people.

The Conference expresses its satisfaction at the relative progress achieved in the general human rights conditions in the last decade in Morocco. The Conference notes that in the Arab Gulf region, with the exception of Qatar and Kuwait, there has been no noteworthy improvement in governments' conception of the human rights issue, or in their positions on legislative and political reform, or on signing or ratifying international human rights instruments. Regrettably, these states still lack a modern legal and judicial system to which citizens can resort to attain justice. Governments make use of Islam to rule out demands for reforming and

modernizing the judicial and legal system so as to meet the need for protecting individual and public rights and freedoms.

In this respect the Conference notes the prevalence of anachronistic conditions such as denying citizenship to residents who have lived in those countries for generations, widespread discrimination based on religious creed, and denying Arab and foreign workers their full legal competence in the context of the so-called "sponsor" system. The Conference notes that many Arab countries refuse to sign or ratify the International Agreement on the Protection of Migrant Workers and their Families in addition to their rejection of drafting an Arab regional agreement in this respect.

The Conference notes with regret that there has been no improvement in other Arab countries, which have either witnessed no political or constitutional moves towards pluralism or where the legitimacy of the political system continued to rest on the one-party rule and most often on bloody / "revolutionary" violence. The case of Iraq persists as an extreme example of tyranny, the absence of law, and excessive resort to grave human rights violations including mass executions and other manifestations of inhuman cruelty. While Syria has released a number of political prisoners, the legal system was not affected by change. In Libya, the absence of the rule of law continues, and some human rights violations grew worse.

In all cases, major human rights violations continue on a large scale and as part of the official state policy in all the Arab countries. Regrettably, only in a limited number of them can citizens attain justice and revoke an administrative decision against them by resort to a fair and independent judicial system. In fact the separation of powers is almost unknown to the Arab countries save as an exception. Only in a very few of them does the judiciary enjoy the necessary minimum of guarantees to its independence and fair performance provided for in the Havana Declaration and others.

In those countries where some improvements in the legislative framework were made in the eighties so as to provide better guarantees for rights and public freedoms, there is currently a notable inclination in most of them towards reverting to legislative restriction of those guarantees. We note also an increase in the laws restricting freedoms, or making it easier for the administration to curb the independence of the judiciary and the freedoms of civil society, and perhaps to rig elections as well.

There is almost no parliamentary life with the power to declare no confidence in the government. Neither a parliament nor any other

representative body in an Arab country has ever undertaken investigations into a grave human rights violation. Nor has any asked the executive power to account for such violations in such a way as to blame or depose the government or any official of the executive for ordering such violations.

Thus all forms of human rights violations prevail in the Arab world because of the absence of a real parliamentary life, of a constitution that provides adequate guarantees for democratic practice, and of an independent and effective judicial system able to establish the rights of those wronged and safeguard fundamental rights and public freedoms.

Whereas the eighties witnessed a noticeable move towards signing and ratifying the principal international human rights instruments by a number of Arab countries, this trend came to an almost full stop in the nineties.

Some attribute this retrogression of the legislative and other frameworks of the fundamental rights to the heightened conflict between the armed intransigent Islamic groups (some of which practice terrorist violence) on the one hand and the state on the other. Some others believe the reason to be the enforcement of new economic and social policies, in cooperation with international financial institutions, that do away with essential guarantees that had been legalized in the past to ensure some fundamental economic and social rights--especially the right to work. Still others attribute this retreat to deep-seated anti-democratic tendencies of the Arab ruling elites.

The Conference believes that the various reasons contributing to the deterioration of human rights conditions should be closely scrutinized. It also believes that no justification whatsoever can explain away backing down on pluralism or the essential legislative safeguards of protecting human rights. It believes that stifling freedoms and trampling over the guarantees of human rights is not the way to security and stability; on the contrary, it is the respect of these rights that is the feasible and correct way to security, stability, and civil peace.

**Based on these considerations, the Conference:**

1- Affirms the Arab human rights movement's determination to struggle for opening a new chapter in the history of the Arab world in which citizens would have the best guarantees of freedom and dignity, and in which the image of the Arab world as a region of tyranny, arbitrariness and ruthlessness, a region where the rule of law is hard to uphold, will disappear.

2- Calls upon all armed Islamic groups to renounce and stop all forms of violence. The Conference asserts its full commitment to defend the right of

these groups, like all others, to advocate their principles in a peaceful manner, the moment they stop committing and instigating acts of violence.

3- Calls upon the Arab governments to legalize the rights of peaceful assembly and association for all intellectual and political groups and forces, including the unarmed political Islamic groups, within the framework of democratic laws and constitution.

## **Seventh: Tasks and Obligations of the Arab Human Rights Movement**

Emphasizing these demands, especially those of article (1) of the previous section, the Conference treated the tasks and obligations of the Arab human rights movement in some detail as follows:

### **1- Advancing the Struggle for Democracy**

The Conference realizes that the human rights movement is a civil social movement that has among its objectives making political practice more ethical, more committed to the criteria of dignity and fundamental rights, and more devoted to the principle of peaceful struggle and the rejection of violence.

The Arab human rights movement rejects any attempt to involve it in any narrow political interests, or imbue it with a direct political character, and likewise rejects any claim that it is an alternative to political parties. The Conference stresses that the weakness of Arab political parties facilitates violating and trampling on human rights and the organizations that stand in their defense.

The Conference fully recognizes that the apolitical nature of the human rights movement should not blind it to the fact that there is a crucial qualitative difference in the gains of the struggle in democratic and undemocratic systems. If we are to speak of a general strategy for the movement, we can say that it is based first and foremost on encouraging the struggle for democratization and for securing the conditions conducive to the fair and strict application of a democratic constitution and a democratic legal system.

A) Consequently, the Arab human rights movement, while strongly defending its independence from political parties, urges continuous dialogue between human rights organizations and all peaceful political parties, with a

view to cooperation in promoting democratic transformation and respect of human rights.

B) This dialogue may in some instances require drawing up a code of minimum standards for the guarantees of the respect of human rights and democratic principles. The code should be obligatory to all human rights and political organizations, and should allow for the specific political and social contexts in every Arab region or country.

C) The Conference does not discount the possibility of forming a broad alliance for democracy that would include principal civil society institutions such as trade unions, professional syndicates and relevant NGOs, in addition to a number of parties, political figures, and other public actors.

## 2- Common Priorities for Advocacy and Protection

While the agenda of human rights work in each Arab country should be drawn up in the light of its specific conditions, the Conference agrees on laying down some fundamental and common priorities for the Arab human rights movement as a whole in the sphere of advocacy and protection. These include the following:

A) The crucial priority of putting an end to all forms of torture, and of bringing its perpetrators to justice.

B) Lifting the state of emergency and martial law of which a number of Arab countries has suffered for so long. Emphasizing in this respect the necessity of respecting the freedoms of expression, assembly, association, and other fundamental rights and freedoms

C) Stopping the practice of administrative detention, the immediate release of veteran political prisoners, and the termination of all forms of administrative and precautionary detention.

D) Exceptional courts--lacking the fundamental guarantees of independence, professionalism and fairness--should not be recognized as courts in the internationally established sense or as a part of the judiciary. Struggle for legislating guarantees of the independence of the judiciary and safeguarding them against any tampering or intervention by the executive power.

E) Working immediately towards the introduction of fundamental legislative reforms, together with discontinuing the application of exceptional laws, in preparation for democratic transformation and



safeguarding democracy through a favorable and integrated legislative structure.

The Conference realizes that there are more urgent tasks for some aforementioned exceptional Arab cases. Foremost among such tasks and priorities are the following: restoring peace, initiating negotiation, and adopting the necessary constitutional formulas for ensuring peace and justice. These formulas should provide acceptable solutions for problems that flare up, whether between majorities and minorities, or between the standing government and other entities of civil and political society.

The priorities of some organizations include terminating the practice of extra-judicial and arbitrary executions, or those on administrative or political orders, or on the verdicts of courts that lack the guarantees of independence, professionalism and fairness. In other cases, the return to normality means ending military rules and electing a civil government according to democratic laws.

F) The Arab human rights movement considers itself fully responsible for the defense of human rights in those Arab countries where no human rights organizations exist, or where the rule of law does not exist and absolute despotism or anarchy prevails.

### 3- The Struggle to Realize Economic and Social Rights

The Conference firmly believes in the complementarity, interdependence, and indivisibility of civil, political, economic, and social rights.

#### **Thus the Conference affirms the following:**

1- Guaranteeing the right of participation is the backbone of enforcing the right to development, which includes securing the essentials of overseeing the public resources and expenditures of the state by civil society.

2- The necessity of engaging the citizens in all the stages of drafting the state budget. In addition to allocating adequate funds to those sectors impacting directly and vitally on the enjoyment of rights, especially in the realms of health, education, housing and the environment.

3- Notwithstanding the availability of resources, governments should make sure that the measures and policies adopted contribute and inevitably lead to the gradual application of economic and social rights.

4- Notwithstanding the availability of resources, governments are obliged to maintain a balanced allocation of resources among the different regions of the country. This is one of the most vital determinants of the equal enjoyment of economic and social rights and the right to development. Besides, the experience of Arab societies proves that economic unevenness among the regions of the same country--for economic, political or ethnic reasons--helps create an environment conducive to extremism and violence. This does great harm to the other fundamental human rights. (Witness the examples of Egypt, Iraq, Sudan, and Lebanon).

5- In their relations with the international community and financial institutions, governments should not accept any condition by creditors or donors if it violates citizens' fundamental rights or affects them negatively. The Conference recommends that such agreements be discussed in public sessions of the parliament where the concerned civil society organizations are invited.

6- Grantor states and international financial institutions should abstain from imposing any condition or policy that violates human rights standards or leads to the creation of an environment conducive to their violation in the recipient countries.

7- Economic and social rights and the right to development require more effort on the part of the human rights organizations and need to be more firmly established in their outlook and action. They are not charity or grants to the citizens, but fundamental human rights that require effective struggle to safeguard them legally and promote their respect within society.

The Conference notes that the role of human rights organizations in protecting a number of civil and political rights contributes vitally to the struggle for economic and social rights. This applies to their role in defending such rights as the right to participation in the administration of public affairs, the right to form trade unions and NGOs, the freedom of opinion and expression, in addition to defending those persecuted because of their demand of economic and social rights.

#### 4- The Struggle to Entrench Human Rights Values in Arab Islamic Culture

The members of the Conference unanimously agree on the following:

\* The universality of the human rights principles, as the product of the interaction between the major cultures and civilizations in history, including the Arab culture and the Islamic civilization.

\* Our forefathers have contributed throughout history to the formulation of the essential terms of these principles, by their struggles for freedom, justice, and dignity, and against injustice and inequity.

\* Every society has its cultural specificity, including the individual Western societies. This specific character is in a continuous process of transformation because of the interaction between society's component cultures and the effects of new groups and forces.

\* However this specificity does not stand against the full application of human rights principles. But it should be taken into consideration when determining the priorities, approaches, and formulation of the local human rights discourse. Also, cultural, political, and social specificity should be given special attention in human rights education texts.

**Accordingly, the Conference:**

1- Calls upon all the Arab countries that have not ratified the international human rights instruments to do so immediately and without reservations, and calls upon those that ratified them to lift their reservations.

2- Calls upon academics, researchers and jurists in the Arab world to exert effort to unearth the roots of human rights in the Arab culture, to bring into view the contribution of the Islamic civilization in establishing human rights values, and to dismantle that artificial contradiction between some human rights principles and some obsolete fundamentalist interpretations.

3- Calls upon the Islamic Conference Organization to review its 1990 declaration on human rights in Islam, because of the injustices to Islam and the violations of human rights it contains.

4- Urges intellectual engagement with those in the North or the South advocating the clash of civilizations and the inevitability of conflict between Islam and the West. Besides the erroneousness of this theory, its prevalence in propaganda warfare has led and still leads to catastrophic effects on the human rights conditions, especially in European and Islamic societies. It has led to the aggravation of social, ethnic, and religious tensions, especially after it became in Europe and Islamic societies an ideological cover for mobilizing the forces of extremism and bigotry, instigating hatred of the

other. Finally it became a cover for ethnic cleansing massacres, mass rape, and involuntary displacement in Bosnia and Kosovo.

5- Urges all Arab intellectuals and politicians to abstain from entangling religion in a confrontation with human rights, and to consider those rights provided by the international human rights law as a minimum to build upon not to reduce or call for their violation in the name of specificity or any other pretext.

## 5- The Struggle for the Recognition of Women's Rights as an Integral Part of the Human Rights System

The Conference realizes that the Arab world is not only the single exception to the wave of democratic development, but also stands as the almost sole exception to the wave of international recognition of women's rights, their equality with men, and encouraging their assumption of advanced positions in public life. Although most Arab constitutions provide for the equality of citizens without discrimination based on gender, half of the Arab states have not signed the Convention on the Elimination of All Forms of Discrimination against Women. Those that signed made reservations that contradict the very essence of the convention. Moreover, women still suffer in their everyday life from the prevailing view that women are second-class human beings not entitled to enjoy all the rights of men. We need something close to a revolution in this regard, one that would rectify the conditions and imbalances resulting from the counter-revolution that prevailed in the Arab world in the last three decades. This counter-revolution has made ill use of religion, Islamic jurisprudence, customs, traditions, and the pressures which economic transformations brought to bear on women and the vulnerable groups in general. The most prominent features of these conditions are:

\* The predominance of a "culture" that excludes women, and confines them to the private sphere, with an over-evaluation of their roles as mothers and wives at the expense of their status as human beings. The symbolic and actual power of this culture has deep impacts on women's everyday life. Unfortunately, personal status codes enshrine this culture in most, if not all, Arab states. Most of these laws have not changed since the beginning of the twentieth century while we stand only months away from the twenty-first. This culture resists giving women some rights in the public sphere (such as voting or working) as they are denied their rights within the private sphere.

Moreover, in practice this culture prevents women from enjoying the rights they have already secured.

\* The different forms of violence and humiliation to which women are subjected within the family, in the workplace, or in public, find their roots and support in the traditional conceptions that deny them full competence.

\* Women's subordinate status is not just inherited; the official policies reproduce it every day, whether implicitly or explicitly, through written and unwritten laws and by the practices of such institutions as the judiciary, the media and the education system.

**Accordingly, the Conference affirms the following:**

A) Women's enjoyment of their rights is an integrated process that should encompass the different aspects of their lives, in the private and public spheres. Without combating the violations of women's rights in the family, they would not be able to exercise the rights they have acquired in the public sphere.

B) Real equality goes beyond legal equality to changing the traditional conceptions and contesting the stereotypes of women. Thus it requires a comprehensive revision of laws and legal practices, the revision of educational curricula in all school stages, as well as the critical monitoring of the contents of the media message.

C) Demanding legal empowerment of women is not a luxury called for by elite women. All women demand it in manifold ways as courtrooms in Arab countries could testify. Also, the Arab human rights movement considers it an integral part of its program of action in defense of the rights of men and women in the Arab world.

D) Overcoming the historical injustice done to women's rights requires a number of temporary affirmative actions, so as to help women—and society as whole with them—surmount the historical barriers that prevented them from contributing with all their potential in reshaping Arab societies towards the enjoyment of human rights by all Arab citizens.

The process of empowerment we that demand includes a host of concerted measures in several spheres. Among them are:

1) The critical review of all the laws that affect women's lives, first of all personal status codes. Human rights and women's rights organizations should take part in such revision. Also, civil and criminal codes should be developed so as to be able to deter all forms of violence against women, whether in the private or public spheres.

2) Calling upon all the Arab states that did not ratify the Convention on the Elimination of All Forms of Discrimination against Women to do so and to withdraw their reservations. Human rights and women's rights organizations should refute these reservations through legal, social and cultural studies. Combating the culture of discrimination is the same thing as confronting the loci of conservatism and resistance to modernization. Also, the adoption of audacious stands to expose those hiding behind religion in order to legitimize the subordination of women not only deepens the discussion on the relation between the religious question and the enforcement of human rights, but also has an educational dimension for the rising generations.

3) The continuous monitoring of the Arab states' fulfillment of their international commitments regarding women's enjoyment of rights and of their duty in protecting these rights.

4) Considering the possibility of allocating a quota for women in parliaments, representative institutions, and public bodies (i.e. affirmative action) as a temporary measure. This should stand until appropriate frameworks for women's voluntary activity take shape, and until there is better awareness of the necessity of equality and the need to eliminate all forms of discrimination.

5) Establishing civil institutions that would assist in the economic and social empowerment of women, through training and social welfare, especially to provide assistance in cases of unemployment and disability, and solidarity in cases of divorce, indigence, domestic violence, etc.

## 6- The Rights of the Child

Children in the Arab world are subject to numerous kinds of suffering and violations of their rights firstly as humans and secondly as children. However, the most perilous of these violations are certainly those resulting from the economic sanctions against Iraq, and from the aggravation of internal armed conflicts (the cases of Algeria, Yemen and Sudan), in addition to the expansion of the street children phenomenon and child labor.

Children are marginalized and excluded from the dynamic of social action and its human dimension. They are the weak side even in the relations between men and women. This is despite the fact that children, in a sense, constitute the human infrastructure, which should place their issue in

the highest priority and improve their treatment to reach the level provided by the International Convention on the Rights of the Child.

**In this respect the Conference calls for giving utmost concern to the following recommendations:**

A) Criminalizing the engagement of children in armed conflicts, and supporting international efforts aimed at raising the minimum age of military conscription to 18 years. The Conference calls upon all belligerent sides to uphold this principle.

B) Drawing up an Arab strategy to: confront the phenomenon of child labor, combat all forms of economic exploitation and sexual abuse, ensure the full protection of children against all forms of violence and maltreatment, and prohibit the employment of children in occupations that may harm their health, security, or morals. All the relevant institutions should adhere in their treatment of delinquent juveniles to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), especially the prohibition of the confinement of children in adult detention facilities.

C) Prohibiting the implementation of capital punishment in crimes committed by children under 18 years of age, until capital punishment is abolished entirely.

D) Urging the Arab states to lift their reservations on the Convention of the Rights of the Child, and to bring their legislation into conformity with the essence and purposes of this convention, and supporting the international efforts to adopt its supplementary protocols.

E) Including children rights in the curricula of teaching colleges and other colleges whose graduates deal with children.

F) Urging the Arab non-governmental organizations to prepare parallel reports on the conditions of children, and to submit them to the International Committee on the Rights of the Child on the occasion of reviewing reports by governments on the application of the provisions of the International Convention on the Rights of the Child in their countries.

## 7- Priorities of Human Rights Education and Dissemination

Recognizing that the first line of defense of human rights is the awareness of the citizens of their rights and their willingness to guard them, the conferees consider the dissemination of human rights culture, human rights education and socialization according to their principles are tasks of utmost priority. Accordingly, they affirm that:

A) Access to the forums provided by the media and the educational institutions is a central priority in this respect. It is essential to work towards defeating all obstacles thereto.

B) It is necessary to try by all means to convince the governments to facilitate the work of human rights education institutions, including the participation in joint projects where possible. However, this should not be at the expense of the independence of these institutions or involve their employment against human rights organizations working in the field of protection and monitoring.

C) In this respect, it should be noted that the latter organizations play a vital indirect role in the dissemination of human rights culture through their successive appeals and reports on violations.

D) Adding the subject of human rights to the regular educational curricula is not the only point of entry. Indirect approaches might be more effective, such as eliminating that which contravenes the values of human rights from the current curricula, or enriching different courses with human rights values. In all cases teaching methods should be upgraded so as to be relevant to the students' interests, lives, and aspirations.

E) Cooperation with the forums of artistic creativity and developmental non-governmental organizations constitutes a vital sphere for the widest circulation of the human rights message, given their close connection with the people.

F) It is necessary to focus on some intermediary groups due to their vital role in the dissemination of human rights culture, such as teachers or media personnel, or their daily engagement with human rights violations, such as judges and lawyers.

G) It is necessary to design suitable long-term plans for working with Muslim and Christian preachers so as to encourage their role in this respect.



H) Where access to the media is impossible or scarce, human rights organizations should attempt to plan for establishing their own media channels (newspapers, radio or TV), even if abroad, preferably through frameworks for regional coordination.

## 8- Tasks relating to the Advancement and Upgrading of the Performance of the Arab Human Rights Movement

The Conference recognizes that human rights organizations have no means for the protection of human rights other than mobilizing public opinion in a peaceful and organized manner to generate pressure on governments. Such pressure is employed to bring local legislation into conformity with the principles of human rights, to enforce the rule of law in concordance with these principles, and to bring those who breach it to account. To this end, human rights organizations have to open dialogue with governments, members of parliament, parties, trade unions and civil society institutions. They also have to file claims before the Supreme or the Constitutional Court, make use of the media, and inform those international associations concerned with human rights of both positive and negative developments.

### **Accordingly the Conference asserts that:**

A) Wherever the channels of dialogue are constricted or completely absent, access to public opinion restricted, executioners impune, defense of human rights impugned, and hence the chances of realizing justice and equity are slight or absent, the relative weights of the work methods of human rights organizations change substantially. With barring human rights organizations from addressing and mobilizing the local community, they move away from the strategies of negotiation and dialogue to those of exposure and confrontation that are mainly aimed at the international community and that target the enforcement of international justice.

B) It is necessary to take note of the fact that a new era of international criminal justice is about to dawn, with the convention on the International Criminal Court being open to ratification and with the international community's pursuit of the executioner Pinochet. Perhaps Pinochet will not be imprisoned, but the efforts to bring him to justice and to divest him of immunity and the possibility of his arraignment in a country other than

Chile can be considered not only justice for the victims and their families but also a deterrent to all executioners. There is a number of Israeli and Arab executioners who have committed war crimes and crimes against humanity who are still at large, some of them still in power. It is incumbent to seek to bring them to justice wherever they are.

So that they will not escape justice, it is necessary for human rights defenders to develop new ways for the collection of information, so that they can be used as evidence before courts. It is not enough to present published reports on torture or killings; serious criminal investigations should be carried out; witnesses should be reached and evidence should be collected and submitted to court. In addition, coordination on the local, regional and international levels should be promoted to ensure effectiveness.

C) With the spread of globalization, it is necessary that human rights organizations develop appropriate mechanisms and work methods on the local, regional, and international levels, to monitor bilateral, regional, and international agreements in this respect. They should observe their repercussions, positive or negative, for the realization of economic and social rights. One possible reaction to the negative repercussions of the ongoing economic globalization is to expand the global dimension of the relations among NGOs in the world, and to increase the exchange of information and experience in this respect. The Arab human rights organizations have much to learn from their counterparts in Asia and Latin America.

D) It is necessary for the Arab human rights organizations to establish suitable mechanisms to follow the astoundingly increasing technological advancement and to study its negative and positive implications on human rights. This necessitates attracting specialized technical expertise and having closer relations with scientists, especially in the fields of informatics, forensic medicine, psychiatry and genetic engineering.

## 9- Protection of Human Rights Defenders

Considering the protection of human rights defenders to be a crucial task of the Arab human rights movement, **the Conference affirms that:**

A) Such protection includes their rights to receive information, hold meetings, and enjoy freedom of expression and the right to contact all the

relevant local, regional, and international parties. Protection should also encompass the right of human rights organizations to resort to local and international law and to local, regional and international institutions to represent the victims, to advocate the internationally recognized human rights principles, to disseminate human rights culture and to mobilize the necessary resources. This all should be codified in local legislation in accordance with the international declaration adopted last year (the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms). The Conference absolutely rejects the reservations to this declaration made by 14 Arab countries.

B) The attitude of each Arab government towards human rights defenders will determine how the human rights movement deals with it, negatively or positively, on the local, regional and international levels. The Arab human rights movement will not reward those governments that trample over or marginalize human rights by conniving at their crimes. It will uphold its duty toward the peoples and human rights organizations suppressed in their countries. It will to this end establish suitable mechanisms to carry out these tasks in utmost efficiency, in coordination with the concerned regional and international NGOs, and with the concerned UN Special Rapporteur.

C) It is obligatory that human rights defenders of their own accord adhere to the following:

\* Political neutrality. This of course does not mean being impartial towards both the victim and the executioner. But it certainly does not mean advocating the religious or political ideology or political agenda of the victim either.

\* Established professional standards in this field.

\* Established standards of democratic review in civil institutions.

\* Complete transparency concerning sources of funding and expenditure, and publishing yearly reports thereof.

Commitment to enforce these principles is a duty commensurate with the task of defending human rights. In addition, it helps establish elements of a preventive network for advocacy that is based on the belief that human rights principles are universal but the strategies of their defense are deduced

locally and applied in coordination with local, regional and international sides. These strategies are based on the specific nature of the political, social, and cultural environment where violations occur and on the nature of the local public opinion's response to human rights violations and to human rights advocacy. This self-commitment may require founding a body to represent civil society in overseeing the performance of the human rights organizations and their adherence to these standards.

## 10- Tasks of Coordination between the Arab Human Rights Organizations

### **The participants recognize that:**

1- A number of the principal recommendations included in this programmatic instrument cannot be realized without the elevation of bilateral and collective coordination between the Arab human rights organizations to the highest level.

2- The very convention of this conference is a clear indication of the recognition of the serious shortcoming in this regard, and of the need to overcome it.

3- The lack of national and regional coordination mechanisms and structures that are fitted to the gravity of the challenges to the Arab human rights movement (as shown in previous sections of this instrument) constitutes an obstacle to the promotion of its efficiency and the realization of its enormous tasks. This is especially so given the close resemblance between the political, cultural and social environments where human rights are violated in the Arab world and its implication on the tasks of defending these rights.

4- There is an urgent need for the human rights movement in the world at large to review the present structure of relations between its components on the local, regional and international levels. The quantitative and qualitative developments of the human rights movement in the South should be taken into consideration. The movement should strive to establish a new international mechanism, based on continuous and dynamic consultation to promote partnership and parity among its components. This is to help further the effectiveness of the movement on the international, regional and local levels.

Accordingly, the Conference resolves to consider the tasks of coordination between the human rights organizations in the Arab world, the ways of promoting the efficiency of the Arab human rights movement, and the creation of suitable mechanisms and structures as matters of ultimate priority.

# The Conference Papers



# **The Arab Human Rights Movement Task of Challenges "Background Paper"**

Bahey El Din Hassan\*

The nineties witnessed a qualitative and quantitative growth of the human rights movement in the Arab world. The number of human rights NGOs currently exceeds fifty,<sup>(1)</sup> covering the fields of monitoring, protection, awareness raising, education, legal assistance, research and victim rehabilitation. As a result of their activities, the human rights records of most Arab countries have been disclosed to both the Arab and the international community,<sup>(2)</sup> whereas in the eighties this task was performed only by international human rights organizations.<sup>(3)</sup> In addition human rights principles gained the approval of mainstream Arab political culture,

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<sup>1</sup>Fateh Azzam, "The Conditions and Needs of the Human Rights Movement in the Arab World." unpublished study, 1996.

<sup>2</sup>Bahey el-Din Hassan, "Challenges facing the Human Rights Movement in the Arab World," Rowaq Arabi, issue no. 1, January 1996. CIHRS.

<sup>3</sup>Bahey el-Din Hassan, "Toward a Comprehensive Strategy for Human Rights in the Arab World." In: Islam and Justice: Debating the Future of Human Rights in the Middle East and North Africa. Lawyers Committee for Human Rights, New York.



whereas previously they had been perceived as an American plot to dominate the Arab world.<sup>(4)</sup>

This development was the result of the following:<sup>(5)</sup>

1- Increased general awareness of the value of democracy and human rights in light of the chronic failure of Arab regimes, which used the values of social justice and national liberation as justifications for sacrificing human rights.

2- Political parties' inability to assimilate the substantial political and social transformations of the last three decades.

3- The rise of the Islamic political movement in the Arab world, with its agenda threatening new restrictions on the freedoms of expression, religion, and belief and on women's rights. Intellectuals realized that the human rights movement is an avid and outspoken advocate that would not succumb to blackmail in the name of religion.

4- Signs of violent polarization between the Arab ruling regimes and political Islam.

5- Heightened sensitivity on the part of more and more Arab regimes regarding their image before the international community.

6- Exceptional moral and material support extended by the international community to the Arab human rights movement, especially by the international human rights NGOs.

7- The rise of a new generation to the forefront of the human rights NGOs, characterized by increased professionalism and willingness to separate political backgrounds from commitment to human rights issues<sup>(6)</sup> They are also adept at mass politics due to the training they acquired in the

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<sup>4</sup>Muhammad Said, "The Internal Problems of the Arab Human Rights Movement," Rowaq Arabi, issue no. 3, July 1996, CIHRS, 1997, Later on published in English in Bahey El Din Hassan (ed), Challenges facing the Arab Human Rights Movement, CIHRS, 1997.

<sup>5</sup>Hassan, op. cit.

<sup>6</sup>Ibrahim 'Awad, "The International Relations of the Arab Human Rights Movement," Rowaq Arabi, issue no. 3, July 1996, CIHRS, Later on published in English in Bahey El Din Hassan (ed), Challenges facing the Arab Human Rights Movement, CIHRS, 1997.

students' and syndicates' movements and political parties in the sixties and seventies.<sup>(7)</sup>

## **Challenges Facing the Arab Human Rights NGOs**

This development faces some difficult obstacles that can not be ascribed solely to the Arab ruling regimes.

### **First: Obstacles Related to the Arab Cultural, Social and Political Environment<sup>(8)</sup>**

1- Lack of legal status in most Arab countries.

2- Lack of political legitimacy, as a result of:

a- The fact that both governments and most opposition parties consider the human rights movement either an alien phenomenon or a platform that political opposition parties believe they have the right to manipulate or dominate.

b- The lack of trust between the human rights movement and the Marxist and pan-Arab nationalist movements, which have great weight and influence in political and cultural life.

c- The Arab political and intellectual community's focus on the issues of the collective rights of the Arab peoples against the foreign "other" instead of linking both collective and individual rights as a precondition of achieving progress in either sphere.

3- Lack of cultural legitimacy as a result of:

a- The low status of democracy in the dominant political culture as opposed to the values of national liberation and social justice.

b- Denying the issue of cultural specificity its due status.

c- The novelty of human rights culture.

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<sup>7</sup>Saiid, op. cit.

<sup>8</sup>Hassan, op. cit.

4- Lack of a social base, as a result of:

a- All of the aforementioned factors.

b- The fierce war governments have waged on the movement employing both the media and the security apparatuses.

c- The weakness of civil culture and of new civil society institutions.

d- The confusion of its public image with the widespread manipulation of human rights in international politics, which distorts and hinders dissemination of its message.

## **Second: Obstacles Related to the Ways Human Rights Organizations Carry Out their Work<sup>(9)</sup>**

1- Failure to develop a discourse that would address changing cultural specificity without sacrificing the universality of human rights principles.

2- Failure to develop a common discourse and practice that are consistent with human rights principles concerning issues related to war and peace (such as the Gulf War and the Arab-Israeli Conflict)

3- The emergence of new types of human rights violations for which the current mechanisms are insufficient. These mechanisms accord key importance to the legalistic approach and to the activities of monitoring and observing. An important example of such violations is the actions of some Islamist groups in the Arab world.

4- As a result of the lack of awareness of the problems of the human rights movement in the political and cultural setting of each community, the current patterns of education and training in most of the human rights NGOs in the Arab world may be playing an indirect role in sustaining and aggravating the crisis. Such may be the case when those trained do not recognize the challenges they will face and thus have no response but to reiterate the abstract simplification of human rights principles they have

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<sup>9</sup>Ibid.

learned, or otherwise to draw on the positions of the political trend to which they belong.

5- The predominant competitiveness among most NGOs--vertically and horizontally, regionally and locally-- which wastes a great deal of their efforts and tarnishes the dignity of their message.

In addition, the circumstances of the emergence of human rights NGOs in the Arab world constitute yet another source of challenges, most prominent of which is the danger of politicization. The fact that most founders of the human rights organizations belonged to political movements (Marxism and pan-Arab nationalism) restricted these organizations' openness towards the greater society. Sometimes the action plans and positions of organizations were colored by the predominant political tendency within this or that organization. Also, this constituted an inexhaustible source of internal political strife among contending political cliques belonging to the same political trend.<sup>(10)</sup>

Procrastination in resolving these two types of challenges (those related to the political and cultural environment, and the working habits of human rights organizations) has led to multiple crises and internal disputes, leaving deep scars in the Arab human rights NGOs. Even worse, it has perhaps already led to the dissolution of some and has allowed governments that oppose human rights to manipulate others.<sup>(11)</sup>

When major human rights NGOs in the Arab world (Tunisian, Egyptian, and the Palestinian "al-Haq"<sup>(12)</sup>) were hit by crises, it was a wake-up call to

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<sup>10</sup>Saiid, op. Cit. There are two important studies on the issue of politicization that were published by the CIHRS in: Challenges facing the Arab Human Rights Movement. The first by Dr. Amin Makky Madani (Chairman of the Sudanese Organization for Human Rights), titled: "The Problematic of the Human Rights Movement in Sudan." The second by Abdel-Aziz Bannani on the human rights movement in Morocco.

<sup>11</sup>Saiid, op. cit.

<sup>12</sup>On the crisis of the Tunisian League, see: Munsif al-Marzouqi, "Arab Human Rights Organizations: A Difficult Mission -- On the Specificity of the Tunisian Experience," (Arabic) Rowaq Arabi, issue no. 3, July 1996, CIHRS. On the Crisis of the Egyptian Organization for Human Rights, see: Muhammad Saiid, "Roots of Turmoil in the Egyptian Organization for Human Rights: Dynamics of Civil Institution Building," Cairo Papers in Social Science, Vol. 17, AUC, 1994. Those studies were later published in Arabic and English in: Challenges facing the Arab Human Rights Movement. Op. cit.

be heeded with the appropriate seriousness and from which lessons should be learned. It should be noted in this regard that the diverse organizational structures of the three organizations (open or closed) did not preclude their suffering from generally similar crises.

## **Urgent Tasks**

With the growth of the human rights movement in the Arab world, there are several tasks that must be accomplished. They can be divided into three groups:

### **First: Policy-Oriented Tasks**

1- Regular consultation to evaluate the situation in the Arab world and how major political issues (e.g. the Arab-Israeli conflict, the Peace Process, the Islamic political movement, and inter-Arab armed conflicts) affect working strategies in the human rights field.

2- Drawing up a strategy for the Arab human rights organizations concerning the agreement of Arab ministers of interior in their meeting in January 1997 in Tunisia to consider Arab human rights NGOs a threat to national security.<sup>(13)</sup> The gravity of this development is further exacerbated by the fact that this directive was secret and not announced publicly, while their coordination in confronting human rights NGOs is starting to materialize on the ground.

3- Coordinating and mobilizing the efforts of Arab human rights NGOs to intervene with inter-governmental organizations (the United Nations, the African Commission on Human Rights and the Euro-Mediterranean framework "the Barcelona Declaration") regarding the human rights conditions in their countries, especially in view of obstacles to the flow of information, which facilitates governments' evasion of responsibility for their records. Ways of activating the Arab League in this regard should be examined.

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<sup>13</sup>See: Al Hayat newspaper, January 8, 1997.

4- Offering advice to the international human rights NGOs on developing priorities and a balanced interest in the human rights records of Arab countries. Also, exerting pressure to restrict the influence of political considerations in their work,<sup>(14)</sup> which has helped the notorious human rights records of some Arab countries to remain unaccounted for (Tunisia for example).

## **Second: Institutional Tasks**

1- Revising prevailing educational and training methodologies and programs in the light of the priorities of the needs and development of the human rights movement in the Arab world. Also, offering advice on these priorities to international organizations undertaking human rights educational activities in the region.

2- Looking for ways to support institution-building among Arab human rights NGOs.

3- Making clear the priorities of the Arab human rights movement to the donor organizations active in the Arab world.

4- Considering the possibility of mobilizing Arab resources for financing the Arab human rights movement.

## **Third: Intellectual Tasks**

1- Drawing up strategies to link the struggle for the collective rights of the Arab peoples to that for their individual rights.

2- Drawing up strategies to face ideas of the dominant political culture in the Arab world that support the marginalization of human rights

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<sup>14</sup>On the problematics of the relations with the international human rights NGOs, see: Bahey el-Din Hassan, "Towards a Consistent Strategy for the Human Rights Movement in Egypt," *Rowaq Arabi*, issue no. 3, July 1996. Also by the same author: "Reclaiming the Initiative," *Rowaq Arabi*, April 1997.

3- Drawing up strategies to face the predominantly conservative interpretations of Islam that are used to justify lack of respect for human rights and to legitimize their violation

4- Defining the priorities of scientific research in human rights in the Arab world, and mobilizing efforts in this regard.

# **Universality and Particularity**

## **Human Rights Discourse and Arab Culture**

El Baqir El Afif\*

### **Introduction:**

The principles of human rights in their present form are a Western idea by birth and roots. Due to their origin they have remained a source of cultural and philosophic controversy, partly due to the cultural vacuum in which they appeared and partly to their content and methods of realization. The problem of the universality and particularity of human rights occupies a prominent place in this controversy. In the Arab and Muslim World, the debate about universality and particularity is related to other matters such as "cultural honor." A number of questions arise in this debate, which opponents in the Islamic world never tire of repeating, such as why Muslims should adopt the idea of human rights by naturalization. Why should they agree to them as a standard against which their culture will be measured, and their religion judged? What is the evidence for their correctness in any case? Is there any congruence between them and Islam? What about the rights of God? And finally, isn't there, in their adoption, an intellectual

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negation, an expatriation from cultural roots, a self-denial and self-debasement? These questions, in spite of their manipulation for many purposes, are legitimate questions which must be confronted, and an attempt must be made to answer them.

### **The Universality of Human Rights:**

As for why human rights should be a standard, their supporters reply: They are universal. But the question becomes: from whence did they derive their universality? The philosophers elucidate: The universality of human rights is derived from intrinsic reasons related to the essence of the concept, in as much as they represent the best or nearest means of achieving human dignity, and it is also derived from objective external reasons related to the agreement of nations signatory to the Universal Declaration of Human Rights on their acceptance as criteria. As for verifications of their correctness, according to those philosophers, they are intuition and common sense. Intuition determines intuitive matters, which are extremely obvious and do not require any specialized learning to be known but are acquired through common sense. Of these intuitive matters, for example, is that people are equal in human value, and should be so in the eyes of the law, without discrimination due to their color, religion, or gender. Another intuitive matter is that one human being does not possess another. Also, there should be no infringement on the consciences of people; they should be left free to believe in whichever religion they choose. Once this is clear, it will also become clear that this is exactly what made human rights universal in nature: they deal with human beings on the basis of their humanity, forgoing social, political, and geographic differences, and relating to what is held in common between people, i.e. an unadulterated nature that refutes inequity, abhors discrimination, and seeks justice and equality. We notice that this is the same logic followed by the philosophers of the American and the French Revolutions when they declared these rights to be natural and as indelibly connected to the human person as their hand-print or color of skin, and that they are self-evident, needing no external proof, unless the light of day required evidence.

## **The Relativity of Human Rights and the Particularity of Culture:**

This logic was not accepted by everyone, however, and the question of cultural dependency remains hanging over heads and is being put forward by many cultures. This is taking on the shape of a complete philosophical school that opposes the principle of universality of human rights and espouses their relativity. This school advocates the idea of respect for the cultural particularity of diverse societies, with the focus being that the concepts and values of human rights were a part of Western liberal culture, and that there is nothing that proves that these are universal concepts. For example, liberal values call for the sanctification of individual rights but they curb group rights. They affirm democratic politics, while giving no assurance of economic democracy or social justice. What makes the first values universal and the second not? And why is democracy considered to be a human right, and socialism not? The obvious answer reiterated by the proponents of cultural relativism is that the political clout of the Western nations decided on these issues, and the Universal Declaration of Human Rights came as an embodiment of Western liberal culture. This is due to the political domination of the allied nations who came out of WWII victorious and set about harvesting the fruits of their victory. Among these fruits was the propagation and universalization of their cultural values. This rationale goes on to say that liberal culture represents in reality the other side of socialist culture, which was prevalent in Eastern Europe, and which attempted to achieve economic justice and at the same time inhibit political freedoms. If the socialist systems forbade the individual the freedom of expression, for instance, then the liberal systems deny them the factors of influence and then leave them to practice their freedom of expression. It is as if they take away from them with the left what they give with the right. Therefore the difference between totalitarian and liberal systems is rather in the degree of control and the means used to realize it, and not in the end results, which are the control of peoples and the management of their abilities. Whereas totalitarian regimes enforce compliance, liberal regimes opt for manufacturing consent. The former bridles the individual with a rein of steel, while the latter curbs them with a bridle of silk. What makes the silken rein part of human rights? Is it not also a bridle?

## **Good Means Toward an Evil End:**

Discussion of the cultural particularity or relativity of human rights contains a lot of good means employed toward evil ends, and the argument has been used to justify many violations of human rights and to give them a cultural legitimacy that helps perpetuate them. In our Islamic World this rationale was often used to justify discrimination against women, especially regarding polygyny, female inheritance, female testimony, and the issue of women holding public office. It was also used to justify the repression of peoples and the taking away of their basic freedoms. Having acknowledged these pitfalls, we will find for instance that one of the truths in the relativity argument is that the Universal Declaration of Human Rights is loaded with Western cultural values, some of which cannot be considered global or universal, or at least are surrounded with controversy, such as capitalism, and the class system. This system allows a minority, who control wealth and monopolize the news media, to direct public opinion for their own interests, not towards the interests of the vast majority of the population. The monopolization of information is one of the most dangerous types of monopoly, because it leads to the manipulation and control of minds. People do not lack the ability to discern but they lack the information necessary to make discernment possible.

Among the truths in the relativity argument also is that cultures differ. This is a verifiable truth about which there is no controversy. But they also meet, cross-fertilize and debate. For cultures are living entities that grow and develop, affect and become affected, and as a result of that fertilization, they lose some characteristics and gain some attributes which they lacked, and expose each time their pure essence, buried inside their shells, hidden in their interior, and obscured by a debris of customs, traditions, values, and inherited behavioral patterns. This acculturation helped to make this debate possible. Also communications technology, which changed the world into a small village, sped along its contents, and like every other small village, it must have shared morals and values.

The law of evolution will not cease, and accordingly different cultures must have meeting points, while not blurring the lines of distinction between them. Just as people have their human essence in common--they are essentially human beings with minds and hearts, despite their different appearances, skin color and eyes, and ways of living--likewise, cultures meet in their essence. This is connected with the essential nature of humankind, despite their myriad differences from each other in the outward manifestations of human societies.

## **Stipulations for the Actualization of the Universality of Human Rights:**

Universality can first be realized by proving that a particular right gives expression to the pure nature of humanity and is not an expression of the altered character of people. A right does not become an expression of pure nature unless it comes from the clear mind and sound heart of a person--an unbiased, balanced person. The criterion for a universal right is that its application will not lead to the maltreatment of or denial to other persons of the same right. For instance, consider Article 17 of the Universal Declaration which states: "every person has the right to own," specifying the right to own goods, real estate, and other possessions, individually or jointly with other individuals. We find that it makes of capitalism, as it is practiced in the liberal West, one of the human rights of a universal character. Is it truly so? Does it express the wholesome nature of humanity? Or does it lead to oppression of or exploitation of other people? In truth, it is not on par with Article 18, which states: "every person has the right to freedom of thought, conscience, and religion." The universality of the previous article is easy to prove by applying the criterion mentioned before, which is not to cause harm to others. Freedom here is specified by the parameters of the freedom of others. However, in the case of Article 17, the situation differs, because there are no barriers to ownership, and due to the limitation of financial sources, any accumulation of wealth by an individual or quarter means, in effect, the denial of it to another. Also it will inevitably lead to an exploitative relationship between them.

The second stipulation for the realization of universality is the unanimous agreement of the international community. This unanimity will not occur solely upon the signature of nations on the Universal Declaration, or any other agreements and treaties, although that in itself is important. It will only occur when the varied cultures embrace these rights. For any right endorsed by a particular culture would have gained legitimate status inside that cultural entity, and any right endorsed unanimously by the cultures of the world would thus have gained the status of universality. This is a complicated and a long-term operation, and it represents the mechanism of cultural dialogue.

It was stated earlier that cultures are united in appearance but essentially different. They are in a state of perpetual motion and constant internal debate. Cultures develop slowly in general, and at different rates, but persistently. In that internal debate, they try to extrapolate their essence from their external shell. The essence of cultures is hidden within them, as intrinsically as fire in a stone, struck off by friction with other stones, and as

integral as butter to milk, brought forth through inner movements produced by constant churning. By the same degree a culture manages to leave its outer skin, it distances itself from its local character. Again, as much as it draws nearer to its essence, it gets closer to its universal attribute. Perhaps Western culture is the closest culture in the world to its essence, and because of this it achieved a great deal of universality. All cultures will draw nearer to their essence, and when they reach their essence, they will discover that they are in reality the same. When this happens, the dispute about universality will disappear.

### **Arab Islamic Culture:**

In what was written above we discussed the basic ideas related to the issue of universality and the particularity of human rights. We also presented questions such as why Muslims adopt the idea of human rights. Why do they agree upon their becoming a standard against which their culture is gauged and upon which their religion is judged? Is there a means of reconciling them with Islam? What if there was in their adoption an intellectual negation, an expatriation of cultural roots, self-denial, and self-debasement? These questions, despite being exploited for many ends, are otherwise legitimate, and there is no escape from grappling with them and trying to answer them.

### **Why Do We Adopt Human Rights?**

The argument rejecting human rights for the sole reason that they are the product of another culture, i.e. Western culture, is null and void. First, it ignores the contents of these rights and evades their discussion, and it puts obstacles in front of cross-cultural debate. Second, it presupposes that everything produced independently of our culture must be harmful to us. The weakness of this argument lies in its reliance on a paradoxical logic. Its promoters do not abstain from the other products of this Western culture, and in fact, they enjoy everything that it invented in terms of technology. In the same way, they launch into their vainglorious historic diatribe, concentrating especially on the role played by the Islamic culture in the European Renaissance, and they overlook the fact that the Renaissance produced, among its concepts, the idea of human rights. The question that should be asked in this respect is why should some people try to find a relationship between Islamic and western cultures in specific fields, and try their utmost at the same time to deny any relationship with it in other fields.

A more sound method involves inspecting the contents, measure, and intention of human rights. As to their intention, it is the achievement of human dignity for all humanity, for humanity's sake. The essence of human rights is equality. Their criterion is equal treatment, and not harming others. As to their contents, whether they are the thirty Articles contained in the Universal Declaration, or the agreements or treaties augmenting them which followed, they are open to debate, agreement and dispute, along with being amendable by addition or deduction, under the guidance of the principle of the universality of human rights.

### **Why Have Human Rights Become a Standard?**

Why have human rights become a standard? It is because they espouse noble human values, which give them considerable moral strength and invest upon them a stature of passing judgement on others. For instance, the opponent of slavery holds the moral high ground compared to that of its practitioner and advocate. Similarly, the person calling for racial equality is morally superior to one calling for racial discrimination. Naturally, the first will become a judge, while the second will become condemned. So long as in Islamic culture there are found to be representations of types of discrimination based on religion and race, and as long as it has aspects of inhibition on the freedom of belief, it will remain in the position of a condemned person.

### **Is There a Way to Reconcile Human Rights and Islam?**

The answer to this question is not possible without specifying the parameters. For this reason, we must introduce some expressions in common usage, such as Islam, Nas (Scripture), Fiqh (doctrine), and Shari'a (Islamic Law).

### **Islam and Scripture:**

First we must state an important truth, which is that any abstract discussion of Islam will not be useful, and it must be linked to a school, or doctrine, or person, or a specified group. It must therefore be a discourse about interpretation, and understanding of the scriptures which represent the sources of Islam, and these scriptures are the Holy Qur'an and the Sunna (Tradition of the Prophet), because "the Qur'an doesn't talk, but men talk

about it," as Ali Bin Abi Talib said. Also, there is no verse, however holy, which has an autonomous meaning that is compulsory and final. Meanings are extracted by complex operations carried out by the mind, within the framework of and controlled by the relationships of time and place, with all that is included within them, such as interests, habits, traditions, and prevailing perceptions, along with other types of relationships.

Early Muslims had many bitter conflicts resulting from differences in the understanding of a single verse, despite the fact that they lived in a similar time and environment. Due to this conflict groups such as the Kharijites, Mu'tazilites, and Shi'a appeared and separated themselves from the mainstream of Islam, which gave itself the name of the People of the Sunna and Jama'a. The mainstream itself then became diversified in its cognition of the meaning of certain verses, which gave rise to a lesser form of conflict, and its manifestation took on the form of multiple schools of doctrine. These ideologies came to represent the intellectual refuge for this conservative mainstream.

This mainstream differed from the groups that broke away from it in that it was a conservative entity, which was predisposed towards fixing reality and shying away from anything that could lead to the disturbance of social stability, even if this meant the acceptance of absolute oppression. For instance, while Kharijites and Mu'tazilites saw the necessity of resisting an unjust ruler, the conservative mainstream called for the obedience of the ruler even if he was an oppressor or a lecher, due to their fear of strife. There is another difference, which is that the conservative mainstream gave more importance to transcription than it gave to the intellect, and accepted evidential law (i.e. the Prophetic Tradition or Hadith), whenever they could ascertain its authenticity, even if it clashed with logic and the perceived interest of society. They found it necessary to restrict the work of the human intellect in unlocking Qur'anic or Prophetic scriptures, balancing between them if two or more verses were contradictory, as well as giving greater weight for some verses over other. In other words they worked within the literal meaning of the verse without transgressing its boundaries, and in one phrase, reining-in the mind.

### **Fiqh (Doctrine):**

Fiqh represents the intellectual ideology of the conservative mainstream, as we decided previously, and it had a deep effect in shaping the culture of Muslim societies and in forming their consciousness, for they

borrowed from it their legal and educational systems, ways of thinking, and methods of production of knowledge. This effect continued from the beginnings of the Fiqh in the eighth and ninth centuries CE, at the time of the Abbassid Dynasty, until the twentieth century with the demise of the Ottoman Caliphate, when its influence began to contract.

Linguistically, Fiqh is deep familiarity with any branch of the knowledge and epistemics. It is an expression that denotes the efforts of scholars in their attempts to understand the Shari'a (Islamic Law), from its basic sources, or the Qur'an and the Prophetic Traditions (Hadith), which are also known as the Book and the Sunna, along with what is produced from this cogitative effort by way of thought, views, and judgements. Fiqh, therefore, is the human comprehension of the holy scriptures, and clearly, understanding of the scriptures is not equivalent to the scriptures themselves. In addition, the scriptures, without the interference of the human mind, have no meaning in themselves, and no verse has only one meaning, the exception being rare, and this is due to the scholars of Fiqh delineating very few verses whose words give their meaning at a glance.

The development of Islamic Fiqh has taken a path that is almost opposite to the development of Western legal doctrine. By agreement of specialists of Islamic studies, both oriental and orientalist, the first 150 years of Islamic history were characterized by unlimited freedom in the field of legal doctrine, when the mind commanded the verse and was not subjected to it, because the first disciples were very flexible in their dealing with the sources of legislation. They used to favor the common interest, even if it was in contradiction with the scripture. The example, which researchers never tire of repeating, is what 'Umar Ibn al-Khattab did by way of annulling the contribution of the Blended of Hearts despite the presence of a Qur'anic verse dealing with them and despite the implementation by the Prophet and Abu Bakr of that particular verse. The Khalifa 'Umar Ibn al-Khattab applied the mind, and favored the common interest over a verse. He gave this reason for his action: there is wisdom behind every verse, and if the wisdom becomes outdated, the verse becomes devoid of purpose and is annulled. The intellect here controls the verse and not the opposite case.

The doctrine of the first scholars of Fiqh--Abu Hanifa and Malik--reflected to a large degree Ibn al-Khattab's spirit, as they used in their Fiqh "common interest," "custom," "appliance of discretion," and "laws of previous nations," as part of their sources of legislation. The importance of these four sources as methods of extraction of law is that they opened the way for legal development whenever the needs of societies called for it,



because what is meant by common interest is the interest of society, and discretion is what the legislator/scholar sees as best for society, and custom develops with the development of society. Also the laws of previous nations can offer guidance if they answered the needs of society.

However, this flowering intellectuality whose fathers were known as "the people of opinion," was the target of a violent attack from "the people of Hadith" (Prophetic tradition), who scorned the importance of the mind, and upheld the importance of scripture. They sought to do away with "common interest," "discretion," and "custom," and other sources of legislation that depend on mental guidance. This conflict finally ended in favor of "the people of Hadith" largely because of Imam al-Shafi, who established the discipline of the origins of Fiqh, and laid down its foundations, and distanced from them intellectual sources, while keeping the transcriptional sources. He did not stop there, but he also changed the definition of the former into what narrows down its meaning, emphasizes the use of the scriptures as sources and their comprehensiveness, even if they contradicted the wisdom of the mind. According to al-Shafi, there are four sources of legislation: the Qur'an, Sunna, measurement, and unanimity. He defined the Sunna as being revelation that is not less than the Qur'an in authority and compulsion. From then onwards, Fiqh continued along in accordance with these narrow foundations.

One of the effects caused by this retrogressive development was the dissociation of Fiqh from society and its issues, losing the most important incentive for its development. The scholars of Fiqh became inclined towards abstraction, giving solutions to hypothetical problems while ignoring the real problems facing their societies. Things continued in this manner until the nineteenth century when Muslim societies began searching for solutions to their problems outside the parameters of Islamic Fiqh, usage of which was confined to the realm of personal status laws only.

### **Shari'a:**

Shari'a is the basis of Fiqh; it is the aggregate of Qur'anic and Prophetic verses chosen by scholars of Fiqh as sources for the extraction of legislation. Naturally, the scholars did not use all of the verses of the Qur'an and the Sunna as articles for their legislation, as this would prove intellectually and practically impossible, because the Qur'an contains verses which are apparently contradictory and would be impossible to collectively use as sources of doctrine; otherwise legislation would become filled with

contradictions. The Hadiths (Traditions of the Prophet) are also characterized by the same phenomenon, and this is what led the early scholars of Fiqh to establish the discipline of the abrogative and the abrogated. According to this branch of learning, the scholars chose a certain order of verses and considered them annulled; therefore, they lost all legal significance, and consequently, they could not be used as material for legislation. They also chose another order of verses, which they considered to be suitable and relied upon them as legislative sources. This latter order of verses and traditions is what is given the term "Shari'a."

Accordingly, Shari'a has become two-sided: the side of revelation and the side of choice. From the point of view of it being revelation, it is Godly, and heavenly, but from the point of view of choice, it is positivist, and of the earth. This is because it represents a conscious human choice of certain parts of the scriptures, which were in the view of the early scholars of Fiqh, appropriate for their societies--the societies of the eighth and ninth centuries CE, as well as the centuries which followed, and were similar to them in terms of social development. The problem created by this choice is that it was considered final by Muslims, elite and laypersons, and hence emerged the expression "Shari'a is fit for every age and place." It was as if the first scholars of Fiqh did not choose the parts of the scriptures that were suitable for their societies only but chose what was suitable for all Muslim societies at all ages and locations, until God inherits the earth and all upon it. Obviously, this is a matter of clear falsity. To sum up the matter, Shari'a is a human choice restricted by a specific time and place parameter, and is therefore liable to the course of development. Let this be ignored by whomsoever wishes to do so, and acknowledged by whoever wants to acknowledge it. Based upon this, contemporary Muslims must exercise the choice that was exercised by the first scholars, and choose from the Qur'anic scriptures, and the scriptures of the Sunna of the Prophet what is the best for them, and should become the basis for their new legislation. This is what is meant by the term "legal development."

If this is right, the answer to the previously asked question becomes that, in a particular sense, it is impossible to harmonize traditional Fiqh, or its foundation, which is Islamic Shari'a, and human rights. This is because Shari'a and traditional Fiqh contain discriminatory clauses against non-Muslims and against women, and also because they allow slavery and criminalize apostasy from Islam. But in another sense, it is possible to reconcile human rights and a large number of Qur'anic and Prophetic Sunna scripture verses outside the order of choice of the first scholars, which are known in the discourse of Fiqh as the abrogated verses. In truth, those verses contain human values that are morally superior to many of the values present in the clauses of human rights. It suffices to say that the exercise of

choice cannot take place in a haphazard manner, but according to a strict, meticulous, and scientific mechanism, and it should also not close an eye about the clauses of Shari'a which conflict with the concepts of human rights, or skip over them without explanation.

### **Intellectual Negation and Expatriation from Roots:**

The accusation of expatriation from cultural roots remains connected with the human rights movement in the Arab and Islamic region, as long as it is unable to take root in the local culture. Thus, cultural legitimacy is the stipulation for the success of the Arab movement for human rights, and the stipulation for its reaching the masses, and for its breaking of the elitist label surrounding it. If the Arab Islamic culture did not embrace human rights it will remain as a plant without roots. Although the possibility of its naturalization is practicable as we mentioned previously, and what remains is to exercise the necessary intellectual effort, and take the practical steps in that direction.

### **Recommendations**

- 1- Holding a regional workshop about the degree of the impact of the particular Arab cultural context, negatively and positively, on the work of human rights NGOs in the Arab World, on the basis of eye witness accounts by the leading activists in the rights organizations in the Arab countries, along with the search for suggested alternative openings in place of this paradox.
- 2- Debating the Islamic declarations of human rights, and making a united and declared stance about them, because they fall short of the standard if international declarations and agreements and are characterized by contradictions and ambiguity. In addition they insult Islam and are of no benefit to the human rights situation in the Arab and Muslim world.
- 3- Discussing specific issues presented today, in consideration that they represent Arab Islamic particularity, such as the issues of apostasy, the personal status law, and the situation of women in general. Also discussing issues such as the problem of slavery, especially since the general reporter of the UN condemned the Sudanese government again for connivance in the phenomenon of the emergence of slavery in Sudan, proving the need to consider the issue of slavery in Islamic culture, as scholars of Fiqh, religious leaders, and the official and religious establishment consider it legal as a concept to the extent that it would be possible to practice it whenever the stipulations were there for its return.

# **MANIPULATING HUMAN RIGHTS ISSUES WITHIN THE INTERNATIONAL COMMUNITY**

Mohammed El Sayed Said\*

Today, more than fifty years after having been brutally driven away, nearly four thousand Palestinian refugees are still deprived of their right to return to their homeland and to obtain fair compensation for their expropriated possessions. The United Nations General Assembly through Resolutions 191, 194, and many others, has called continuously since 1948 for the satisfaction of these rights.

Palestinians in the West Bank, East Jerusalem, and Gaza Strip have been suffering from an oppressive colonial system since June 1967. Their inalienable right to self-determination and the establishment of their own state is still denied. Various political forces in Israel do not refrain from proclaiming, without the least sense of shame, their intentions to annex parts of these territories to their state, thus violating all UN Security Council and General Assembly resolutions, as well as those of all concerned international organizations.

Israel's refusal to acknowledge fundamental collective and individual rights of the Palestinian people may not be considered surprising, as from the outset Israel has embarked on a hostile plot to destroy the Palestinian

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population and seize its territories. In this sense Israel is an entity that has adopted strategies, attitudes, and aggressive policies that totally contravene the spirit and letter of international human rights instruments.

What is really noteworthy is that great international powers are still conspiring with Israel's serious crimes and human rights violations, despite the fact that these powers incessantly boast about human rights being one of the major principles of their foreign policy. These same powers do not hesitate to impose sanctions in the name of "human rights" on countries they deem culpable.

None of the agreements concluded between representatives of the Palestinian people and Israel under the auspices of the United States and other countries since the so-called "Declaration of Principles" signed in the White House in 1993 has addressed, except tangentially, the fundamental--collective and individual--rights of Palestinians. The Declaration of Principles did not conform to the earnest UN General Assembly Resolutions passed every year concerning the inalienable rights of the Palestinian people. In fact the Wye River accord included provisions leading to the violation of basic civil and political rights of Palestinians. It also stipulated the establishment of agencies and authorities that ensure these violations under the sponsorship and participation of the United States itself.

The exorbitant injustice done to Arabs by the greatest superpower, namely the United States, is not restricted to violation of the rights of Palestinians only, but also includes acts of military and economic retaliation carried out either single-handedly or by using its unlimited power within the Security Council. Such vindictive acts affected basic human rights in Iraq, Sudan, and Libya, contravening principles of international law and international human rights accords.

US direct and indirect violation of human rights, much of it directed at Arabs, cannot be justified in legal terms or in terms of norms and traditions that should be observed in a democratic and civilized international community. Furthermore they cannot be justified on the basis of flagrant mistakes and violations committed by certain Arab governments. It should always be noted that peoples rather than governments bear the brunt of superpowers' acts of revenge and UN sanctions.

Many members of the international community, such as Russia and China as well as certain other Western governments, have shown deep concern about American foreign policy in the Middle East and its

infringement on fundamental collective rights of Palestinians and other Arab peoples, but none of these governments has condemned or protested these acts. No government had the courage to call into question the legitimacy of these acts from a human rights point of view.

This silence and general connivance in patterns of international behavior that violate fundamental human rights, as promulgated in international human rights documents and international law, cast severe doubt on the credibility of this law and its capacity to guarantee justice among nations and states. This law is not applied to all members of the international community equally. We believe that the credibility of international human rights law and international law in general is undermined and discredited as a result of the United States' hegemonic policies, which infringe on collective and individual rights of other nations and peoples. The silence this behavior meets on the part of the rest of the world community has the same impact. This has greatly damaged the cause of human rights in the Arab region. We consider the American manipulation of human rights as one of the major obstacles that the human rights struggle in the region faces.

A long history of political and cynical use, or rather abuse, of human rights by superpowers with regional and global influence reinforces this belief. Dozens of historians, researchers, social scientists, and political scientists in different parts of the world have pointed out this fact. Superpowers condone serious violations of human rights committed by client political regimes and governments while they provoke political crises and express rage over human rights violations on the part of unfriendly or non-conforming political regimes. This is the major manifestation of cynical and political abuse of international human rights system.

The Arab region has suffered from the negative effects of this cynical political exploitation of human rights since the rise of Western colonialism in the region. Colonialism and imperialism have been justified using arguments related to human rights. More particularly, colonial powers have employed the argument of "protecting" religious and ethnic minorities in a number of Arab countries to justify colonization and its continuance. The political independence of a number of these countries had attached to it special conditions on the rights of minorities or similar stipulations regarding a democratic or rights-based model, despite the fact that the Western colonial powers themselves did not treat their own minorities, or minorities subject to them, with any measure of mercy, tolerance, or respect.

Today, half a century after the nominal independence of the majority of Arab peoples, these peoples are witnessing repeated efforts by superpowers (primary among them the United States) to exploit human rights to prop up their interests and impose their political image on Arab nations and states. It is perfectly justifiable for Arab nations to evaluate superpower human rights propaganda with a great deal of alarm and skepticism. Due to a long history of double standards of behavior, resolutions, and policies, human rights themselves have been used as a tool for hegemony and superpower control (mainly by the United States) over other nations so as to impose a particular cultural pattern by coercion on other nations. These feelings have intensified and reached alarming proportions thanks to widespread national oppression and domination exercised by the United States over Arab nations, to the extent that a belief is spreading that Arabs, and perhaps Muslims in general, are deliberately targeted by the superpowers or the West. The goal is believed to be undermining the dignity and downgrading the status of this human community, which accounts for no less than one-sixth of the world's population, and inflicting different forms of injustice upon them.

As we have already mentioned earlier, cultural and political anxieties generated by superpower manipulation of human rights principles cast doubts on these principles themselves. Today manipulation of human rights is the major impediment to promoting and teaching human rights principles. This fact, in turn, greatly undermines the struggle to ensure harmony between national legislation and political behavior on the one hand, and international human rights law on the other, within Arab countries.

This phenomenon is accentuated because Arab political regimes, governments, and totalitarian forces active on the Arab political and cultural arena cleverly exploit it. These forces manipulate minds in order to strengthen subordination to tyrannical political values and authoritarian political regimes by alleging that these values and regimes guarantee protection to Arab nations against attempts to undermine their national sovereignty. Consequently this cynical manipulation of human rights values on the part of superpowers justifies another form of manipulation by local forces. By this we mean local manipulation of values such as sovereignty and nationalism to condone serious violations of the fundamental rights of Arab citizens. Intensive propaganda using a huge arsenal of pompous government media in almost all Arab countries continuously stirs up patriotic feelings and zeal in order to justify sequestration and violation of

rights, democracy, and fundamental freedoms. Government-controlled mass media stress that superpowers are manipulating human rights and the rights of minorities on a self-interested basis. Ironically, human rights activists are accused of being agents of the West or the United States. Generally governments that make this allegation maintain strong relations with Western states in all domains and at all levels. On the other hand, Arab human rights activists staunchly defend their full independence from all states, including their own, not to mention these of others. They have consistently shown a critical attitude towards power politics, especially hegemonic politics.

Human rights defenders should tirelessly clarify their position against all sources and forms of manipulation of human rights. They should stress that Arab governments are directly responsible for human rights violations in Arab countries. They should also emphasize that international or regional powers' violation of the collective rights of Palestinian people or any other nation cannot be used as a pretext to condone violations of Arab governments against their own citizens. We should also maintain that the absence of democracy and respect for human rights in the Arab World cannot be used to justify the violation of collective rights of the Palestinian people or any other Arab nation.

Arab activists condemn all forms of propagandistic and political manipulation as well as cynical exploitation of human rights on the part of any international or local party.

The Arab human rights movement does not have the luxury of holding aloof from serious and thorough discussion of the phenomenon of manipulation of human rights principles in international politics. This movement cannot overlook the serious damage that this manipulation is causing to the issue of rights and to the human rights philosophy in general.

The Arab human rights movement has so far dealt with this phenomenon--namely, the manipulation and exploitation of human rights principles in international politics--through a number of defensive approaches at the pan-Arab and national levels.

Arab activists have explained to their peoples that there is a core difference between the human rights formulae as developed by the United Nations--both in principle and application--on the one hand, and propaganda spread by the United States or any other international force single-handedly on the other. Those activists have repeatedly highlighted the fact that the



United States has not joined a good number of international agreements and conventions. This movement has stood behind Arab nations in denouncing the injustice and discrimination done to a number of Arab states by regional or international forces from a purely human rights standpoint.

The Arab human rights movement has transcended the purely defensive perspective by establishing a large-scale network of communication with international non-governmental human rights organizations, including American organizations, that play a pivotal role in defending these rights. This movement has explained to these organizations the negative implications of superpower manipulation of human rights. The Arab human rights movement has assiduously urged its international counterparts to sustainably promote and defend the rights of Arab nations subject to flagrant or prolonged national injustice. Fellow international human rights organizations are called to report on Israel's violations of the Palestinian people's individual and collective rights and to point out that the United States condones these violations.

These efforts have produced substantial results, given the recency of the Arab human rights movement and the blackout imposed for long on reports of Israeli violations of human rights within the occupied territories. However, many organizations in the United States and Western Europe continue to find it difficult to tell the whole truth or adopt standpoints honoring universal concepts of human rights. This is due to well-known political taboos and cultural considerations, as well as to Zionist political power and penetration of political and economic life in many of these countries.

It is high time that the Arab human rights movement adopt a more effective approach, moving beyond the defensive to an offensive approach to manipulation of human rights principles and values.

Our responsibility to and sympathy with national and pan-Arab rights call on us to promote our struggle against the cynical exploitation of human rights to a new level in order to bolster justice and equality within the world order and effect radical changes therein.

We suggest measures to be taken at three different levels—legal, organizational, and procedural—to achieve this goal:

1. From the legal perspective, the human rights paradigm lacks the necessary guarantees for respect of human rights and standards for enforcing this respect at the level of international relations and foreign policy of individual countries. International mechanisms focus merely on international protection of human rights within different members of the United Nations or parties to international conventions.

2. The time has come to call for an international convention that lays down explicit standards and guidelines for collective respect of human rights in inter-state relations and foreign policy-making.

3. At the organizational level, the international human rights movement and the organizations concerned with the enforcement of international human rights law have adopted international declarations advocating peace as their general frame of reference. However, they have played the expected role in supervising and monitoring states' violation of human rights and international law only during times of war and that partially and sporadically, by focusing on violations committed against individuals.

4. The closest we have reached in this context is condemnation of excessive use of international sanctions to the detriment of fundamental rights, mainly nations' right to life. A UN committee has been assigned to review the system of sanctions from a human rights perspective.

5. Nevertheless, in addition to an international convention that deters states from using foreign policy mechanisms in such a way as to lead to violation of human rights and the rights of nations, it is imperative to monitor state violation of human rights on a day-to-day basis and not merely during wars or political crises, through an international agency or new organizational structures.

6. On the operational level, we call upon human rights organizations worldwide to devote special sections of their annual reports, or to draft special reports, on the violation of collective and individual human rights ensuing from the application of foreign policy in the international arena.

7. As for the Arab human rights movement, it will formulate concrete positions concerning the plight of the Palestinian people and the violation of its inalienable rights, just as it has held up UN General Assembly's resolutions as the ideal test case for bolstering the credibility of international human rights organizations.

Arab human rights organizations must stress the necessity of distinguishing between trustworthy human rights organizations and untrustworthy ones—the latter of which undermine their credibility by spreading double standards, distortions, or dubious statements, or lack the requisite courage or audacity to defend sincerely international instruments and basic human values.

In this sense, foreign policies of all states, particularly superpowers, could be subject to international supervision by human rights, relief, and humanitarian organizations.

# **Economic Sanctions and Human Rights**

Abdel-Hussein Sha'aban\*

## **Introduction:**

To begin with it should be noted that the system of economic sanctions, including embargos and international blockades, denies ordinary citizens their right to acquire necessary goods. This applies to both the quantity and quality of food and medicine. The sanctions imposed on states affect ordinary citizens who are not responsible for the actions of their governments. We can safely say that all forms of economic sanctions deprive people of a normal life and thus constitute a flagrant violation of human rights and of their essential existence as human beings.

Recently the UN Security Council has imposed economic sanctions on many peoples, while others remain under threat of the same, in order to impose its will on some governments for breaching the tenets of international law or for matters not to the liking of influential world powers. Notwithstanding the soundness (or lack thereof) of the justification, it is the peoples that bear the brunt of the sanctions, as they find themselves between a rock and a hard place: economic sanctions from without and human rights violations from within. In addition, these justifications have been used selectively and according to double standards, casting more doubt on the

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credibility of those who stand behind such methods, which punish the population.

The weapon of economic sanctions was employed against Iraq after its occupation of Kuwait in 1990, and though the military warfare ended on February 28, 1991, the economic war and the sanctions system are still in force to date. This has had grave repercussions for human rights, especially economic, social, and cultural rights. The continuation of sanctions has caused a deterioration of health and nutrition and a rise in death rates to levels that trouble the conscience of humankind.

Sanctions have been imposed on Libya since 1992 under the pretext of its government's implication in the "Lockerbie affair." The case has not been resolved; the Libyan people continue to pay the price, and human rights conditions are deteriorating to alarming depths. Recently an agreement was reached (with the help of the UN Secretary General Kofi Annan, Prince Bandar of Saudi Arabia, and the African leader Nelson Mandela) to the effect that the accused Libyans be extradited on April 6th for arraignment in The Hague. They will be tried according to the Scottish judicial system; their safety will be ensured, and the sanctions against Libya will be suspended.

Sudan also remains subject to a sanctions system under the pretext that its government encourages international terrorism, which has aggravated the already-deteriorated human rights condition.

The human rights movement and many juristic and humanitarian organizations are increasingly alarmed by this situation. Thus the Arab human rights movement and the Cairo Institute for Human Rights Studies have resolved to consider this issue, discuss it, and draw attention to its present and future dangers.

Before expounding the aims of this paper, I would like to present a brief survey of the history of the employment of economic sanctions inside and outside (the example of Cuba) the UN system, and on the Israeli economic sanctions against the Palestinian people, particularly the blockade of Jerusalem. This will be followed by a treatment of economic sanctions and international law, the aims of the paper, an action plan, and a recommendation to adopt a "Casablanca Declaration on Abstention from the Use of Economic Sanctions against the Peoples."

## **The UN and Economic Sanctions: Some History:**

This paper focuses on economic sanctions imposed by the UN Security Council and the resulting aggravation of human rights violations. Three Arab cases are given; all are in this decade and all still are going on. In this sense, conclusions from them can be generalized to similar situations, regionally and internationally, that occurred in this decade, without however overlooking the specific nature and circumstances of each.

In the first forty years of its existence (until 1990) the UN Security Council had imposed an economic sanctions system only twice:

**First:** Against Rhodesia (now Zimbabwe), from December 16, 1966 to 1977. The imposition of sanctions came in response to the actions of the white minority after the "unilateral declaration of independence." They were lifted after the reunification of the country and the formation of a majority government.

**Second:** Resolution 418 of November 14, 1977, against the South African regime for its apartheid policy against the black majority and its recurrent acts of aggression against neighboring countries. The U.S. and Britain opposed economic sanctions aimed at creating an arms embargo on the basis that they would threaten international peace and security.

Since 1990 the UN Security Council has imposed economic sanctions against a number of countries:

1- Iraq: Sanctions were imposed on August 6, 1990, after its occupation of Kuwait on August 2. This was followed by an array of resolutions that were issued under Chapter 7 of the Charter, and culminated with resolution no. 687 of February 28 that was coined "the father of resolutions." Adopted in the wake of the cessation of military operations, resolution 687 reflected the outcome of the war and enforced a new and odd pattern of international practice. It is the longest and most unusual of UN resolutions, composed of 3900 words and 34 articles. It reaffirmed the suspension of Iraq's sovereignty, further wounded its national dignity, held Iraq's resources hostage for the long term, and forced it to comply with sanctions, pay reparations, and submit to inspection and verification. It could thus be considered a harsher regime than an international mandate.

2- Former Yugoslavia: Security Council Resolution 713 of September 25, 1991, imposed a comprehensive arms embargo on Yugoslavia, with the aim of establishing peace and stability after the massacres committed against the Bosnians.

3- Somalia: In the wake of the civil war and bloody battles, Resolution 733 was adopted on January 1, 1992, in an attempt to “stop the human drain and restore peace.”

4- Libya: Demanding that Libya extradite the accused in the Lockerbie case, the Security Council issued Resolution 743 on March 31, 1992. It prohibited air travel and the export of arms, spare parts, military, and paramilitary equipment. It also dictated the reduction of the level of diplomatic and consular representation and the restriction of the movement of Libyan diplomats within other countries.

Though Libya had submitted a request to the International Court of Justice (ICJ) demanding that the court take up the case according to its mandate and to the Montreal Convention of 1971, the Security Council adopted the aforementioned resolution before the ICJ decided on the case. On December 1, 1993, the Security Council adopted Resolution 833 freezing Libyan assets abroad and prohibiting the import of some materials and equipment used in petrochemical industries and others.

5- Liberia: Resolution 788, issued on November 19, 1992.

6- Haiti: Resolution 841, issued on June 16, 1993.

7- Angola: Resolution 864, issued in 1993. In 1996 the Security Council decided to impose sanctions against UNITA, which included, inter alia, economic sanctions and prohibiting the travel of officials.

8- Rwanda: Resolution 918, issued on May 17, 1994.

9- Sudan: Sanctions were imposed by Resolution 1044 of 1996 after the assassination attempt on President Mubarak of Egypt in Addis Ababa (Ethiopia) and the charges of supporting terrorism made against Sudan. Ever since the coup d’etat, Sudan has been accused of breaching international human rights instruments and international humanitarian law in the context of the civil war in the South. This resolution demanded the extradition to Ethiopia of the three suspects wanted in connection with the assassination attempt within sixty days. It further demanded that Sudan desist from supporting international terrorism.

Another resolution on Sudan was issued on April 26, 1996 including eight points. It imposed a further embargo, sanctions, reduction of the level of diplomatic representation, and restrictions on the movement of diplomats.

## **Economic Sanctions Outside “International Legitimacy”:**

Other economic sanctions were imposed in the twentieth century (whether in the time of the League of Nations or the UN), not by an international organization however, but by one state against another, or a number of states against other/s. Whether the sanctions were collective (by the League or the UN), multilateral or unilateral, the U.S. initiated their imposition in around seventy cases out of about 120. One third of these cases were unilateral, and some involved temporary alliances.

One of the most well-known cases of embargo and economic sanctions is that by the U.S. against Cuba. Since 1960, the US has been applying systematic sanctions against Cuba, which remain in force despite their illegality.

In 1995 the UN General Assembly by an overwhelming majority condemned the United States' decision to sustain the embargo against Cuba. Washington, however, faced this condemnation with a counter measure: in 1996 the Congress adopted the “Helms-Burton Bill,” which provided for penalties against any third party engaged in economic operations in Cuba. Despite the protests of its allies, such as Canada, Mexico, the EU countries and others, the U.S. resolved to enforce it. The juridical panel of the Organization of American States, upon request of legal interpretation by the latter, replied that the U.S. bill contradicted international law. Then on November 12, 1996 the UN General Assembly adopted a resolution denouncing the embargo on Cuba by a wide margin of 116 in favor, 3 against, and 38 abstentions. It is worth noting that the EU countries and Canada were among the affirmative voters.

## **Israel and Economic Sanctions:**

The paper has not dealt with the Israeli economic sanctions against the Palestinian people and the inhabitants of the occupied territories in the Golan and south Lebanon. These collective and individual sanctions include the following: preventing the population from receiving assistance from abroad; preventing work-seekers outside these areas from returning (preventing travel or work within the “green line,” closure of villages or comprehensive closure), in addition to attempts to sever relations between the Palestinians in the diaspora and those inside.



Moreover, Israel uses closure to encourage emigration and disconnect geographic areas, in addition to the siege on the self-rule territories after the 1993 Oslo Accord, under the pretext of protecting the Jewish colonists.

There is also an embargo on Jerusalem. Though Arab or international embargoes are imposed on peoples, they at least remain on their lands. Yet that against the Palestinians, and Jerusalem in particular, has been designed so as to evacuate the lands of its inhabitants; i.e. it is economic and political (evacuative and colonialist). The embargo on Jerusalem began in 1948, continued upon its occupation in 1967, and was further expanded when the Knesset decided to annex it in 1980.

The paper also has not tackled the Arab boycott of Israel and the international companies that deal with it because this lies outside its scope. We should note however that the role and the impact of the boycott has decreased because of the "peace" treaties with Israel and the normalization of relations with a number of Arab countries, especially after the declaration of "self-rule."

### **International Law and the Principle of Economic Sanctions:**

Some would say that economic sanctions are an effective means to enforce respect for the tenets of international law. Such a belief is based on the text of Article 41 of the UN Charter which states: "The Security Council may decide what measures not involving the use of armed forces are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." Yet the continuation of economic sanctions goes beyond this end and turns into a collective sanction that contradicts the Charter. Economic sanctions affect foreign and domestic trade, investments, aviation, the diplomatic and financial status of the state, and resource allocation for health, education, and nutrition. They also stunt social and human development and have social and psychological effects on society in general and on civil order.

Persistent denial of necessities to the ordinary citizen raises a number of moral questions, especially when this continues for years, depriving life of quality. The underprivileged become poorer, malnutrition rises, and drop-out rates soar as children leave schools to earn a living, with no prospect whatsoever of change. Then a question arises regarding the value of

pressure and sanctions against leaders and politicians who remain untouched by the affliction of their peoples. This spurred the former UN Secretary General Boutros Ghali to describe sanctions correctly as “a blunt tool.”

The accumulation of agonizing testimonies about the economic sanctions system paints a gloomy picture of the human rights condition. This system has led to deep social crises and grave complications; it has stalled social growth and has contributed to increasing human suffering.

Based on contemporary historical experience, not one of the countries subjected to economic sanctions (whether by the UN Security Council or by superpower/s) was able to escape their negative repercussions, albeit in different degrees. Irrespective of whether the objective of the sanctions is reasonable or not, it is the innocent unarmed population and vulnerable classes that are harmed and suffer deprivation. This contradicts the rules of the international humanitarian law, the stipulations of the Fourth Geneva Convention of 1949 and the 1977 protocols relating to the victims of international and non-international armed conflicts.

On another level, the continuation of the sanctions system violates the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, the Declaration on the Granting of Independence to Colonial Countries and Peoples, and General Assembly Resolution 1803 on “Permanent Sovereignty over Natural Resources” of 1962. The sanctions system violates other conventions and treaties, as we will show so as to prove that this system, which starves whole peoples and cripples their will, contradicts the principles of contemporary international law.

### **What are the Aims of this Paper?**

\* Highlighting the importance of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) (both adopted by the UN General Assembly in 1966), and exposing the contradiction between the economic sanctions system and the “international bill” of human rights.

\* Emphasizing the contradiction between economic sanctions and a number of other international treaties, such as the Universal Declaration on the Eradication of Hunger and Malnutrition, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child.

\* Exposing the contradiction between economic sanctions and the right of peoples to self-determination -- the right that is embodied in peoples' rejection of foreign domination and exploitation on the one hand, and their rejection of internal despotism and pillage on the other. Thus the imposition of sanctions exacerbates the predicament of the population and leads to further violations of human rights.

\* Asserting that economic sanctions contradicts peoples' right to use their natural resources and also contravenes the just and legitimate right to development and the consolidation of economic, social, and cultural cooperation, according to the UN Charter and in agreement with the principles of contemporary international law.

\* Highlighting the relationship between economic sanctions and international blockades on the one hand and the impairment of international peace and security--the basic purpose of the UN--on the other. This is especially true considering that the imposition of sanctions fuels feelings of hatred and vengeance as well as violent and hostile tendencies, in contrast with the spirit of brotherhood, tolerance, and cooperation advocated by the UN Charter.

\* Affirming that economic sanctions contravene the Fourth Geneva Convention of 1949, as well as the two annexed protocols of 1977 on the victims of international and non-international armed conflicts; especially in view of the fact that sanctions go against international humanitarian law: economic warfare, blockades, and the starvation of unarmed civil populations go against international humanitarian law.

\* Affirming that subjecting any people to collective punishments under the pretext that their rulers have breached international law will prevent those peoples from practicing their fundamental collective rights, and will also bar individuals and groups from their right to live in liberty, peace, and freedom from fear, as provided by the Universal Declaration of Human Rights, the ICCPR, the ICESCR and other international instruments.

\* Stressing the importance of a crystal-clear distinction between governments that breach international law and victimized peoples targeted by the sanctions system for crimes they did not commit, which is tantamount to an international crime that threatens to eliminate whole peoples.

\* It is thus necessary to avoid resorting to economic sanctions as long as they affect the population. All political and peaceful means should be exhausted to reach suitable solutions. Instead of the collective punishments

that harm peoples and not rulers, all feasible forms of pressure should be exercised against governments to enforce compliance with the will of the international community and cessation of breaches of international law.

### **Plan of Action:**

- \* Launching an Arab campaign, addressing the international human rights organizations, and making use of the media to propagate and gain support for these ideas.

- \* Working towards forming a broad lobby, in cooperation with international rights organizations, to submit the issue before the UN General Assembly.

- \* This should be preceded by a plan of action to engage the Higher Commission on Human Rights, especially as the issue falls within its jurisdiction. Also international public opinion should be familiarized with this idea, and should be provided with concrete evidence. Efforts should be mobilized in cooperation with the International Committee of the Red Cross and other humanitarian organizations.

- \* Seeking to engage those NGOs and humanitarian and charitable organizations that would view this idea as a humanitarian stance worthy of support and propagation.

- \* Seeking to discuss the idea with the European Parliament and urging the Arab parliaments to present this idea in regional and international gatherings. Working to garner the support of pro-Arab European circles for this position.

- \* Working with the Arab League to adopt a declaration or a statement in this respect; and working with the Islamic Conference, the Organization of African Unity, and the developing countries in general towards the adoption of a more extensive declaration in support of this idea.

- \* Preparing for an international colloquium in this regard, and calling on international and Arab jurists to adopt a declaration in this respect.

- \* Calling upon international governmental and non-governmental organizations to play a role in propagating this idea, in securing the requirements of stability and normal peaceful relations, and in enforcing the UN Charter and international human rights instruments.

To conclude the discussion, the conference of Arab human rights organizations is called upon to consider adoption of a Casablanca declaration on abstention from the use of "Economic Sanctions against Peoples," as these sanctions constitute a flagrant violation of human rights and fundamental freedoms.

# **Peace and Human Rights**

## **“Palestine as a Model”**

Raji EL Sourani\*

The work of Palestinian human rights organizations in the current transitional period following the Oslo Accords is professionally both complicated and sophisticated. This is due to the incredible political and social pressures present in this particular period. Without doubt it is an unusual situation, unique in all aspects. Consequently it is incumbent upon human rights organizations to respond effectively and promptly to the many issues brought about by the new facts of the transitional period. It further requires developing creative responses, means, and mechanisms that might not be familiar to human rights organizations from their earlier work.

The transitional period was supposed to create a climate of peace, but the actual reality of what Palestinian NGOs have endured is worth highlighting through research and discussion. The transitional period has brought grave breaches of human rights and international law. On the theoretical, academic, and organizational level much can be learned from the parties involved and from the nature of these parties' human rights violations.

Until 13 September 1993 Palestinian human rights organizations worked on one agenda—that of the Israeli occupation. The work held critical importance. Organizations exerted exhaustive efforts to document

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and publish the violations of the occupation, provide legal aid, and intervene on behalf of victims. All of this was done under very harsh, complicated circumstances, with a heavy price paid by both individual victims and Palestinian human rights organizations. The most important outcome for the human rights organizations was that their high level of professionalism and independence established their credibility and enhanced their appreciation among the Palestinian people as well as among the entire Palestinian political spectrum inside and outside.

Though Palestinian human rights organizations worked on documenting, defending, and publishing the cases of victims, they never lost their direction, balance, and general vision for their work. At base these organizations sought to uphold the right of the Palestinians to self-determination in their own independent state while putting an end to the Israeli occupation.

The signing of the Oslo Accords on 13 September 1993, though not a classic "peace agreement," established a transitional document aiming to achieve peace. Palestinian human rights organizations studied and analyzed the agreement from a political, legal, and humanitarian point of view. As a result of this analysis, the human rights community developed a new agenda and shaped its evolving work in light of the political and legal changes brought about by the agreement.

### **First: The Agenda Regarding the Israeli Occupation**

The Israeli occupation of the Palestinian territories still continues in two forms—physical and legal. Due to the fact that all basic issues that form the real core of the Palestinian-Israeli conflict—Jerusalem, settlements, refugees, sovereignty, borders, water, etc.—were left for the final status negotiations, the work on this agenda remained the same. In addition, human rights organizations had to expose the legal, political, and human shortcomings of the agreement. Human rights organizations had to bear in mind that the occupation remained in place despite the Oslo Accords. The Accords were not the standard which guided the judgments and the work of Palestinian human rights organizations in specifying violations, and the implementation of international law and recognized international human rights standards remained the goal. Indeed, according to our human rights perspective, the Accords were irrelevant to the implementation of international law and humanitarian standards. Consequently, Palestinian human rights organizations continued exposing and confronting the

violations which the occupation conducted against the Palestinian people and their land.

The core issue that forms the foundation for Palestinian human rights organizations in this newly developing situation is the legal status of the Occupied Palestinian Territories in theory and practice; namely, Israel remains a military occupying power that must be required to implement the Fourth Geneva Convention of 1949 in the Occupied Palestinian Territories, including Jerusalem. The fact that there are agreements signed between the Palestine Liberation Organization (PLO) and Israel is irrelevant to the argument that the Fourth Geneva Convention must be implemented. The Gaza Strip, West Bank, and East Jerusalem remain occupied territory. Israel's obligation to implement the Fourth Geneva Convention trumps an Oslo agreement imposed by the powerful, in contravention of the Convention itself, on the weak.

Israel's obligation to implement the Convention has been confirmed repeatedly in recent UN General Assembly resolutions—five of them in all, which are ES 10/2, 10/3, 10/4, and 10/5 - A/ES/L.5.Rev.1. The last of these resolutions called upon the High Contracting Parties (HCPs) to the Fourth Geneva Convention to convene a conference on 15 July 1999 in accordance with Article 1 of the Convention, which calls for respect for the Convention and finding means and mechanisms to apply the Convention in the Occupied Palestinian Territories. The UN General Assembly empowered the Swiss government as the depository of the Convention to take the preparatory steps for the convening of the meeting.

Unfortunately, in recent months the Swiss government has taken steps and held meetings that consistently violate the spirit and letter of the resolutions. It has become obvious that the Swiss government is incapable of acting in a consistent and correct manner in regard to the Convention. The Palestinian Center for Human Rights is concerned that the Swiss government may shift the conference set for 7/15/99 from the goal set for it by United Nations General Assembly (UNGA) resolutions—namely, de jure implementation of the Convention.

## **Second: The Agenda Regarding the Palestinian National Authority**

One of the main results of the Oslo Accords was the arrival of the Palestinian National Authority (PNA) in designated areas of the Occupied



Palestinian Territories amounting to 58 percent of the Gaza Strip (altogether 365 square kilometers) and approximately four percent of the West Bank. For many reasons, Palestinian human rights organizations viewed the Palestinian Authority as a national authority and decided to deal with it through positive, constructive dialogue aimed at helping to build Palestinian civil society. After all, democracy, rule of law, and human rights are not a choice but a must for the Palestinian people. To gain the respect of a people who suffered through the oppression and repression of the occupation, and to have the respect and support of the international community, especially the community in solidarity with the Palestinian people, is critical. These people are now, not without merit, asking whether the experience of this emerging state will be the same as most other states in the region or whether it will be a state with a new outlook and new way of doing things. In short, will it be a qualitative addition to the region or just another stereotypical state in the Middle East?

One of the most critical drawbacks to the Oslo Accords is that it fails to mention or address human rights issues either directly or indirectly, although it is a very detailed agreement. By and large, this was the agreement Israel wanted. When one looks at its detailed and legalistic manner it becomes clear that the absence of human rights language was not an accident. Rather, the Israeli interlocutors knew and intended this, and imposed the agreement in precisely the manner desired. Furthermore, the agreement did not mention or hint at the legal status of the Occupied Palestinian Territories as an occupied territory and did not address the Fourth Geneva Convention which prescribes the relations between the occupying state and the occupied people.

The document's deficiency led to serious efforts by Palestinian human rights organizations immediately after the signing of the Oslo Accords to contact the PLO and request that it unilaterally commit itself to the internationally recognized conventions and agreements related to human rights as a means of protection for the Palestinian people. The PLO delivered on 29 September 1993 through a decree issued by President Yasser Arafat in his capacity as President of Palestine and Chairman of the PLO Executive Committee. Five years after signing the Oslo Accords, however, the human rights record on both sides—the Israeli and Palestinian—still does not show respect for Palestinian human rights. The most important and critical human rights violations on the two agendas can be summed up as follows:

## **Violations of Palestinian Human Rights by the Israeli Occupation**

1. Israel has pursued ethnic cleansing in East Jerusalem, demographic change wrought by the policy of judaization, and the separation of Jerusalem from the rest of the West Bank economically and socially.

2. Israel has expanded settlements vertically and horizontally and added new ones.

3. The scale of Israeli land confiscation is unprecedented.

4. Israel has built by-pass roads which turn heavily-populated Palestinian areas into bantustans unable to expand geographically or demographically in a normal way.

5. The policy of closure and separation has led to isolating the north of the West Bank from the south, with Jericho separated from the West Bank, Jerusalem disconnected from the West Bank, and the West Bank almost entirely cut off from the Gaza Strip. This has made movement between the West Bank and Gaza Strip much more difficult than movement between Gaza and France. The socio-economic damage resulting from this policy is unprecedented for the Palestinian people in the Occupied Palestinian Territories.

6. Torture against Palestinian prisoners in Israeli prisons is not only legal, but also provided with legal cover by the Israeli High Court of Justice. With its legalization of torture, Israel established an alarming precedent for the world vis-à-vis the UN Convention against Torture.

7. An administrative detention policy continues to be carried out against the Palestinian people in the West Bank and Gaza Strip. Though the numbers have declined due to international pressure on Israel, this policy is still in effect on a large scale despite having lost its original justification and *raison d'être*.

8. More than 2,400 Palestinian prisoners still languish in Israeli prisons five years after signing the Oslo Accords. They were moved outside the Occupied Palestinian Territories and into the occupying state in violation of the Fourth Geneva Convention. The problem of the Palestinian prisoners is not only legal-political, but also ethical. The prisoners were and still are a symbol of the legitimacy of Palestinian resistance against the Israeli occupation and they remain a reflection of the Palestinian national consciousness. For the leaders (the PLO) of these prisoners to have signed an agreement in the name of the Palestinian people and now exercise power while Palestinian political prisoners are still inside the occupation prisons is

not acceptable. The PLO recruited and instructed these people. Now, the PLO leadership must see to their release.

In the final analysis, five years after the Oslo Accords one of the outcomes of Israeli human rights abuses is a de facto apartheid system for the Palestinian people in the Occupied Palestinian Territories. Equally troubling is the fact that the dream of the Palestinian people to build their own state is threatened more than at any previous time by ongoing settlement activities and land confiscation.

One of the gravest violations related to Israel's occupation of the West Bank, Gaza Strip, and East Jerusalem is the Israeli attempt to change the legal status of the Occupied Palestinian Territories and the applicability of the Fourth Geneva Convention to them. Though Israel never recognized the de jure applicability of the Fourth Geneva Convention in the Occupied Palestinian Territories, it tried recently to push the American government to press the Swiss government to violate the letter and spirit of the UNGA resolutions of 1997 and 1998. Switzerland did, in fact, attempt to render these resolutions meaningless by not allowing the High Contracting Parties to convene to find ways and mechanisms requiring Israel to abide by the legal implementation of the Fourth Geneva Convention. Israel attempted to justify its position by arguing that the Convention should not apply as 97 percent of the Palestinian people in the Occupied Palestinian Territories are under the jurisdiction of the Palestinian Authority.

### **Violations of Human Rights by the Palestinian National Authority**

1. Restrictions have been placed on freedom of expression and assembly for Islamic and secular groups on the basis of not allowing them to influence public opinion against the Oslo Accords.

2. Massive waves of arrests have been carried out against the Palestinian opposition. While we recognize the obligation of the PNA to implement its commitments vis-à-vis the security of Israel, we believe this should not lead to mass arrests. Arrests should be on a personal and individual level according to Palestinian law with legal procedures that guarantee fair trials. What is going on in practice is far from this standard. Indeed, many Palestinians have been under arrest for more than three years without charge or trial.

3. The State Security Courts not only affect the trend toward the militarization of Palestinian civil society, but they also severely impinge on

the civil judiciary. These State Security Courts lack even minimal standards for fair trials. Palestinian human rights organizations called for boycotting and canceling these courts as soon as they were formed in February 1995.

4. The militarization of Palestinian civil society has resulted from rampant and competing security systems that do not have one systematic order of command. These security apparatuses do not recognize in practice the legal authority of the Palestinian Attorney General as the guardian of the public case. Accordingly, arrests are carried out without supervision or control in unofficial detention centers. The fact that there is one policeman for each 50 citizens is not acceptable by any standard.

5. There is a significant lack of respect for the Palestinian civilian judiciary. While the Palestinian people are looking forward to practicing their right of self-determination and establishing their independent state with East Jerusalem as its capital, one of the core issues for a meaningful Palestinian civil society is establishing an independent Palestinian civil judiciary. Sacking the Chief of Justice and accepting the resignation of the Palestinian Attorney General while keeping their positions open for more than one year, and the failure to carry out a large number of the Palestinian High Court of Justice decisions (especially for Palestinian political prisoners) dealt significant blows to the Palestinian civil judiciary and its independence. This is an issue that raises very deep concern as rule of law is not a luxury, but a critical demand. It is imperative to establish the institutions of the emerging state in order to provide the Palestinian citizen who was denied such institutions throughout the occupation with the just practice of law that such institutions can make possible.

6. There is a grave lack of Executive branch respect for the laws and sessions undertaken by the Palestinian Legislative Council (PLC). One of the most prominent examples regards the Basic Palestinian Law that was passed with a third hearing on 1 October 1997. The law gives the President one month to ratify it, but even as of April 1999 this has not yet been done. Moreover, the PLC lost confidence in the first cabinet of the Palestinian Authority when ministers asserted by the Council to have misused and taken public money were re-appointed to the second cabinet without passing accountability standards or being brought to court in accordance with legal norms. Accordingly, the Council lost its role as legislator and as the body capable of holding the Executive accountable for its actions. Furthermore, many decisions and recommendations made by the Council, including calls for the release of Palestinian political prisoners, have not been respected by the Palestinian Executive branch.

7. Torture and maltreatment of prisoners in Palestinian Authority prisons continues. While it is quite certain that fewer died as a result of torture in PA prisons in 1998 than in 1997, this is not the correct standard of measurement as torture is still being practiced by different Palestinian security apparatuses.

8. Corruption and monopolies by influential people in the Palestinian Authority have emerged as a significant problem. There is no need to give examples on this subject, especially after two reports were published regarding the problem by the Palestinian Authority and the PLC. The most important aspect of this issue is that monopolies by some official and influential people and by some security apparatuses were not restrained. In fact, some of these monopolies were given legal cover while continuing their previous activities.

## Conclusions

It is quite clear from these brief points that five years after the signing of the Oslo Accords there has been a significant deterioration in the human rights situation of the Palestinian people. Palestinian Authority abuses are troubling and warrant attention, but for the human rights community the major priority remains the violations associated with the Israeli occupation of Palestinian territories.

The PLO is the legitimate and only representative of the Palestinian people, and the PNA, as the representative elected body, should be and must be the guardian and the representative of the interests and the rights of the Palestinian people. We

are aware, however, that Israel and the U.S. administration are putting severe pressure on the PNA, especially in the areas of freedom of expression for the opposition, State Security Courts, massive waves of arrests, lack of respect for Palestinian court decisions related to Palestinian political prisoners, and disregard for some PLC decisions. This pressure is serving to undermine the stature and credibility of the Palestinian Authority. While we are extremely critical of these pressure practices we believe that they should not serve as an excuse for the PNA or PLO to violate rights. These are bodies, after all, which should steadfastly defend the interests of the Palestinian people and which should work for the rule of law, democracy, and human rights.

Among the critical lessons learned and questions for research and work:

**First:** Any Palestinian-Israeli agreement should address in a clear-cut way its respect for international conventions, agreements, and standards related to human rights. This is not the luxury of the intellect but an imperative to be meticulously observed.

**Second:** The parties involved in any transitional agreement should understand that the transitional period should not negatively affect the legal or practical bases of international law.

**Third:** The Geneva Conventions, especially the Fourth, form the core of the concept governing the relationship between the occupied people and the occupying power. The Convention should be preserved and implemented de facto and de jure not only in direct effect but also in retroactive effect to account for so-called "facts on the ground" which the Israeli government hopes will be impossible to remove. A weakening of this position will not only be a grave breach of the rights and obligations highlighted in the Convention, but a blow to the conceptual understanding of the nature of the occupation.

**Fourth:** The political leadership, which signed in the name of the people, should make the release of detainees and prisoners in Israeli prisons an absolute priority. Those Palestinians who struggled against the occupation should be guaranteed their release.

**Fifth:** A peace agreement should not decrease by any amount the responsibility of the occupying state for the crimes it carried out. The occupying state should be subject to firm accountability for its practices against individuals and their properties as well as against groups in accordance with the rules of international law, especially international humanitarian law.

**Sixth:** Any on-the-ground practices of the occupation—such as settlements—contrary to the Fourth Geneva Convention must be null and void. The occupying power should not be rewarded for any efforts to change the reality on the ground, no matter how dramatic or imposing this reality appears to be.

**Seventh:** The basis of any agreement must be consistent with international legitimacy (UNGA and Security Council resolutions).

**Eighth:** Peace should be measured by how much the parties involved respect democracy, rule of law, and human rights. This is the kind of peace which citizens and the people will support. A peace lacking such core principles will not be a real peace and will be both fragile and ephemeral.

**Ninth:** Security cannot be realized by victimizing human rights, democracy, and the rule of law. Rather, respect for these principles will provide security via the people's contentment with peace.

## **Recommendations**

We put forward the following recommendations in the context of guaranteeing implementation of the Fourth Geneva Convention in the Occupied Palestinian Territories via specific measures:

### **First: The International Community**

The international community, represented by the High Contracting Parties to the Fourth Geneva Convention, is legally obligated to implement the agreement in the Occupied Palestinian Territories and to guarantee protection of civilian Palestinian residents. It also is obligated to take the following practical steps:

1. Observe closely measures and steps taken by the Swiss government, to ensure its complete and fair fulfillment of what it has been charged with by the UN General Assembly. This might take place by a periodic review of all steps taken in this context.

2. Charge the UN General Assembly or some of its members with calling on the High Contracting Parties to convene as scheduled on July 15, 1999, with a clear agenda to implement their decisions.

3. Put political pressure on the Israeli government via diplomatic and other channels.

4. Freeze diplomatic negotiations and reject agreements reached previously.

5. Stop preferential economic and trade agreements signed with the Israeli government.

6. Restrict exports to and imports from Israel. Note that the European commission decided last year not to import commodities produced in Israeli settlements, viewing them as originating in occupied territories that should not enjoy the benefits of the free trade agreement with the European Union.

7. Stop or decrease support and assistance to the Israeli government.

8. Restrict investment of High Contracting Parties in the occupying country.

9. Restrict civilian air traffic to and from Israel.
10. Cease scientific and cultural exchange with Israeli institutions, particularly official ones.
11. Legal pursuit of Israeli war criminals who are responsible for physical violations of the Convention on the basis of articles 146 and 147 of the Fourth Geneva Convention, which pertain to protecting civilian inhabitants in wartime.
12. Freeze Israeli government funds held abroad.
13. Joint work by the High Contracting Parties, especially aimed at the United States and its agencies, to confront efforts allowing the Israeli occupying state to evade sanction.

## **Second: International Non-Governmental Organizations**

1. Exert pressure and influence on the governments of countries in which such organizations are active. International organizations with branches and offices in different countries can use this fact to influence government positions in these countries via local branches.

2. Undertake a media campaign to clarify for opinion and decision-makers the real dangers of not implementing the Fourth Geneva Convention, as well as what the conference can achieve for Palestinian civilian residents.

3. Make oral and written interventions in parliaments, calling on them to play their role in influencing governments to implement their legal commitments.

4. Mobilize local organizations in cities to play an active role in this campaign.

5. Mobilize public opinion to play an effective role via writing to governments, calling on them to implement their legal commitments and not to mix politics and law.

6. Use available international mechanisms in a more organized and effective fashion to stress legal commitments shouldered by these states, as well as the role agreed to by the High Contracting Parties. Relevant UN agencies such as the Permanent Commission for the Rights of Refugees, the International Labor Organization, UNESCO, etc. must be addressed.



7. Clarify how important the Fourth Geneva Convention is for the Palestinian people and for defining the legal situation of the Occupied Palestinian areas in particular, as we approach the end of the Oslo Accord's term.

8. Explore how to use local laws within High Contracting Party states to implement the Fourth Geneva Convention via their courts.

## **The International Campaign for Implementation of The Fourth Geneva Convention in the Occupied Palestinian Territories**

The following position paper regarding the Fourth Geneva Convention was signed 7 April 1999 at a preparatory meeting of coalition partners of the Palestinian Centre for Human Rights. It is imperative that this Convention be viewed as carrying more legal weight than an imposed Oslo Accord that undermines and disregards decades of legal precedent.

In its resolution A/ES-10/L.5/Rev.1 of 8th February 1999, the United Nations General Assembly recommended that the High Contracting Parties (HCPs) to the Fourth Geneva Convention ("the Convention") convene a conference on measures to enforce this convention in the Occupied Palestinian Territories, including Jerusalem, on 15th July 1999, at the United Nations' offices in Geneva. In so doing, it invited the Government of Switzerland, in its capacity as the depository of the Geneva Convention, to undertake whatever preparations are necessary prior to the Conference. It also requested the UN Secretary General to make the necessary facilities available to enable the HCPs to convene the conference. It expressed its confidence that Palestine, as a party directly concerned, will participate in the above-mentioned conference.

The commitment of the HCPs to convene this conference was clearly established when states adopted the above-mentioned resolution by an overwhelming majority. The agreed focus of the conference is measures to be taken to ensure full implementation of the Convention.

To ensure that such a conference takes place, the Palestinian Centre for Human Rights (PCHR) took the initiative to launch a campaign on 6th April 1999 entitled: "A campaign to implement the Convention in the Occupied Palestinian Territories (OPT)." A number of Palestinian, Arab and international human rights organizations as well as human rights experts (the participants) adopted a plan of action to call upon the HCPs to convene

a conference in accordance with the General Assembly resolution and to adopt concrete and specific measures for the implementation of the Convention in the OPT.

The participants emphasized that the implementation of the Convention is a minimum requirement for the protection and safeguarding of civilians, particularly at the end of this interim period. They also stressed that a Conference on the 15th of July that respects the provisions of the General Assembly resolution will be essential to a comprehensive, just and lasting peace between Palestine and Israel. The participants identified the following three categories that merit action by the HCPs. During the Conference, practical measures should be adopted to address these categories in order to ensure full implementation of the Convention:

1. Grave breaches of the Convention, such as torture or inhuman treatment and the taking of hostages, constitute war crimes. The HCPs are under a legal obligation, in accordance with article 146 of the Convention, to search for persons alleged to have committed or to have ordered to be committed such grave breaches and to bring them, regardless of their nationality, before their own courts. Specific measures should be taken to ensure that this obligation is fulfilled.

2. Other serious breaches of the Convention include the establishment of Israeli settlements in the Occupied Palestinian Territories, including Jerusalem. The establishment of settlements is illegal according to Article 49 of the Convention, as has been repeatedly confirmed by UN resolutions.

3. Unilateral measures to change the status of parts of the Occupied Territories, including de jure and de facto annexation, are illegal according to the Convention. HCPs should not take measures that will lead to illegality.

In the current circumstances, the participants urge the HCPs to focus the agenda of the Conference on specific measures to be adopted to stop the above-mentioned breaches. The overall objective of the Conference must be to ensure compliance with the Convention. In this regard, reference is made to the decision by the European Commission recommending that its Member States not import goods produced in the Israeli settlements. The participants look forward to the HCPs adopting similar constructive measures at the Conference.

## **Additional Recommendations from Participants in the Working Group on "Peace and Human Rights"**

1. Call on Palestinian Arab human rights organizations to urge world public opinion (particularly organizations and agencies dealing with human rights) to call on the great powers supervising the "peace process" to put serious pressure on Israel to respond to the real requirements of building peace, in view of the fact that the Palestinian Authority is not doing what is required to attain a just peace.

2. Call on Palestinian Arab human rights organizations to devote greater attention to compiling complete legal files on any practices that constitute war crimes or crimes against humanity, showing respect for victims of these crimes, and calling to account those responsible for such crimes whenever that becomes possible in the future.

3. Call on Palestinian Arab human rights organizations to meet, with a view to agreeing upon a comprehensive vision of human rights and distributing roles accordingly to effective organizations.

4. Urge parties to various conflicts in the Arab world to respect international standards in human rights law, especially the Fourth Geneva Convention and its protocols on protecting families, the wounded, and civilians in the time of war or armed conflicts.

5. Stress the right of Palestinian refugees—inside the territories occupied in 1948—to return to their villages and cities, based on UN resolutions. Call on human rights organizations to give special importance to including discrimination, racism, and all forms of violation of human rights that Israeli practices against the Palestinian people in the territories occupied in 1984.

# **An assessment of progress made in the area of human rights in the Arab world**

Hany Megally\*

One can contend that in discussing the state of human rights in the Middle East one has to link this with the recent growth of an Arab human rights movement and examine the extent to which such a movement has improved or otherwise the overall human rights situation.

Although local activists have cited values of justice, tolerance and mutual respect extending as far back as Pharaonic times in Egypt, the region's modern human rights movement traces its origins to the late 1960's and early 1970's and only really began to flower in the late 1980's. By the end of 1998 one could count nearly 20 Egyptian and over 15 Palestinian human rights groups. The oldest surviving membership-based group, the Tunisian League for Human Rights, has just celebrated its twenty-first anniversary – although government repression sharply impeded its ability to function – and active groups can be found in Algeria, Jordan, Lebanon, Kuwait, Morocco and Yemen. Groups in exile monitor Bahrain, Iran, Iraq, Libya, Saudi Arabia, Syria and several other Gulf states.

Despite this impressive growth of organizations in recent years, human rights violations including arbitrary arrest, torture, unfair trial and the use of the death penalty remain widespread; discrimination and violence against women is undiminished; and refugees are at even greater risk in this region.

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## **Review of human rights violations in 1998:**

If we review the state of human rights in 1998 as an up-to-date assessment of where we stand we will note a steady erosion of freedoms of expression and association brought about both by governments seeking to silence criticism and violent or intolerant political groups bent on quashing diverse views or departures from their own notions of religious orthodoxy.

Indeed, during the year authorities arrested journalists and closed newspapers and other media outlets in over half the countries in the region. In Egypt journalists were sentenced to prison terms following convictions for criminal libel, while the independent press continued to face censorship and other restrictions. In Lebanon, a military court sentenced in absentia Pierre Atallah, a journalist with al-Nahar daily newspaper, to three years' imprisonment and a fine for his published interview with a leader of a Lebanese militia who was sentenced to death in absentia for collaboration with Israel. A Kuwaiti court sentenced al-Qabas editor Mohammad al-Saqr in June to a fine and six months imprisonment for publishing a joke that the information ministry deemed offensive; an appeals court stayed execution of the prison sentence pending an appeal to the Constitutional Court. Bahrain continued an effective ban on reporting by the local Arabic-speaking stringer for the BBC, and threatened to penalize a well-known local columnist, Hafedh al-Shaikh, if he published in Bahrain or elsewhere. In Tunisia, indirect controls on the press were so heavy that the private and governmental newspapers were virtually indistinguishable in their coverage of government policies. Foreign publications were plentiful on the newsstands but did not appear whenever issues contained material deemed unfavorable about Tunisia, such as the June issue of *Le Monde Diplomatique*. In Jordan, forces of civil society campaigned vocally throughout the year but failed to prevent the passing of a restrictive press and publications law which went into effect on September 1.

In several countries we witnessed a struggle between defenders of freedom of association and assembly and those seeking to restrict those rights. In Bahrain, members of the Lawyers Society brought a court challenge to the minister of labor and social affairs' March decree replacing the elected governing board with a handpicked slate of pro-government lawyers. Human rights and other activists sought to work with the Palestinian Legislative Council to improve a draft legislation governing NGOs working in the territories controlled by the Palestinian Authority. Although the legislation was submitted to President Arafat for ratification in August, it still has not been signed into law. The human rights community

in Egypt mobilized to publicize the dangers of a draft law designed to restrict further the activities of all NGOs and give the state a significantly intrusive hand in the conduct of their affairs.

Women continued to face systematic gender discrimination, particularly in states that maintained religiously based personal status laws and where blatantly discriminatory family codes granted husbands superior rights in terms of divorce, child custody, and inheritance. In Tunisia, where the family code provided for

greater equality between the sexes, the independent Tunisian Association of Democratic Women reminded the government that women's rights included the political right to promote their cause publicly, something they were frequently blocked from doing. Israel had no provision for civil marriage, and Israeli law deferred to Jewish, Muslim, Christian or Druze religious courts on issues of

marriage, divorce, and child custody. Rulings by such courts were often highly discriminatory; for example, in cases where husbands refused to grant wives a divorce, Jewish religious courts allowed the husbands to remarry while prohibiting women from both divorcing and remarrying. In Saudi Arabia and many of the Gulf states, women faced institutionalized discrimination, affecting their freedom of movement and association and the right to equality, employment and education.

In addition, other basic rights were not respected in most countries in the Middle East and North Africa and the pattern of violations persisted or worsened. There were disappointingly few discernible improvements in longstanding problems such as arbitrary arrest, torture, "disappearances," and the death penalty. The international attention that was finally paid to Algeria's ongoing internal conflict did not prevent the killing of thousands of men, women, and children, and continued growth of the number of "disappeared" persons. In Iraq, sanctions combined with government policies continued to have a devastating impact on the welfare of civilians with 4,000 to 5,000 children dying every month, according to United Nations statistics, because of the breakdown of water and sanitation, inadequate diet and the bad internal health situation. The military conflict in occupied south Lebanon again yielded violations of international humanitarian law and civilian casualties, as did the conflict between Palestinians and Israelis in the occupied territories. Saudi Arabia, Iraq, Libya, and Syria remained civil society wastelands, where the exercise of freedom of association and expression was completely beyond reach. In Tunisia, the government sought not only to present its own version of

human rights and democratization but employed repressive and sometimes brutal measures to muzzle Tunisian human rights activists who tried to portray a truer picture. Palestinian refugees in the region and beyond continued to suffer from the consequences of the inability to exercise the right to a nationality.

Does this mean that the work of all the above-mentioned human rights groups is not having any impact or success? To reach such a simple conclusion would be to fail to recognize hard-won victories extracted willingly or otherwise from many of the region's regimes.

### **Review of progress or improvements in 1998:**

If we again review last year in terms of improvements or impact by activists we

will note several positive developments including prisoner releases, governmental accountability for past abuses, and ratifications of international human rights treaties. Perhaps the most encouraging highlights were the several instances when the local human rights community and civil society institutions mobilized in efforts to prevent the further shrinking of rights and hold those in power accountable for their actions.

But governments themselves could also be credited for some encouraging developments. Morocco took concrete action to resolve some of its longest-standing human rights problems. King Hassan II, in an October 9 address to parliament that was broadcast live, said, "We are determined to close the human rights file finally within the next six months." Over the next two weeks, twenty-eight Islamists were released from prison. Also, official information was disclosed for the first time about more than one hundred Moroccans who had "disappeared," some as long ago as the 1960s: it was announced that fifty-six of them had died. But Morocco's two largest independent human rights organizations insisted that much remained to be done in order to "close the files" on these issues, such as resolving additional cases of "disappearances" and political prisoners; returning the remains to families and compensating them; and prosecuting those responsible for "disappearances" and deaths in detention. The groups insisted that only an independent inquiry could credibly address the "disappearances" issue.

In Syria, several of the longest-held political prisoners in the region were released, including lawyer Riad al-Turk, who was detained without

charge since 1980, and Mustafa Tawfiq Fallah, who was arrested in 1970 and held for thirteen years beyond the expiry of his prison term. Syrian authorities also released 121 Lebanese who had been held in Syria without charge or official acknowledgment of their whereabouts. During the year Iraq released a number of Egyptian and Jordanian prisoners and Iran and Iraq repatriated thousands of POWs held since the 1980s. Kuwait pardoned a number of Jordanian and Iraqi prisoners convicted in unfair trials in 1991, and announced in June that it would close its notorious Talha prison. In Algeria, the issue of "disappearances" finally captured public attention, thanks to persistent agitation by the families of the missing and their advocates, increased local press coverage, demarches by visiting delegations, and interventions by human rights organizations.

In Oman, Sultan Qaboos made it possible for women to stand for election to the advisory Shura Council, broadening the participation of women in public affairs. Two Gulf states ratified key international conventions. Saudi Arabia signed the Convention against Torture (CAT) and the International Convention on the Elimination of All Forms of Racial Discrimination, and Bahrain signed the CAT. Although both countries' ratifications included important reservations, Bahrain, under the threat of a possible second critical resolution at the U.N. Sub-Commission on Human Rights, announced its willingness to allow a visit by the U.N. Working Group on Arbitrary Detention.

### **The need for a serious country by country assessment:**

What the above tells us is that an honest assessment of the state of human rights in the region and the impact and effectiveness of the Arab human rights movement is long overdue. While we can note in a simplistic way that human rights violations continue unabated throughout the region, and also point to some spectacular successes in terms of prisoner release, legislative reforms, government accountability or adherence to international standards, a serious examination on a country by country or issue by issue basis would be a much more useful tool for the movement as a whole. It would reveal much about the type of progress made, in which areas and why; it would point to the themes or issues where little or no progress can be discerned and might help us focus our attention on why this remains the case; it would enable informed comparative studies or analysis to see if the same conclusions apply across the region and to understand why and when they do not. Ultimately such an examination can be of vital assistance to the



movement as it enters the twenty first century and seeks to reach consensus on priorities and directions.

Such a study should examine on a country by country basis a set of agreed upon rights, freedoms or violations, perhaps over the past ten years, with the aim of identifying any improvement or reversal over that time.

In examining one such violation ( for example torture) the study should define it carefully on the basis of international standards though noting if there is any controversy; it should describe the extent to which the violation occurs in the given country and it should note the position of the violating government ( e.g. denies it happens, opposes it publicly, prosecutes violators, has signed the Torture convention, etc. ) and whether this has changed over time; the position or various positions of society towards that violation (this could include disagreements within a society based on cultural or religious grounds, a lack of awareness within the society as to the extent or nature of the violation or a simple acceptance that it cannot be changed easily) and whether this has changed over time; actions taken within the country by activists, victims and their families or other civil society actors and any discernible impact or effect; actions taken outside the country by international human rights organizations, international governmental fora such as the U.N. or the E.U. , and by other governments - and any perceived impact;

Another approach which could also complement the above approach would be to examine the extent to which human rights language has been incorporated into the discourse used by governments, opposition groups, and other elements of civil society on a country by country basis, or in the growth of governmental human rights institutions and ministerial mechanisms. Again the study would need to identify on a country by country basis whether or not such incorporation led to overall improvements, raised awareness levels or conversely undermined protection work.

Of course another measure of progress or not is the existence or lack of human rights activists and the scope they are given to function. Of course this could be covered if one of the themes in the above study is freedom of association. Another area that could be included in the study is the relationship between human rights activists and their home government. This could include questions of access to information - replies by ministries to inquiries, prison visits etc.

Impunity or government accountability for past abuses is another important area which should be looked at in such a study.

Such an examination would include activists from across the region and certainly would entail the involvement of the human rights groups who will be a valuable source of first hand data. The data gathered can itself be the basis for further analysis by academics, social scientists and others in the years ahead and it would be essential in preparing the detailed terms of reference to include such individuals from the very beginning.

While the review suggested above is an essential tool if we are serious and professional about our work, we do not need such a review to reach the disappointing conclusion that the human rights situation in the region remains dire, that progress has been agonizingly slow and very limited - and in some instances has been reversed - and that the human rights movement appears divided and ineffectual and lacks grassroots support and/or legitimacy. While this is a damning indictment of the movement, and some may even question the use of the term movement, I doubt if many will seriously disagree with it.

If the above assessment is true it suggests that some radical changes need to occur if this dismal picture is going to improve. Such changes need to occur at several levels and they relate, at a minimum, to the following areas;

### **Techniques:**

Clearly, if the human rights situation has not improved greatly in the past ten or twenty years - some may even argue that it has worsened though I am not that pessimistic - then the strategies and techniques being used must be re-examined, adapted and improved. That is not to say that this is not already happening. But if it is happening the experiences are not being shared systematically and activists are more often than not working in isolation and re-inventing the wheel.

Which strategies have been successful in the past and why? It is a simple question yet most of us would need to pause and think hard before we could come up with concrete answers and examples. We have not carefully studied and digested the lessons of the past. We have tended to rely almost solely on a few techniques - the issuing of reports or press statements, the holding of workshops and conferences, the shaming of governments, and the call for intervention by the United Nations human

rights mechanisms would sum up most of them. Some groups or individuals are of course involved in much more innovative techniques, and I do not mean to paint everyone with the same brush, but on the whole techniques are not being adapted fast enough to deal with the changing socio-political environment, and there is no conscious recognition that existing techniques may not be effective. In a market economy human rights groups we would be out of business.

One of our faults is we do not always have precise aims. For example, a press release may raise public awareness, it may be a tool to pressure governments to cease violations, it may be a way of informing the international community, it may be an expression of solidarity and no more, but it cannot do all those things every time. More often than not these aims are incompatible and choices have to be made. If the local media is not willing or able to publish the press release then the aim of raising public awareness will not be met and other techniques need to be found. If a government has shown itself resilient to such pressures or if on the contrary it may respond in a negative way under this type of pressure another approach needs to be found to effectively pressure or persuade it. The aim of informing the international community is not the end result but the beginning of a process. Why in a particular instance is there a need to inform the international community and what do we expect from it? What do we mean by the international community - governments, international NGO's, public opinion, the U.N.? What if the reaction is not to our liking - most of the time we do not say what we want.

New techniques need to be identified and a good starting point is to look at what techniques are being used in other parts of the world. A recommendation from this meeting should be a project aimed at carrying out such comparative studies and making the findings widely available to activists in the region.

In the same vein, the emergence of an international criminal court - notwithstanding its inability to prosecute crimes within the first seven years of its statute coming into force - and the just as important precedent set by the recent British House of Lords judgement rejecting Augusto Pinochet's bid for blanket immunity as a former head of state are indicators of a new era in human rights work. In addition to exposing violations, defending victims and promoting rights, the ability to bring perpetrators to justice is greatly enhanced. This is a technique which requires careful study and even more than usual coordinated strategies and action.

The primary aim is to set examples that can act as a deterrent for present or would-be violators. Pinochet will not go to prison but by seeking to bring him to justice, by stripping him of his immunity and perhaps forcing him to stand trial this is not only justice for the victims and their families but also a powerful deterrent for others. We all know that there are perpetrators of war crimes and crimes against humanity who remain at large, some remain in power and yet others have sought safe haven in the Middle East for crimes committed in other regions.

Yet in order for such individuals to be brought to justice human rights activists will need to develop new methodologies for gathering information which could be used as evidence in a court of law. It would not be sufficient to present published reports on torture or killings. Painstaking research will need to be undertaken, witnesses found, affidavits gathered and evidence produced which would stand up in a court of law. Local legislation would have to be amended to incorporate universal jurisdiction. Coordination would need to take place locally, regionally and internationally to ensure effectiveness.

A recommendation from this meeting should be a workshop or series of workshops to examine the implications of the coming of age of an "international justice system", to learn the lessons of the Pinochet case, to familiarize activists with the statute of the international criminal court and to enumerate the techniques and the training that may be necessary for future work in this area.

### **Popularity and legitimacy:**

The need to develop grassroots support is repeated in many meetings and conferences in the region yet little progress has been made. Is it necessary, perhaps not otherwise we would have devoted more time and effort to it. I would argue that is a vital ingredient and one of the reasons why the situation is so dire. Human rights organizations across the region have developed knowledge and skills in exposing violations and in seeking to defend victims but remain extremely weak in promotional activity.

This in turn diminishes the legitimacy of the organizations, and the reality of the situation is we work in a hostile environment often under attack by the governments and large segments of our communities. Much has been made of projects aimed at human rights education and awareness raising, but what is really missing and what is needed is a process of popularizing human rights in our communities. How does one make human

rights popular in Egypt, Palestine or Morocco? Popular in the sense that people are sympathetic and supportive of rather than antagonistic towards the values and the ideals we cherish. I do not have a ready answer, but would suggest that this is a subject which requires serious thought and an identified strategy. Perhaps as a recommendation from this meeting we need to look at examples from the rest of the world, such as the young activists movements in the Philippines, the popular growth of the environmental movement Green Peace, the history of the Civil Rights movement in the USA, the growth of Amnesty International worldwide. None of these are of course intended as role models to be copied, rather they could be studied and lessons learned from their experiences. Some of the things they all seem to have in common is a commitment to activism which seeks to involve members of the community and which includes activities which are both participatory and "attractive" something often lacking in the way we present ourselves and our work.

### **Relationships within the region:**

As I stated earlier in this paper the term "Arab human rights movement" is more and more being questioned. The movement rarely speak with one voice, gives the impression that it is divided rather than united, has weak structures when it comes to sharing of information, experience or skills, does not have a unified strategy on any single topic that comes to mind and its components are often more likely to be in contact with the outside world than with each other. So the question to pose is what need to do we have for a regional movement, since thus far it has not materialized. Given the dismal human rights situation described at the beginning of this paper and a recognition that we need to improve if we are to have any impact the answer should be that we can only benefit from a more integrated movement. In addition if we review the way that the Asian groups or the Latin American groups ensured their messages were heard at major conferences, including the 1993 Vienna conference while the Arab groups were largely ineffectual, and when we see that all the other regions of the world have developed regional human rights mechanisms which are in operation (eg OAS, OAU, etc? ) while the League of Arab States remains a bastion that is inaccessible to Arab NGO's I think the message is clear. There may be many obstacles which have so far prevented a more integrated approach among NGO's in the region, but one by one they are being or can be overcome. In addition modern technology, including Internet communications, is greatly decreasing the costs and easing the process of information-sharing. One

recommendation from this conference should be a workshop to build on the efforts undertaken until now to link up the various components of the movement through Internet communications, and to examine the pros and cons of having a listserv or web-site on which information can be posted from all parts of the region.

Perhaps what is needed to inject momentum in this process is a theme behind which the movement can unite and work together over a period of time. A theme which allows one message but many different voices, each component devising the most appropriate way within its community to relay the message. It could also be a way of popularizing human rights activism by seeking ways to involve the general public, students, professionals, etc..

### **Relationships with the international community:**

The relationship between activists in the region and the different components of the international community is one which has been evolving over time and is perhaps one that has adapted and changed more than any of the above areas. Yet the relationship remains mainly a direct one between local groups, and in some cases regional groups, and international organizations, and does not take into account the wider international community - comprising NGOs, IGO's, the media, local public opinion, other institutions of civil society, individual governments, etc. The dynamics of the relationships between these components need to be taken into account by activists in the Middle East, in the same way that an international organization needs to understand the dynamics of the relationships in any given country within a ruling party or government, the opposition parties, the victims, the media, the NGO community, other institutions of civil society etc. To a large extent visits by staff from international groups are aimed at developing such knowledge and expertise within a given country. The same can be said of visits by local groups to Geneva, to attend and understand the dynamics of the UN Human Rights Commission, to Brussels to do the same with the European Union or even to London or Washington to understand the dynamics of lobbying those governments. However, not all local groups have the resources to conduct such travel and it is questionable that this would be a priority for them if balanced against monitoring and exposing violations on the ground or promoting a human rights culture within their communities. Not many local organizations would also have the resources to conduct such travel on a

regular basis. Yet a better understanding of and interaction with the international community is important for effective human rights work in the region. This can be achieved in two way. One is by strengthening the coordination and consultation processes with international groups (the subject of another panel at this conference). The second could be to set up one or more coordinating offices, for example in Geneva, Brussels or New York primarily to service the movement in the region.

# Freedom of Opinion and Expression in the Arab World\*

Essam El Din Hassan\*\*

Freedom of opinion and expression, in all its forms, is subject to restrictions of utmost severity in at least eight Arab countries, including Saudi Arabia, the Sultanate of Oman, Bahrain, Iraq, Syria, Sudan, and Libya. In spite of the fact that these countries have no common political classification or ideology, they all ban multi-party activities entirely, or else restrict them severely and link them to the "dominant" or "leading" party. These countries also are alike in banning opposition and punishing political opponents and dissenters, whether through dismissal, confinement, torture, unfair trials, and imprisonment, or through assassination or the death penalty.

The Statute Law of Saudi Arabia, in force since 1992, affirms that the state protects human rights according to Islamic Shari'a laws. It affirms that all of the news and publications media, as well as all other means of

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\* This paper draws extensively on the Arab Strategic Report of 1998, annual reports of the Arab Organization for Human Rights and Journalists Without Borders, the Sanaa Declaration on Strengthening the Independence and Diversity of Arab Information Media, issues of Sawasiah (a publication of the Cairo Institute for Human Rights Studies), Fateh Azzam's book Guarantees for Civil and Political Rights in the Arab Constitutions, a comparative study issued by the Cairo Institute, 1995.

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expression, are duty-bound to adhere to acceptable opinion and state systems, and must participate in the cultural education of the nation and the strengthening of its unity. All expression that may lead to strife or factionalization or affect the security of the state and its public relations—which is included on the list of forbidden items according to the terms of Saudi national security law—is banned. This includes direct public criticism of the government and interference in political matters, such as membership in political organizations, organizing strikes, or participating in them, as well as approval of and dissemination of ideas hostile to the government. The Saudi press and publications law also bans calling for destructive and disturbing ideas, confusing the public's trust in the system of government, or encouraging discord between citizens.

The Iraqi and Syrian constitutions link the freedom to adopt opinions and to express them, as well as the freedom to form organizations, to duties and responsibilities. This includes linking the practice of this freedom with the progressive, nationalist line of the revolution in Iraq, and with ensuring the safety of the national homeland and national structure and supporting the socialist regime in Syria. Challenging the ban on criticism risks imprisonment for the crime of offending the president; the death penalty is invoked if the motive was agitation. Penalties for criticizing the Revolutionary Command Council, the National Council, or the government of the Baath Party may also extend to life imprisonment. Some of the protocols of the Revolutionary Command Council also call for the death penalty for defectors from the Baath Party.

In Syria, where a state of emergency declared in 1962 remains in place until today and a ban is enforced on party pluralism outside the framework of the so-called Patriotic Nationalist Front, severe censorship affects the entire mass media. The restrictions placed on the circulation of information are so heavy, given the stupendous growth of technology in communications and satellites in this age of the information revolution, that they are the effective equivalent of laws banning the raising of homing pigeons.

In the Libyan Jamahiriya, which replaced its constitution in 1969 with a statutory declaration stating that the Qur'an is the constitution of the nation, the operative legislation imposes the death sentence on anyone who calls for, establishes, or manages any gathering, organization, group, or association banned by law, or even offers any kind of assistance to it. The

right to freedom of expression in Libya seems to reside officially with those within the membership of the popular committees and their conferences. This is according to the Green Book for Human Rights in the Age of the People, which stresses the "sovereignty of every individual in the Basic Popular Conference, and the insurance of their right of expressing their opinion publicly."

In the aftermath of the overthrow of the elected government in Sudan by military coup d'etat in 1989, which laid the pillars of the National Islamic Front, the constitution was suspended, a state of emergency was enforced, all political parties and associations were dissolved, and a total ban was placed on unions and newspapers, which then came under the total control of the authorities.

In Bahrain, where the authorities suspended some of the clauses of its 1975 constitution, work continues on a number of laws deleterious to rights, which has given the security forces exceptional powers to detain opponents and suspects for a period of three years without trial, and permits the prime minister to close any newspaper for two years or cancel its license completely. It also includes heavy penalties for the circulation or publication of unauthorized news matter, for a maximum sentence of ten years imprisonment.

Despite the fact that the journalistic establishments and journalists in these countries do not enjoy any degree of independence and practice self-censorship in their work, newspapers and journalists nonetheless find themselves the victims of various violations. Some journalists and writers have been prevented from writing entirely, the most famous case being that of Hafiz al-Sheikh in Bahrain. During 1998 many newspapers were closed down in Sudan, including al-Wifaq, al-Ra'i al-Akher, and al-Shari' al-Siyasi, and in Libya al-Zahf al-Akhder was banned. In Syria the imprisonment of eight journalists continues.

Other Arab countries--even those that accept some kind of political or party plurality and show a degree of tolerance, along with some freedoms of opinion and expression--have been the site of the violations of these freedoms at several levels.

Perhaps the most dangerous of these violations and the most severe has been the repression of these rights in Algeria in tandem by both authorities

and terrorist groups. Armed Muslim groups have claimed the assassination of no fewer than 60 journalists and photographers and have declared openly that they would use swords to kill those who fight them with pens. Moreover, throughout 1998 journalists had to face the new crisis of the authorities' drift towards ending protective security to persons threatened with death even while journalists and cartoonists were being harassed, whether for reasons relating to breaching the ban on publication of information relating to security issues, slandering public personalities, or insulting the Algerian flag. The Algerian government also took a negative position on the problem of overdue debts by a number of semi-independent newspapers, in a manner that gave an impression of an official tendency to seek more curbs on press freedom.

Egypt scored a first in the field of detainment of journalists when in 1998 prison sentences were imposed on four journalists, one of them the chief editor of an opposition newspaper. The sentences were partially or entirely carried out. Besides this, two other journalists were also sentenced to prison terms, but the attorney general halted implementation of the sentences of two, whose crime was abuse and slander of an abolished party's chairman within the context of an exchange of accusations between the chairman and the former Minister of the Interior. Furthermore, about a hundred journalists have been the targets of investigation or trial during the last two years, accused of crimes relating to publication, which could lead to their imprisonment. Indeed, preliminary detention orders were issued for some of them, which were appealed. Some of them were also the targets of harassment or investigation, or even military court marshals, under the auspices of the emergency law and the Prevention of Terrorism law.

The al-Dustour newspaper, which was the most popular independent Egyptian newspaper (published in Cyprus) was the victim of a government campaign, in which some of the other newspapers participated, against what was called the "yellow press." Under the guise of the attack on the "yellow press," scores of publications published under license outside Egypt, were banned—in the shadow of the restrictions placed on the freedom of the press—from being printed inside the country's free trade zones. Also, some of these publications were prohibited from circulation, notably The Cairo Times and The Middle East Times. The Egyptian authorities, in addition, placed more legal restrictions on the freedom of the press through the

amendment of the companies law and the addition of a clause requiring cabinet approval for the establishment of companies that, as part of their purpose, work in the field of satellite communications or newspaper publication. By the end of 1998 more than 20 requests for the establishment of newspaper companies had been presented, and only two of these requests were accepted, on the condition that they remain non-political publications.

Other forms of expression in Egypt have suffered even more severe treatment. The restrictions on peaceful assembly reached the extent of preventing symbolic marches in solidarity with the Iraqi people. Furthermore, dissidents who pronounced themselves opposed to laws or procedures in public gatherings were harassed, and parties even saw their activities taking place inside party headquarters come under siege. Finally, the Muslim Brothers and their allies have been subject recently to detainment and trials.

The Al-Azhar establishment has played a prominent role in the restriction of thought and opinion through its recommendation that scores of books and intellectual works be confiscated. In this it has helped create an environment for religious extremism and campaigns against thinkers and intellectuals, which has recently extended to thinkers and writers from within the Islamic current itself.

In Jordan the finding of the Jordanian Supreme Court that the Press and Publications law of 1997 was unconstitutional did not end the insistence of the authorities on placing more legal restrictions on the freedom of the press. The government reissued the law after making slight amendments to it via the chamber of deputies to avoid the contestation of its constitutionality again. It can be said that the increased strangulation of press freedom and of expression in general is linked to the signing of the peace agreement with Israel, at which time many of the newspaper editors-in-chief and journalists were submitted to trial, and some prevented from writing. Prior censorship was also enforced against Arab and foreign newspapers inside the country. Committees organized around this issue were harassed, such as associations like the Popular Committee for the Confrontation of Normalization whose members were put on trial. They were later found innocent. However, a positive development occurred in the latter part of 1998 with the government's withdrawal of about 30 court actions it had brought against a large number of journalists, in the context of

what it considered to be a campaign against "black journalism," or journalism abusive of friendly countries.

In Kuwait the Appeals Court suspended a six-month sentence for the editor-in-chief of al-Qibs newspaper. The ruling also included the sentencing of an Egyptian cartoonist because of the drawing of a depiction of Adam and Eve being evicted from paradise because of their non-payment of rent.

In Lebanon, whose president slapped the editor-in-chief of al-Shira' magazine because of sharp criticisms that allegedly amounted to "ignoring etiquette in speaking to the state president," a great deal of harassment occurs against the press and journalists. Three daily and two weekly newspapers were accused of defaming the state president or prime minister, or abusing friendly states, or publishing material inciting sectarian factionalization. The editor-in-chief of al-Diar newspaper accused thus was subjected to a court case carrying a jail sentence of two years.

The margin of political and party plurality in Yemen did not prevent many cases of confiscation and banning of newspapers and the provocation of political parties and their newspapers. The law does not stop at the punishment of journalists in Yemen with detentions and fines for the "crimes" of publication, but adds to them the punishment of whipping in some crimes of slander. One year ago, a court action ended with the whipping of two journalists in the al-Shurra newspaper, the mouthpiece of the Union of Popular Forces party; it was decided lately to suspend the sentence on the pretext that another published newspaper has the same name.

Mauritania has achieved a world record in the field of censorship of the press, with reports for 1997 indicating the suspension of 17 newspapers in one year.

Tunisia's sham pluralism does not hide the character of the controlled press, which is under the complete control of the government. On reviewing the constant violations against journalists, confiscation of foreign newspapers, and withholding the passports of many journalists, the International Association of Journalism decided to suspend the membership of the Tunisian Association of Journalism, in consideration of its inability to combat the attacks on journalism. These occur in an environment where

political opponents are dealt with severely, where the banning of the Nahda (Renaissance) and Omal (Communist) parties continues, and where the president of the Democratic Socialist movement and his deputy are prevented from practicing their civil and political rights after a court ordered their imprisonment because of outspoken criticism of the Tunisian government. The leadership of the Tunisian human rights movement is subjected to intense restrictions such as virtual house arrest, and is prevented from travel and participation in Arab and international human rights activities, not to mention the trial and imprisonment of Camis Ghassila, one of the most outstanding leaders of the Tunisian League.

Despite the fact that the citizens of Morocco enjoy freedom of the press without restrictions, journalists there still face problems due to the threat of imprisonment for crimes of publication. Journalists hope that the promise by the Moroccan Minister of Information last November to draft a new law and to remove this punishment will be realized. For their part Moroccan journalists come up against taboos or prohibitions which are still impossible to touch upon, such as the question of royalty or taking a contradictory stance in the conflict over the Western Sahara.

### **Domination of the Audio-Visual Media:**

Most Arab governments monopolize the audio-visual mass media. Despite the age of satellite channels and the presence of more than thirty Arab satellite channels, the Arab citizen remains the captive of the official media, which is under governmental control. Some Arab governments, which seek to establish their own satellite channels, continue to prevent their citizens from owning equipment for the reception of satellite television broadcasts, due to a mentality that is inclined to protect the media sovereignty of the state.

Lebanon witnessed a widespread media boom during the civil war, which led to the establishment of nearly 120 broadcasting channels and 52 television channels, most of which were not licensed in the absence of the state. Now the government has introduced new restrictions on media broadcasting on the pretext of reorganization, according to Law no. 382 of 1996. The law requires all existing stations and those to be established in the future to forward requests for licensing from the Council of Ministers. The

law and the presidential decree explaining it laid down wide criteria for the granting or blocking of licenses, such as the stipulation that issues which disturb the economic security and incite strife must not be broadcast. The law implies the tightening of the grip of the state on the free media. The application of the law has resulted in several television channels, known for their criticism of the government, having been refused by the Council of Ministers; only 3 out of 11 broadcasting channels given licenses were permitted to broadcast political and news programs. Radio and television stations were also classified into two types, one permitted to broadcast in general, including political and news programs, and the other not licensed to do so.

### **Final Observations:**

1-The threats faced by the freedom of opinion and expression in general do not spring solely from despotic tendencies of the totalitarian Arab systems. The political and intellectual populace outside the elite of the governing regime have shown an increasing inclination towards extremism

and intolerance of the other. If some sections of political Islam have been disposed towards charging their opponents with infidelity on the pretext of their deviating from established Muslim belief, other sections inside the political and intellectual electorate are inclined to charge their opponents with treason on the pretext of their being outside the "national consensus." This in turn results in spreading intellectual terrorism, and departs from the requirements of objective debate into deliberate distortion, hurling accusations and vilifications against opponents without verification, as well as encouraging the state and the social establishments to violate their rights.

2-The retraction in democratic values and recognition of the other plays a part in pushing the judicial system into the battleground of political and intellectual disputes.

3-The wide-ranging curbs on the circulation of information and on the right of journalists to procure information from its sources play their part in involving journalists and journalistic institutions in scores of court cases; this prevents journalists from putting forward proof of the truth of the information that they publish.

4-Freedom of the press cannot flourish under an arsenal of Arab legislation allowing the detention of journalists, inclining towards the use of bombastic rhetoric that criminalizes the holding of opinions and punishes those who hold them, and in which the lines get muddled between permissible criticism and offensive libel. Thus the matter requires an intrinsic revision of all press laws.

5-If governments resort to taking advantage of journalistic excesses and the decline in job standards to encroach upon the freedom of the press and the freedom of expression, then the real possibility of reforming journalism requires cancellation of the curbs imposed on the freedom of the press and opening the door for the publication of new journals which express different political and intellectual currents. Of no lesser importance is the cancellation of punishments which deny freedom, using instead civil and disciplinary penalties and compensation in kind—exemplified by the right to reply and correct, and also limiting the special restrictions placed on the procurement of information. It should be noted that the freedom to issue journals and to circulate information would upgrade the journalistic standards of publishing institutions and journalists. In connection with this, the importance of heading towards privatizing the state-owned press institutions in Arab countries should be mentioned, which will help to improve a spirit of professionalism, currently ruled by the job rationale. The matter requires, above all, the presence of strong journalistic unions able to fend off attempts to belittle the role of the press from the side of the state, and able at the same time to heighten the level of job performance of their members and hold them accountable for any excesses that undermine the charters of journalistic honor and work ethics.

**A number of recommendations follow:**

- Calling on Arab governments to give constitutional safeguards for the freedom of expression and the freedom of the press in the framework of abiding by recognized international criteria for protecting the freedom of opinion and expression.
- Ending all restrictions placed on the freedom to establish associations, unions, or federations of journalists, editors, and publishers, and the abolition of all forms of government interference in their work.
- Ensuring that any principles for directing the press and media



emanate from inside that profession. Also, the disputes in which the information media are involved should be handled by courts in accordance with civil laws and measures and not criminal ones. Freedom-denying punishments in cases relating to publication should be abolished and replaced with civil and disciplinary measures.

- Guaranteeing the freedom to publish newspapers and encouraging journalists to establish independent journalistic institutions. International donors should target the independent news media and assistance should be withheld from the public news media unless they are independent in their editorship. Also, encouragement should be given to independent private ownership of electronic, audio, and visual news media, which in turn entails the ending of state monopoly and its domination of the varied news media.

- Inviting Arab governments to cooperate with the professional associations and NGOs in the revision of the present legislation, with the aim of actualizing the right to freedom of expression, press freedom, circulation of information, and the ending of the monopolization of the news.

- Adopting serious training programs for journalists and professionals in the information media to raise the standard of professional performance.

- Supporting the independence of the judiciary and its immunity, and providing guarantees for fair trial that form the necessary conditions for fairness to the victims of the violations of freedom of opinion and expression. In this regard, cases of opinion and press should be referred to the rightful judge, dismantling exceptional courts and prohibiting the reference of civilians to military courts. Administrative decisions must not be granted immunity against judicial contestation. The independence of constitutional courts in Arab countries must be supported; where these do not exist they must be established.

- Encouraging the establishment of national and regional networks to monitor violations of freedom of expression from governmental or non-governmental quarters. Included within this context is an evaluation of the professional performance of the press and media, along with monitoring of violations committed. These comprise acts which are contrary to the principles of the profession, which represent an attack on the rights of others, enrich the environment of militancy, and lean toward defamation or

degradation of the reputation of opponents.

Lastly, defending freedom of opinion and expression and confronting its violation requires research into democratic values and their development in Arab political culture. For example, schools and other intellectual and political institutions can be encouraged and motivated to revise their approaches. The Arab human rights movement must seek suitable opportunities to teach human rights, enhance the value of tolerance, and refute militancy. Serious debates about a number of issues that provoke public outrage against freedom of expression and freedom of the press could be held to encourage this process. Foremost of these:

- The effects of globalization, information technology, and communications technology on cultural identity and cultural particularities.
- The limits of freedom of opinion and expression and interference with privacy.
- The balance between the freedom of holding views and beliefs and the respect for the beliefs of others.

### **Additional Recommendations from Participants in the Working Group on "Freedom of Opinion and Expression"**

1-Lifting all legal and administrative restrictions on the freedom to exchange information, and stressing that the free flow and exchange of information constitutes a basic guarantee of freedom of the press and of expression, as well as of the right of citizens to know.

2-Providing the right to strike and other means of expression that accord with the right of citizens to assemble peaceably. Respecting freedom of opinion and expression is an indivisible part of the general system.

3-Working to free the press from all forms of government hegemony and providing the right to distribute publications in freedom inside or outside countries.

4-Calling on all democratic forces in the Arab world to coordinate their efforts to urge Arab governments to release all detained on the basis of opinion, including journalists in all Arab countries, and lifting censorship

imposed by Arab governments on a broad spectrum of books, magazines, and various publications.

5-Demanding that Arab governments reveal the fate of writers and journalists who have disappeared.

6-Inviting all Arab political bodies to review their media discourse and remove all images that incite violence or discrimination against women or minorities. Stressing the role of the media in strengthening reconciliation and resolving conflict via objective dialogue.

7-Inviting those who labor on behalf of freedom of expression to benefit from the experiences of other countries who have made more progress in strengthening this freedom relative to other Arab countries.

8-Urging Arab governments to guarantee fair access to radio and television for all political parties and candidates during electoral campaigns.

9-Stressing guarantees of freedom of expression to women, children, and minorities.

10-Protecting the media, the pluralistic media that need strengthening, and developing media in rural areas.

# TERRORISM AND FREEDOM OF BELIEF

Driss EL Yazemy\*

The title of this workshop is somewhat ambiguous. We must first agree about the meaning of the two concepts “terrorism” and “freedom of belief.” The relationship between these two concepts could imply or lead to the conclusion that the sole problem is that associated with Islamic groups. Actually this perception pervades political debate and is promoted by the mass media in most cases, either in Arab countries or those of the North. Mass media treat the major, even the only, threat to freedom of belief as stemming from political-religious movements, and treat their militancy as terrorism pure and simple.

Certainly this allegation has some truth to it. Political movements inspired by religion have become a prominent feature of political life within all Arab societies. Members of those movements have accumulated experience in fieldwork, mobilized the rank and file, scored landslide gains in local elections (in countries sanctioning this type of competition), while some of them have been heavily engaged in militant action. Their message resonates with large groups of people in extreme situations (such as the case of Algeria). Security forces are no longer the sole target of such groups; civilians have in turn become prey for the most outrageous violations of

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human rights, and in the end, the most extreme groups charge the entire society, not just the regime, with apostasy. Targets for terrorist action and threats to freedom of belief, however, have been specifically defined in most cases. They have aimed at elements of the intelligentsia and human rights activists by threatening individuals, hurling accusations, explicitly denouncing written works, pronouncing fatwas (religious legal opinions), or filing complaints before courts of justice. In addition terrorist attacks in recent years have also targeted a number of researchers and novelists (Farak Fouda, Naguib Mahfouz, Nasr Abou Zeid, Fatima Al Mernissi).

The inevitable fact—the proliferation of all forms of political Islam—should not obscure the central role of the state and its policies within Arab countries. State responsibility is foremost because it always seeks refuge in religious legitimacy, albeit as a palliative. Not a single Arab regime has escaped this, even those regimes that claim to be "secularist" (Syria, Iraq, and Tunisia).

Reference to religion, stipulated in legislative texts, is constantly upheld and advanced in official political discourse. It is also promoted through mass media that are almost entirely monopolized by the regime. By relying on laws and political discourse, the state "injects" political debate with religious messages and opens the door for bidding over religion as a political vehicle. At the same time, in almost all Arab countries the regime actually supported religious movements at their birth and used them to combat leftist movements, which were quite influential at the time, particularly among youth. The task of human rights defenders becomes increasingly complicated when the state engages in ferocious repressive strikes against politicized religious groups that threaten its totalitarian rule.

Human rights organizations are caught in a dilemma: what is to be done with these Islamic groups that have legitimate rights and claims and reject the unfair distribution of wealth, despite the fact that they have a different frame of reference than that of human rights? How can the state's harsh crackdown on Islamic groups be combatted? Finally, can these groups claim a place in the political landscape? If the answer is in the affirmative, what will be the size of this place, and the strings attached to it? Or, alternatively, should we resist these groups irrespective of the price to be paid, under the pretext that enemies of freedom should not enjoy freedom?

These issues, which have been deliberated in almost all human rights organizations and associations, have taken a tragic and radical path in

Algeria. Thus, Northern as well as Southern countries have adopted an inimical attitude toward this country and its calamity.

Put very simply, attitudes of human rights activists concerning the aforementioned questions and issues can be summarized in three points:

**First:** The position of a minority is that repression of Islamists should be overlooked, or when it is impossible to do so, the magnitude of the crackdown should be mitigated. The "fundamentalist threat" is most significant to those holding this point of view, especially because it is aimed at vulnerable groups (women, cultural and religious minorities). Advocates of this attitude have even called for a practical alliance with political rulers even if they lack the necessary credibility.

**Second:** A more widely-held position calls for defending victims of state violence, albeit superficially. Meanwhile, it rejects any debate or relationship with Islamic groups.

**Third:** A position that we would like to defend here is that it is imperative for human rights activists not only to support all victims irrespective of their political affiliation, but also to play an effective role in pacifying and mitigating political tensions and confrontation. They should devise peaceful solutions to conflicts within their societies and strive to establish a long-term debate with religious political movements. Their objective would be to win these movements over and encourage them to champion human rights and democracy as much as possible.

Before getting into details here, we should elucidate the meaning of freedom of thought and terrorism. In our estimation, freedom of thought is based on two principles: the right to believe and that to disbelieve. In the first case, freedom of worship should be guaranteed. Terrorism, on the other hand, means any violence practiced within an independent Arab state and aiming to expropriate political power while violating human rights spelled out in the Universal Declaration of Human Rights and all other human rights instruments that have seen the light for half a century. In this context, we condemn all organized militant assaults orchestrated by different politico-religious groups, irrespective of their motives. We should relentlessly and explicitly continue to condemn them.

The despotic nature of the state, its failure to confront post-independence challenges, its unconscionable manipulation of national wealth, in addition to its failure to guarantee social justice, freedom of

expression, and opinion neither justify nor legitimize religious groups' militancy. Even the blatant violation of the simple right of citizens to select their political representatives, such as the case in Algeria in 1992, still does not justify the use of violence. At the same time, we believe that terrorism is practiced by the state against its society and people. The systematic transgression of human rights, which is almost a general phenomenon in the Arab World, leads to what we call state terrorism. The following phenomena are classified under state terrorism: kidnapping, forcible disappearance, detention of political opponents in secret centers for prolonged periods of time, extralegal executions, alliance with militias and paramilitary groups, and collective punishment in some cases.

Hence, human rights activists face a dual challenge. The first concerns discourse and practices they must develop in confrontation with political Islam. The second challenge is related to the method of dealing with the state. Concerning the first challenge, we should adopt the principle of universality. We cannot tolerate the idea that opponents should be beaten, using all methods, even to the extent of shattering cherished principles and values. This approach tests the credibility of our values, and undermines our struggle and our ambition to generalize and disseminate universal human rights in Arab societies. Human rights activists in this region repudiate the idea of discrimination among victims (even though activists might have sharp differences of opinion with some of these victims and despite the fact that some of them might have committed barbarous crimes). In this sense, they play a crucial educational role vis-à-vis the entire society, and they honor values they advocate and defend. They also set an example worthy of emulation.

The need to adopt this attitude should be self-evident, albeit insufficient in societies that still suffer from rulers' despotism, public disenchantment, and failure of post-independence centralized development strategies, in addition to a biased and arbitrary international order. Islamic protest movements, with their different discourse, express citizens' discontent with this oppressive and unfair system and their eagerness to establish a fair distribution of wealth and responsibilities. The resonance that such protest movements have in the most impoverished and destitute classes expresses hopes for real change rather than seeking refuge in the past.

We should not overlook this fact concealed behind "obscurantist" discourse and platforms. The issue at stake here is not to mitigate or

disregard the potential threat these movements pose, but rather to sense the real pulse of men and women who have adopted and advocated this discourse and these platforms. We should not persistently maintain the thesis that mentalities should be changed under the banner of "modernization" by using "the iron fist" policy. We should instead pacify these movements, and help them through the long and tedious path of change, which requires patience. Once these movements relinquish the use of violence or begin moving away from it, they should be considered as members of the local political arena. They should also be part of political action, after being pacified and democratized. The human rights movement, then, could play the role of "midwife" and guarantor of peaceful political and intellectual contact among all parties.

At first glance this approach might seem quite out of context in terms of the human rights movement's priorities. However, a rational overview of the history of racism and racial discrimination within Western societies reveals that these societies could not achieve progress until they integrated religious classes and forces, each society according to its historical, political, and cultural specificity.

At the other end of the spectrum, state strategy in the Arab world varies between taming and condemning Islamic political action. Any protest or dissent is taboo. The authoritarian state adopts several methods to tame political Islam. For example, it strives to subdue official religious figures and scholars through strict policing and ideological supervision of religious advocacy, state-sponsored preaching in mosques and training institutes, and controlled and limited integration of some Islamic political parties within parliamentary councils (to the detriment of other less "obedient" parties), such as in Morocco and Algeria. However, it seems that "security" approaches have prevailed during recent years, and governments are extensively coordinating their efforts in this domain. Hence, Arab Ministers of Interior and of Justice signed the "Arab Anti-terrorist Agreement" in April 1998 in Cairo.

In fact, a regional or international agreement geared toward combatting terrorist groups is not a problem in and of itself. However, the real concern is that such an agreement might greatly jeopardize freedoms, especially Arab citizens' freedom of movement and the right to political asylum (which many members of political opposition groups seek when they are threatened by their own states). The Cairo Agreement calls for several mechanisms for



exchanging information, establishing borderline surveillance systems, data banks, cooperating in the domains of judiciary and security measures, and delivering suspects or condemned people to their governments. Since governments adopt "elastic" definitions of terrorism in political discourse or national laws (such as the case of Algeria, for instance), this agreement in fact jeopardizes a crucial right, namely, that of political protest, including peaceful protests. Even though Islamic movements have been the major target for state repression, any political dissent or protest, even the most secular forms, might be in peril. Since genuine separation of powers that guarantees independence of the judiciary is not a common practice in the Arab region, this agreement is in fact a legal framework for cooperation among Arab security apparatuses. In fact, it has proved to be quite fruitful; a number of opponents have been arrested and delivered to governments of "friendly countries."

This state of affairs imposes another heavy burden on the Arab human rights movement. It is imperative that this movement create a mechanism to supervise and follow up the Cairo agreement in order to guarantee respect for the right to political asylum. Human rights organizations should give priority on their agenda to promoting and guaranteeing freedom of movement among different countries of the region. The harsh policy that countries of the North have adopted in providing short-term visas to expatriates has "condemned" Arab citizens to "house arrest."

The human rights movement is caught between two equally detestable evils: "the authoritarian state" and political Islam. Both of them have resorted to terrorist acts and have undermined freedom of belief. The Arab human rights movement is facing a great challenge that distinguishes it from other human rights movements working in other socio-cultural environments. Despite the fact that Arab human rights associations and organizations still represent a minority culture within their societies, and even though they are entrenched in the middle classes while the sweeping majority of the population suffers from poverty and disdain, they advocate universal and humanitarian values. These values have actually been forged in the Western world that, paradoxically, today leads an unequal and prejudiced world order. Recalling their past and present, societies of the South treat these values with skepticism and consider them to be alien. Both despotic regimes and religious movements capitalize on this feeling under the pretext of particularism and cultural specificity, or by focusing on

injustices imposed on the Arab world, which suffers more than any other region from the double standard policy that countries of the North adopt.

In our opinion, the human rights movement should take these indicators into consideration and should not only defend all victims regardless of their convictions, but also integrate the civil society hierarchy within its priorities. Terrorism cannot be eliminated peacefully without opening the political arena before all forces and groups that reject the use of violence. Furthermore, this approach is in perfect harmony with the values we are defending, and is a necessity in societies suffering from underdevelopment and subjugation. These societies cannot stand up to the surrounding challenges, nor can they maintain a respectable position within the global economy, unless they strive to avoid wars and battles and mobilize their local resources and powers. In this way, the nationalist anti-imperialist movement was able to regain sovereignty in the near past thanks to national unity. Without a new spirit of national unity based on peace and respect for human rights, it will be difficult to confront the world order at present.

Secularization of Arab societies is indeed a historical necessity and a fundamental element in the desired consensus. However, we should eliminate any ambiguity; secularization is not a war against religion. On the contrary, freedom of worship is considered one of its major pillars. Freedom of belief and worship, the establishment of religious institutions, and the right to teach and preach any and all religious values are guaranteed within secular societies thanks to a diversity of institutions. The latter range between a radical separation between religion and politics, such as the case in France, and systems of partnership or coexistence. Secularization in these countries has been the outcome of a long and difficult process, including powerful conflicts among sectors of society, in order to reach an accommodation with the prevailing religion. Institutional procedures and arrangements have been established thanks to the initiative or pressure of secularists. We are not advocating the imposition of an ideal or ready-made secular prototype on Arab societies. Rather we are favoring a large-scale intellectual endeavor that would explore how secularization ought to be in the land of Islam.

The secular paradigm seems quite necessary in the region for at least two reasons. Despotic and authoritarian regimes in power today have used religion to serve their political ends, to legitimize their rule, and finally, to bolster and promote an unjust state system. Thus the secular paradigm does

not imply the elimination of all aspects of religion from society; it only means the emancipation of religion from political coercion. When the state relinquishes religious affairs, religion would not be overshadowed but freed from pressures imposed by politics.

The secular approach is also necessary to deal with cultural, linguistic, and religious diversity in the Arab world. If we take a closer look at the history of the region since the First World War, we will realize that it has been struck by a slow and chronic "debility." Minorities that contributed to the progress and enrichment of the region for several centuries have left. Diversity is waning, while advanced countries of the North are experiencing a vivid and sustainable religious and cultural pluralism. On the other hand, the southern shore of the Mediterranean looks as if it were cursed, paralyzed, while its best sons and daughters are fleeing its land to avoid misery, intolerance, civil strife, and despotism. Thus, the foreign population in Europe, which was 5 million in 1950, was 15 million in 1975, while the Jewish population in Morocco shrank from 30,000 in 1956 to 6,000-8,000 residents today. Furthermore, Algerian Sufi orders have relocated to France, the "Sarcelles" district in Paris has become a sacred shrine for Chaldeans, the German city of Frankfurt is an abode for Ahmadis, and Stockholm in Sweden a permanent residence for the Syriac church of Syria.

It seems that we are facing some kind of parallel yet contradictory movement. Some societies are enriched and diversified, while some other countries are witnessing a demise of plurality and diversity. On one shore, diversity is stabilized and growing, albeit passing through moments of strain and convulsions. On the opposite shore, minorities can neither find a place under the sun, nor can they project any hopes for the future. In this context, the struggle for peace on the one hand and the drafting of a secular project on the other are part and parcel of the tasks of the Arab human rights movement.

It seems necessary for the Arab human rights movement to devise new venues for reasoning and strategies for action along these points. The Casablanca Conference can adopt at least two resolutions in this domain.

## **Recommendations**

1. Organize a workshop on "Human Rights Violations by Non-governmental Actors" that would bring together academics and human rights activists from Arab countries that have lived through such an experience (e.g. Algeria, Egypt, and Lebanon) and other countries such as Peru and Colombia. The objective of this workshop would be to draw conclusions from such experiences and reach joint recommendations.

2. Organize a workshop on pressures that freedom of belief, freedom of opinion, and freedom of intellectual and aesthetic expression (and the academic movements that support them) are facing within the Arab World. This workshop could adopt a active perspective, where the academic/research aspect would be combined with book fairs, movie presentations, and live testimonies of victims of such pressures.

3. Organize a workshop on the relationship between human rights organizations and religious movements, including representatives of churches and religious minorities (or their remainders) in the Arab World.

4. Look again the idea of establishing a network and joint liability fund, whose sole task would be to resist the repression of intellectuals and researchers by publishing, in Europe and the United States, their works that are either banned or regularly confiscated in the Arab World.

### **Additional Recommendations from Participants in the Working Group on "Terrorism and Freedom of Belief"**

1. Calling for opening a dialogue between human rights organizations and religious institutions, or those that derive their legitimacy from religion, in the Arab world. This should be implemented according to the circumstances of each Arab country.

2. Calling on all political organizations to integrate human rights into their thinking and political programs, and opening dialogue with them, including Islamist political associations that foreswear violence.

3. Arab human rights organizations confirm their commitment to the universal legitimacy of human rights, and urge efforts to push Arab governments to adopt international conventions, to make modifications to existing laws necessary to bring them into conformance with international human rights standards, to cancel all laws that restrict freedom of thought

and belief, and to work to spread the values of tolerance and acceptance of others.

4. Urging efforts to put pressure on Arab governments not to sign the Arab Anti-Terrorism Agreement, in view of the fact that it contains language that permits governments to pursue peaceful politicians and oppositionists.

# **The Right to Development and Economic and Social Rights**

Essam Younis\*

It is rare to come across a document dealing with human rights issues that does not emphasize the unity and universality of human rights. The most recent document in this respect is the 2<sup>nd</sup> International Declaration of Human Rights (Vienna Declaration 1993). The document affirmed that all forms of human rights, by they civil, political, economic, social or cultural, constitute an indivisible whole. It is impossible to realize any of the elements either in isolation or at the expense of the other elements.

This intervention does not aim to justify this truth either legally or morally, as the issue should have been long since settled. The focus that should be considered for a serious discussion by the Arab human rights movement is the reasons why economic, social and cultural rights have not been treated seriously despite the wide range of violations that either equal or exceed violations of civil and political rights. Analyzing these reasons represents an important starting point for dealing with these rights in an attempt to formulate some basic recommendations on them in general, and specifically on the right to development.

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In light of the fact that human rights are an indivisible whole, which constitutes a basic focus of Arab organizations in their work, the indisputable fact is that our organizations have, intentionally or unintentionally, violated this principle, regardless of reasons that may justify this violation. On following the activities of Arab human rights organization, it would appear they stress political and civil rights while handling hesitantly, if at all, economic and social rights. Among many reasons for this are the following:

**First:** Most Arab human rights organizations were born and brought up in an atmosphere of confrontation and struggle against massive violations of political and civil rights such as torture, disappearance, and killing. In light of these massive violation, the work of Arab organizations has been objectively adapted to continuous activity on these fronts. This has coincided as well with attacks on the creditability of these organization and, in turn, their engagement in self defense to gain social legitimacy. Ignoring activity on economic and social rights can be justified in an area where human lives are at stake, and where the struggle for an individual's survival, safety, and right to expression have been, from a practical point of view, considered more important to the victims themselves than the struggle for their rights to education, housing and the like.

**Second:** Lack of experience and accumulated knowledge on work on economic and social rights. Work on this agenda has suffered due to gray areas and lack of clarity, easily detectable upon reading the rules of the International Convention on Economic and Civil Rights. The clauses of the convention are just general rules, and the specific criteria for measuring the extent of individuals' enjoyment of the rights included in the convention, except in very few cases, has yet to be formulated. Moreover, work on the rights of a negative nature (civil and political) is more quantifiable than work on the rights of a positive, empowerment-oriented nature that depend mainly on means rather than results, another difficulty that discouraged organizations from serious work in this area.

Of course what is said about economic and social rights is also applicable to other Arab NGOs involved in the area of social rights, such as the right to development. Since the focus of this group is to produce recommendations that will improve our work on economic and social rights,

along with the right to development, we will not get bogged down in discussing the ongoing debate between legal experts on one hand, and countries of the North and South on the other, regarding the nature of these rights and of the resulting legal commitment.

Respect for and protection of basic human rights, whether economic, civil, or political, cannot succeed unless a favourable environment is available. This raises the importance of participation in a democratic manner, equal opportunities, realization of human basic needs that constitute the core of development, making available the necessary conditions for respect of human rights, and making possible involvement of all individuals in political and social action. In fact, the right to development is both a reason and a result. It is a basic condition for respect of human rights on one hand, while respect for human rights is one of its major objectives on the other.

The concept of participation is considered one of the most important concepts relating to the right to development. It is the basic means through which the natural and human resources of the society can be mobilized. It is also an important means through which inequality, discrimination, poverty and all forms of marginalization on gender and ethnic bases can be countered. To reach effective participation, the process should not be limited to taking the necessary actions, even if they are crucial for improvement of economic conditions of individuals and groups, but rather it should go beyond that to be democratic as to formulation and results. The right to development should occupy considerable space among our critical concerns as Arab organizations, in light of the reality of human rights in the Arab world. Increasing rates of poverty and deteriorating living conditions are combined with deteriorating human rights under the new conditions of international finance institutions such as the World Bank and International Monetary Fund (IMF). These conditions include structural adjustment of economic and social infrastructures and promotion of market economies that represent an additional burden upon the people's shoulders and potentially a major violation of people's interests and basic needs.

For more effective work on the right to development, we have to accurately identify the legal commitments that emerge as a result and which would in turn constitute a solid basis for the recommendations which may



follow. The right to development is a basic human right and one of the general principles of international law. In this sense, it is similar to the right to self-determination that embodies both internal and external rights, i.e. the satisfaction of this right directly correlates to the policies formulated at the internal level in respect to this right while the state with its relations and agreements, respects it at the external level. To facilitate handling the right to development and pull ourselves out of the circle of generalization, in order to come up with a detailed identification within the context of rights and obligations, we may identify three levels as being embodied in this right. These three levels are the obligations of protection, respect, and empowerment. To this end, it is similar to other human rights. Without going into more detail, the following are recommendations for the manner in which these obligations should be formulated.

Economic and social rights need more serious effort and grounding in activity and thought by Arab organizations. Work on the right to development and other remaining economic and social rights is no longer charity or pro bono work, but rather, realizing these basic rights requires a struggle to secure the necessary legal protection, respect, and strengthening within the society.

## **Recommendations**

### **First: Recommendations for Human Rights Organizations**

1- Since human rights are an indivisible whole, it is therefore necessary to start immediately serious work on documentation and research on economic, social, and cultural rights, bearing in mind that there is no reasonable justification for ignoring this important area of work.

2- Work of the organizations should be considered human rights work. Accordingly, the tools and methodology of research in human rights, especially economic and social rights, should be maintained. Human rights research also should be established in a manner that preserves its uniqueness among other branches of knowledge and science.

3- Coordination among Arab organizations is of high importance within the course of joint work, exchange of expertise, and information. It is

therefore recommended that an Arab network of economic and social rights be established in order to make possible exchange of expertise, assistance, and improved qualifications for work in this area.

4- Arab organizations should maximize use of available international mechanisms within the course of work on economic and social rights, since these mechanisms represent important focal points that could help draw attention to issues of development and social and economic rights.

5- Work on economic and social rights requires the development of specific indicators for these rights, especially the right to development, to make possible their documentation and measurement. It is similarly important that the roles of all parties involved in the areas of the rights and individual rights should be identified, as work on this front would not possible without this identification.

6- Raising popular consciousness about human rights, especially economic and social rights, through effective dissemination of information and relevant criteria.

## **Second: Recommendations for Governments**

1- Realizing that stability and internal peace cannot be achieved without protection of and respect for human rights.

2- Governments should extend a special support to the most disadvantaged strata of the society to enable them to exercise their various rights and basic freedoms without discrimination.

3- Respect for human rights cannot be successful unless governments create a healthy and favourable environment for exercising these rights, specifically, satisfaction of the right to development that would lead to effective and democratic participation in all stages of the development process.

4- Meeting the basic needs of the people is the minimum that governments should satisfy through best utilization of local and external resources. Governments should also use the local and external resources

with which it has been entrusted to meet its commitments to respect of human rights, especially the right to development.

5- Governments should involve people in all stages of budget planning and implementation. Budgets are expected to allocate fair amounts for sectors of direct and crucial impact on people's enjoyment of their rights. Needless to say these sectors usually suffer from unfairness and neglect that seriously affect people's rights and basic needs.

6- In their relations with international community and international finance institutions, governments should not agree on any conditions that conflict with basic rights of their people, or may result in any form of negative impact on these rights. These might include projects which result in migration or forcible displacement of people from their original location, whatever the importance of such projects.

7- Regardless of available resources in any country, governments should be obligated that actions and policies should contribute to gradual realization of people's economic and social rights. Satisfaction of the rights to development should not be limited to economic measures only, but is expected to go beyond that to legal, administrative and planning measures.

8- Legal protection for the right to development should be guaranteed, especially democratic participation by the people and meeting their basic needs such as housing, health, food, and education.

9- Governments should extend support to vulnerable groups including victims of natural disasters, people affected by improper economic planning, and those being deprived of their livelihood due to implementation of certain projects.

### **Third: Recommendations for the International Community and International Financial Institutions:**

1- The international community should extend assistance and support to developing countries to meet obligations regarding the rights of their people. The assistance can take different forms according to international and legal obligations.

2- Countries and international institutions should be legally committed not to impose any kind of conditions or policies that can conflict with stated criteria for human rights or with any of people human rights in the countries involved in agreements with them.

3- International financial institutions, especially the World Bank, in their relations with developing countries should avoid imposing any conditions that may result in a restructuring of their economies that will lead to deterioration of living conditions of the majority of the people and directly violate their economic and social rights.

4- Financial institutions and donors should not impose sanctions on developing countries and deprive them of assistance merely due to their non-adoption of liberalization policies.

5- Cessation of imposing embargo policies as sanctions on people, as that is an open violation of the rules of international law and human rights in general, and specifically of the right to development.

### **Additional Recommendations from Participants in the Working Group on “Justice in Development and Economic and Social Rights”**

1-Calling on human rights organizations to adopt economic and rights with the same interest shown in political and civil rights.

2-Urging Arab governments to assent to international instruments and agreements on human rights and to remove any reservations regarding them, and to bring internal laws into accord with these international instruments.

3-Calling on the international community to look without delay into debt forgiveness for poor countries, and reaffirming the necessity of the international community committing itself to work on behalf of the right to development.

4-Calling on Arab governments to develop special programs to tackle poverty and illiteracy, and to give a greater share of public funding to spheres responding to the needs of the poorest and weakest sectors of Arab societies.

5-Calling on non-governmental organizations to devote special attention to fighting corruption in Arab organizations, which constitutes a real barrier to development, and which merits an effort at putting into place legislation and mechanisms that would criminalize corruption and help catch those involved in it.

6-More rigorous implementation of the principle of control over public funds as well as of accountability and transparency.

# RIGHTS OF ARAB WOMEN

Amina Lamreeni\*

## INTRODUCTION

Despite the noticeable progress in some countries during recent decades and the dynamism of the feminist movement, the status of Arab women is still a subject for great concern. It is associated with two major factors:

- The first is the huge gap in democracy, human rights, and conditions of sustainable development between our countries and other parts of the world.
- The second factor is that women's rights remain the weakest and most fragile subset of human rights, as a result of an historical legacy that bolstered and reproduced the patriarchal/paternalistic system.

While the first factor seems self-evident to Arab human rights activists, the second one challenges the human rights movement not only at the level of discourse but also at the practical level.

## First: The Status of Arab Women

The major characteristic that distinguishes the status of Arab women, irrespective of national or local disparities and some notable variations due to relative proliferation of education and labor, is that it faces serious resistance. This resistance not only limits progress toward equality, but frequently prevents women from enjoying even the scanty privileges obtained thus far.

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Due to the nature of the social options within most of our countries, this situation warps the perception of rights under the influence of a specific reading of religion. Many indicators highlight this phenomenon, the most prominent of which is how Arab states deal with international instruments, particularly the Convention on the Elimination of All Forms of Discrimination Against Women of 1970. Until today, only 11 states out of 22 have ratified this agreement<sup>(1)</sup>. These countries expressed reservations on some articles<sup>(2)</sup> under the pretext that they contravened precepts of Islamic shari'a or violated the exigencies of national legislation.

Such reservations stripped the agreement of its main spirit and undermined the significance of ratification. They revolved particularly around the civil rights of women, favoring maintaining the personal status code that is currently in force. This code is discriminatory and reductionist because it is based on a "culture" that basically removes and segregates women, confines them to the private space, and exaggerates their role as wives and mothers at the expense of their status as human beings. The symbolic and de facto power of these laws has a pervasive influence on women's day-to-day life. Note that:

- Political, economic, social, or cultural rights granted to women in constitutions often remain weak in application because they open the door for women's participation in public life.
- Different forms of violence, degradation, and humiliation that women are subjected to inside the household, workplaces, or in the streets stem from traditional stereotypes of women as second class citizens and ineligible entities.
- The inferior status of women is not only inherited but also continually reproduced and bolstered through official policies, either explicitly or implicitly through written or unwritten laws and practices inside some independent institutions such as the justice department, mass media, and schools.

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<sup>(1)</sup>These states are Morocco, Algeria, Tunisia, Libya, Egypt, Jordan, Lebanon, Iraq, Kuwait, Yemen and Moon Islands.

<sup>(2)</sup>The majority of Arab countries expressed reservations on articles 2, 7, 9, 15, 16 and 29.

The fact that this paper focuses on civil rights, particularly the civil (personal) status code, does not imply that other aspects of Arab women's marginalization should be overlooked. Women originating from poor social classes and rural areas are severely deprived of access to knowledge (which would have a positive impact on their individual and social life), adequate health conditions, and resources. Furthermore, responsibilities that women have to shoulder as a result of their reproductive and child-rearing roles raise many problems related to their performance of these social roles without affecting their access to equal employment opportunities and upward mobility. What is meant here is the need to break the vicious circle that circumscribes concern about women in our countries within traditional social roles, where women are considered as "objects" rather than targets of development.

Official policies and those of a number of governmental and non-governmental organizations and associations focus on projects that benefit women. However, they have their underpinnings in the above-mentioned traditional social background, which gives them a sketchy and ephemeral character. For instance, the goal of "family planning" policies in some countries is "women giving birth to fewer children" instead of providing women with an opportunity to decide in freedom and awareness the size of their families<sup>(3)</sup>. Women are sometimes granted small loans to combat their poverty, even though the fruit of women's efforts usually goes to the male figure within the household. This trend might reproduce and accentuate poverty unless women's economic participation is reconsidered within a more comprehensive framework.

Hence while it is necessary to urge respect for women's social and economic rights, these rights cannot be enforced through scattered programs. They should be projected and portrayed as demands within an overall strategy that generally perceives women's needs as being an integrated set. Thus the process of empowering women and boosting their social status in all domains of life cannot overlook strategic denominators such as dignity and decision-making power in areas that concern their personal, family, and social life. Consequently it should be emphasized that women's legal empowerment is not a luxury that we, the civilian elite living in isolation from the sweeping majority of destitute and rural women, advocate. Rather we, like all other women, share in making this demand one

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<sup>(3)</sup>The concept of reproductive health is now replacing the traditional concept of family planning. However, it has not yet adequately pervaded our Arab countries.



way or another, while suffering the negative effects of the personal status code. Needless to say this dimension--namely, unity between women throughout the country--meets with strong resistance, which is undoubtedly no coincidence.

The question of women's rights has been broached through a variety of theses within Arab world, as a result of the presence of different intellectual and ideological schools. However the nature of this conference and participants contributing thereto makes it imperative to nurture an intellectual debate over the religious and political dimensions of the status of Arab women and to propose positions and paradigms that combine daring and practicality.

## **Second: The Role of the Arab Human Rights Movement in Promoting and Protecting Women's Rights**

Irrespective of the difficulties that generally impede the human rights movement, some organizations and associations relentlessly question governments about women's rights and the way in which they are treated. However this effort will be incomplete until the movement reconsiders its strategies to operationalize equality as a concept that structures the human rights paradigm and a fundamental principle that penetrates all other rights.

Self-questioning and self-assessment are justifiable not only because of the objective of this conference, but also because of several other considerations such as:

1- The historical responsibility of the human rights movement toward Arab women, taking into consideration the project that civil society puts forth and the principles supporting this project. Truly many democratic political forces in the Arab World share values with the human rights movement. Nevertheless when these forces are engaged in a contest over power, they might classify women's rights according to narrow political calculations, which might in turn lead them to make compromises.

2- At the level of Arab political and cultural life, this responsibility is associated with the human rights movement's ability to set its priorities and agenda accordingly. We consider confrontation with the culture of discrimination, given its stakes, to be actually a showdown with conservative and anti-modern circles. Furthermore, resourceful and courageous plans geared toward unmasking the manipulation of religion to legitimize and support women's inferiority not only intensify the debate over

the religious question vis-à-vis human rights but also provide a perspective on teaching the coming generations. It is known that these generations, which will have to hold the banner of the human rights cause, are being raised and socialized in schools where discrimination, zealotry, and intolerance are intensely magnified.

3- Even though the Arab human rights movement has a record of important achievements in the promotion of women's rights, putting forward their demands and defending their cause, very often they do not accurately assess their actions. In other words, they do not highlight their success, assess their failures, and strive to develop these experiences in such a way as to bolster their effectiveness and competence. Probably one of the major causes of this weakness is poor strategic programs; self-assessment is only one stage of this strategic planning.

4- The majority of human rights organizations and associations, except those specifically concerned with women's rights, do not sufficiently adopt gender-related approaches when they analyze, design, apply, and follow up policies. This approach can be used by the movement in its work looking government practices (from the observer's perspective) or at its own practices (from the perspective of suggesting and attempting to have an influence).

### **Third: Challenges/Recommendations**

The challenges that the human rights movement has to put up with are manifold. As far as our topic is concerned, we can summarize those challenges in a number of issues combining content and methodology:

1- The first level concerns settlement of the question of the human rights' legitimacy, including the issue of universality versus cultural specificity, especially in that the rights of women are more "at stake" than other rights. Our belief in the universality and indivisibility of human rights collides in reality with different approaches of cultural specificity. The most progressive of these approaches advocates a categorization and classification of our cultural heritage, the application of interpretive judgement, and a reading of religious texts from a feminist perspective. In any and all cases<sup>(4)</sup>, specificity cannot be used as a pretext to violate and

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<sup>(4)</sup>See paper written by Mr. Baqer Al 'Aif, coordinator of the action team on universality and cultural specificity.

expropriate women's rights. Thus, while the question of reference has been raised for some time now, the more pressing question at present is how to enforce human rights in the domain of personal status codes in particular. We suggest the following:

i- Undertake a survey of the practical experience of human rights organizations and women's associations and how they deal with personal status codes (operational perspective, type of strategy adopted in this domain, achievements, difficulties, and prospects for development...)

ii- Organize an Arab seminar, based on results of the survey, to discuss and monitor the outcome of Arab experiences and design a future plan.

2- The second level concerns setting priorities concerning women's rights, as a result of the many preoccupations of human rights organizations. In this context, and in conjunction with the first level, we suggest a two-part strategy including:

i- An attempt to modify or amend personal status codes so as to ensure legal equality between men and women as a demand and topic for action; human rights organizations (each in its respective country) would play a crucial role in this context. This focus does not mean (as mentioned above) that economic, social, and cultural rights would be undermined. The legal aspect is less flexible, while compromises have been reached on other rights (albeit in very limited areas). Moreover the work that human rights organizations can undertake in this domain is irreplaceable.

ii- Spread the concept of equality through programs of human rights socialization. Human rights organizations are currently evolving projects for enlightenment and education in terms of the human rights culture. In this context, priorities should be well defined and controlled according to the principle of equality. Programs should aim at both sexes equally while producing suitable didactic tools.

iii- Urge states that have not yet ratified the Convention on the Elimination of All Forms of Discrimination Against Women to do so, to lift all reservations, and to enforce the agreement.

3- The third level is to devise programs that integrate the promotion and protection of women's rights as a major component of the associations' plan of action rather than as a secondary and marginal supplement to these plans. Thus, it is imperative to:

i- Integrate gender-related approaches in the strategies, activities, and follow up methods adopted by human rights organizations.

ii- Mobilize activists from both sexes to lay down general strategies, particularly items promoting women's rights.

iii- Devise effective mechanisms to integrate women's rights with these organizations' activities.

iv- Evoke women's rights during negotiations with governments whenever possible.

v- Strike powerful alliances with feminist associations and different components of civil society concerned with women's rights.

4- The fourth level makes the previous two levels contingent upon a general institutional reinforcement of human rights organizations so that they transcend usual forms of action, most often based on ad hoc methods, and adopt modern and rational patterns of planning, steering, structure, and follow-up.

### **Additional Recommendations from Participants in the Working Group on "Arab Women's Rights"**

1- Calling on Arab organizations and associations to organize campaigns to put into action the Convention on the End of All Forms of Discrimination Against Women, calling on governments not party to the convention to adopt it, and calling on governments part to the convention to lift all reservations on sections of the convention.

2- Stressing the necessity to deepen coordination mechanisms among organizations and associations working in the field of women's rights and to exchange information and share experiences and expertise among them, particularly regarding efforts to develop a matrix of personal status laws in the Arab world.

3- The necessity that human rights organizations and women's associations devote special interest to issues connected with violence against women, particularly killing, corporal punishment related to family honor, and the violation of young girls related to female circumcision.

4- Urging the legislative authorities in various Arab countries to fill the gap in legislation criminalizing sexual harassment of women.

5- Calling on institutions of civil society in the Arab world to play a courageous role on behalf of women's participation, and giving women the

opportunity to hold leadership and decision-making positions in such institutions.

6- Stressing the role of organizations and associations working in women's rights to expose the biased use of religion and doctrine to lend legitimacy to oppressing women, while at the same time extending a hand to enlightened men of religion in order to open a dialogue with more open-minded perspectives within the islamist trend.

7- Calling on human rights and women's rights organizations to participate in the international march against private and violence against women to be organized in 2000, and also to take part in actuaries organized in each country in preparation for this march.

# **Rights of the Child\***

## **Recommendations by Participants in the Working Group**

1. Urging Arab governments acceding to the Convention on the Rights of the Child to lift their reservations on provisions of the Convention, to bring their legislation into conformity with the essence and purposes of this Convention, and to support international efforts to adopt its supplementary protocols.

2. Arab governments must abide by all the rights provided for in the Convention on the Rights of the Child, especially the right to education as regards enrolling children in schools and developing educational resources according to the practical goals of education, in accord with the Convention and relevant UNESCO conventions.

3. Working to determine an Arab strategy to address the phenomenon of child labor and all forms of economic and sexual exploitation of children,

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\* The Consultative Panel of the First International Conference of Arab Human Rights Organizations resolved, upon the suggestion of member Aktham Na'isa (Syria), to form a working group on "Rights of the Child" with the aim of crystallizing a joint view among Arab human rights organizations regarding children's rights. 'Isam 'Ali, coordinator of the executive committee, was chosen to gather non-governmental organizations concerned with children's rights (Egypt) and act as rapporteur for this group. He presented an initial concept, which was discussed by the working group and finalized once agreed upon.

and to guarantee complete protection to children from all forms of violence and abuse.

4. Formulating an Arab strategy to incorporate a culture of children's rights into Arab societies and to issue unified guidance in this regard.

5. Calling on Arab governments to incorporate rights of the child into the curricula of teaching colleges and other colleges whose graduates deal with children.

6. Calling on Arab governments to prohibit the use of children in armed conflicts, and to support international efforts to raise the conscription age to 18.

7. Urging Arab governments and all institutions dealing with juvenile delinquents to adhere to international standards set out by the United Nations regarding treatment of juveniles, known as the Beijing Rules.

8. Establishing that the handicapped child is entitled to a full and dignified life and to enjoy all the rights provided by the Convention on the Rights of the Child.

9. Arab governments must bear in mind the interests of children in economic and social policies they pursue.

10. Calling for convening a regional conference in which government and non-governmental organizations would participate, with a view to evaluating the extent to which the working goals of the international declaration issued by the 1990 Children's Summit have been realized.

11. Holding a regional meeting to evaluate what non-governmental organizations have achieved regarding children's rights, stressing the need to coordinate efforts among human rights groups and NGOs concerned with childhood and development in order to accomplish various kinds of work such as defense, observation, and field work.

12. Urging Arab NGOs to prepare balanced reports on the situation of children to be presented to the International Committee on the Rights of the Child, which is charged with discussing reports presented with governments.

# Refugees Rights

By Showgi El-Eisa\*

Refugees in the Arab world, be they Arab or non Arab, are subjected to significant violations of their rights. In this regard it is worth noting that most of the Arab countries are not signatories of the International Convention on Refugees of 1951 and the amendment protocol of 1967. Among these Arab countries are Bahrain, Iraq, Oman, Qatar, Jordan, Syria, Kuwait, Lebanon, Saudi Arabia, UAE, and Libya, while those who signed the conventions have yet to implement the principles embodied in reality. They have either remained passive as to converting the principles of the conventions into local legislation, or continue to violate the commitments of the conventions.

The number of refugees in the Arab world, according to statistics from the United Nations and other international organizations, was estimated as 4 million in 1998. The actual number, however, certainly exceeds these official estimates. In my judgment, protecting refugee rights in the Arab world and exerting pressure on governments to commit themselves to the international agreements on refugees rights require a joint effort of all Arab human rights organizations. Due to the widespread nature of the phenomenon in different Arab countries, it is essential to establish an Arab organization for advocacy of refugees rights in Arab countries, to provide

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\* Former executive director, Palestinian Association for Protection of Human Rights and the Environment-Jerusalem. (Palestine)



necessary services, follow up, and conduct studies instead of depending totally on international organizations.

Most Arab refugees are left with no option but to seek refuge in foreign countries due to the miserable reality of refugees in Arab world [we are not going to discuss the issue of Arab refugees in foreign countries as there is another group handling it]. In this paper I am going to handle the most important issues of refugee groups in the Arab world, in order to enable us to identify some recommendations that, in my judgment, might be applied to other refugees who are living in similar conditions.

## **1- The Issue of Palestinian Refugees:**

In this regard, we will handle two different issues: Regarding the general right of Palestinian refugees to return home, it is best to discuss solutions in the context of United Nations Resolution 194 affirming this right. As to the rights of those refugees regarding the problems of daily life during the period of refuge in host countries, there are many complications and violations that can be discussed from different angles such as:

- The right to freedom of movement and travel
- The right to decent housing
- The right to work in all fields without restrictions.
- The right to establish and elect the organizations that may represent them.
- The right to education
- The right to coordination among refugees in different countries
- The role of the United Nations Refugee Works Agency.

On basis of above, recommendations regarding Palestinian refugees can be summarized in the following:

- Affirming the right of Palestinian refugees to return home according to United Nations resolution No. 194.
- Affirming the commitment of Arab host countries to rights of all Palestinian refugees, regardless of their political affiliation, and to freedom of travel and return to place of residence, without making them conditional upon loyalty and support.

- Demanding that Arab countries work jointly with the United Nations Refugee Works Agency to secure decent housing in refugee camps, reliable networks of services to maintain public health and safety, and to lift the ban on construction or maintenance of existing buildings.

-Securing the right to work in all fields without restrictions.

- Securing the right to freedom of expression and political activity.

- Allowing refugees to establish their own organizations to represent them in different fields of life.

- Securing the right to coordination among Palestinian refugees in different settlements and different host countries.

- Releasing all refugee political prisoners in host countries.

## **2- The Issue of the Kurds:**

The issue of Kurdish refugees is of special importance in the Arab world, as they are widespread and have suffered for a long time, particularly in Syria and Iraq. The recommendations include many of those mentioned for Palestinian refugees. Added to that should be affirming their rights to maintain their language and culture.

## **3- The Issue of the "Biduun," \***

This issue needs serious research in order to make available the necessary information and analysis needed for human rights organizations to advocate their rights effectively and to secure their right to gain citizenship. Human rights organizations should oppose all humiliating measures being practiced against them, such as genetic tests and similar measures aimed at depriving them of their rights.

## **4- Internally Displaced Refugees:**

Most of the Arab capitals suffer from overpopulation due to domestic migration (Cairo, Damascus, Amman and others). There is also increasing migration from rural areas or small towns to capitals due to the concentration of services and development projects in capitals and

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\* i.e. Those Without Citizenship.

surrounding towns. Another form of migration within the same country is that due to security reasons and armed conflicts (Iraq and Sudan).

### **5-Legislation on Refugees' Status:**

Current legislation in Arab countries fails to secure refugee rights. Accordingly, it is essential to launch an academic legal effort to identify what kind of systems and legislation are needed in the Arab world to secure refugee rights.

#### **Near-Term General Recommendations**

- Demanding that all concerned states settle the issue of the "Biduun" and grant them their full rights, including citizenship.
- Securing safety and protection for Kurdish refugees.
- Guaranteeing that no state deports a refugees to another state where his personal safety or life may be at stake.
- Legalizing refugees' status in Arab countries in a manner that secures their rights in accordance with international conventions.
- Securing medical treatment for refugees free of charge.
- Guaranteeing freedom of movement, opinion, political activity, and peaceful assembly for refugees.
- Demanding that Arab countries join international conventions on refugees rights.

The greatest task that remains for human rights organizations is establishing an Arab organization that would be concerned with Arab refugee affairs, establishing branches in all Arab countries and coordinating relations with international organizations involved in refugee affairs.

## **Recommendations of Participants in the Working Group on "Refugees Rights"**

### **a) General Recommendations:**

1-Affirming that respecting the rights of refugees constitutes a basic precondition for ending the phenomenon of refugeeism, and therefore that dealing with refugee issues and problems necessitates putting an end to their causes.

2-Participants express their appreciation for the role played by the International Committee of the Red Cross in aiding refugees and emigrants, and implore all humanitarian organizations to redouble their efforts in this field. They demand that countries receiving refugees allow such organizations to carry out their work easily within the host countries, and that such countries secure the safety of emigrants in the areas in which they reside.

3-Calling on Arab governments not acceding to international conventions on refugees to ratify such conventions.

4- Calling on the international community to look into putting into place a new convention pertaining to refugees, which would provide more effective ways of protecting them.

### **b) Recommendations Pertaining to Palestinian Refugees:**

1-Stressing the right of Palestinian refugees to return to their country based on UN resolutions.

2-Calling on Arab host governments to respect the human rights and public freedoms of all Palestinian refugees residing in their countries, regardless of a refugee's political orientation.

3-Demanding that the international community, especially the Arab governments, support the United Nations Refugee Works Agency (UNRWA), enabling it to render basic services to refugees, and protecting it from any attempts to exile it for political reasons.

4-Calling on Arab governments to permit refugees to form organizations and hold elections in order to run their affairs.

5-Demanding the release of all refugee political prisoners in host countries.

6-Participants warn against the use of Palestinian refugee rights as a bargaining chip in any political settlement.

7-Participants express their appreciation for steps taken by the Lebanese government to lessen harsh restrictions on the movement of Palestinians, demanding at the same time that even harsher restrictions on other aspects of refugee life (particularly on their right to work) likewise be lifted.

# **The Situation Of Arab Immigrants and Racist Campaigns Launched Against Them**

**M. Kamel Gendoubi\***

For several years, the status of immigrants in various host countries has been tied to policies aiming to reduce and limit the arrival of newcomers. Most often these policies have been portrayed as a major element in providing better integration of resident immigrants. Anti-immigrant racism has been interpreted as a reaction to immigrants' settlement and proliferation in host countries, along with the social, cultural, and economic changes they bring.

Concerning the struggle against racism, it is particularly notable that the European Union, with the exception of some states, lacks a unified anti-racist legislation defining crimes and precepts. The current situation reveals beyond any doubt that this gap serves the purposes of "political racism." Right-wing racist groups and extremists should be deemed illegitimate and should be placed "outside the boundaries of the law" in order to safeguard democracy within Europe.

**Concerning the Euro-Mediterranean area**, contributors to this conference believe that Euro-Mediterranean partnership has pursued a course of economic and financial exchange pacts that aim to create a zone where economic prosperity, peace, and stability can reign. Meanwhile, the

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\* President, Working Committee on Respect for Freedoms and Human Rights in Tunisia-Paris. (Tunisia)

Mediterranean is experiencing a flagrant imbalance between the two shores regarding the movement of immigrants. Obstacles imposed on freedom of movement, represented by security and control measures, contradict all statements and explicit commitments made, thus dealing a severe blow to human exchange and development.

These arbitrary and coercive policies undervalue or overlook immigrants' positive contributions to economic, social, and demographic growth in host countries, as well as to development in their countries of origin through remittances and project implementation. Moreover, these immigrants establish social networks with their homeland, which effectively contribute to local and national development of their countries of origin.

As for "illegal" immigrants, the policy of deterrence remains ineffective. In addition, it violates the individual's right to work. Actually, "illegal" labor is the major stimulus for many national economic sectors in Europe as well as the Arab World.

A mixture of immigrant settlement and treatment of immigrants as human beings, noting in addition their support of their countries of origin, is the best formula and the exercise of ideal universal ethics that hold human dignity and status as the basis of society. Hence, participants urge the European Parliament to publish a detailed annual report on this issue, in cooperation with organizations defending the rights of immigrants.

**As for the Arab world**, while the right to asylum is in jeopardy in Europe, it is totally absent in Arab countries. European legislation that ensures the right to asylum would preserve Europe's status as a host for democrats from every part of the world. At the same time, the right to seek asylum in Arab countries (through implementation of the Geneva Accord) is a top priority for human rights organizations, especially since immigrants and minorities are in most cases subject to discriminatory and even racist practices by the state itself. In these Arab countries, immigrants are not protected by the law. Their sole right is to work under circumstances that are often difficult and tenuous. They have no choice except to accept the status quo.

Undoubtedly, legal procedures are not sufficient in and of themselves to curtail racial discrimination. However, they could be the basis for joint and unified laws that conform to democratic principles. It is thus imperative for countries of the southern and eastern Mediterranean to establish laws and measures in order to undertake serious political partnership to protect the human rights of immigrants. The anti-racist struggle has now transcended

political and ideological disagreements, and has penetrated national, religious, and sectarian boundaries. This is a question that concerns all democrats and human rights defenders.

## **Recommendations**

### **First: General Recommendations**

1. It is imperative to respect immigrants' fundamental human rights, including those of "illegal immigrants," in conformity with the Universal Declaration of Human Rights, the Geneva Convention on the Status of Refugees, the Convention on the Protection of the Rights of Migrant Labor and their Families, and the Convention on the Rights of the Child. Contributors to this conference are committed to undertake the necessary campaigns in order to impel all concerned states to reconsider immigrant-related questions within their local legislation in light of these international agreements and conventions.

2. Participants in this conference express their deep concern about the escalation and pervasiveness of racial discrimination in host countries. They believe that the major guarantees of positive, constructive and humanitarian cooperation lie in the development of "human exchange" and respect for freedom of entry and exit for all immigrants. Participants believe in this regard that:

a) The best means for the integration of immigrants is to respect and bolster their residence rights.

b) It is necessary to ensure a permanent legal status for immigrants and protect them against all forms of mass deportation.

c) Participants acknowledge full equality between immigrants and inhabitants of host countries in social and cultural rights, and particularly in the domains of work, housing, health and education.

d) Immigrants' civil rights, especially their right to form associations, should be recognized, and their participation in public life should be welcomed and encouraged.

e) Participants stress the right of immigrants to live with their families and request host countries to take the necessary action to bring families together.



## **Second: Specific Recommendations for Countries of the European Union and for the European Parliament:**

**In this context, participants recommend the following:**

1. Provide the means for immigrants' enjoyment of rights to citizenship and nationality.
2. Secure immigrants' freedom of movement in European territories in line with Chapter (7a) of the "Maastricht" Agreement.
3. Undertake the necessary measures to guarantee equality in social and political rights between immigrants from European and non-European countries.
4. Abolish legal provisions that sanction double punishment (imprisonment and deportation, for instance) for the same crime applicable to immigrants who breach the law or commit crimes.
5. Enact necessary legislative procedures to limit all forms of discrimination and expand the scope of protection of immigrant women.
6. Urge the European Parliament to publish a separate annual report on the situation of immigrants, and to do so in cooperation with organizations defending immigrants.

# TOWARD AN ARAB HUMAN RIGHTS MOVEMENT\* HORIZONS OF DEVELOPMENT AND PRESENT CHALLENGES

Alaa Ka'oud\*\*

The discussion we are about to begin here is quite important. Undoubtedly, the debate over human rights culture and the human rights movement is one of the touchstones of Arab political and cultural life at present. This debate presents a burden to human rights organizations, in

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\* This paper draws on a number of articles, studies, and working papers, especially:

--Bahey El-Din Hassan, editor, *Challenges of the Arab Human Rights Movement*, [Cairo: Cairo Institute for Human Rights Studies, 1997].

--Mohamed El Sayed Said, "Internal Problems of the Arab Human Rights Movement," *Rowaq Arabi* vol. 3, July 1996, [Cairo: CIHRS].

--Munsif al-Mazruqi, "Arab Human Rights Organizations: The Difficult Mission in Regard to the Tunisian Experience," *Rowaq Arabi* vol. 3, July 1996.

--Bahey El-Din Hassan, "Toward a Harmonious Strategy for the Human Rights Movement in Egypt," *Rowaq Arabi* vol. 3, July 1996.

--Bahey El-Din Hassan, "Toward Regaining the Initiative," *Rowaq Arabi* vol. 6, April 1997.

--Mohammed El Sayed Said, "The Human Rights Appeal in the Current Cultural Context of the Arab World," *Rowaq Arabi* vol. 6, April 1997.

--Adam Abd el-Muwalli, "Building Human Rights Organizations: A Guide to Ways to Build, Strengthen, and Sustain Organizations," [Washington: Peace Fund, Jacob Blustein Institute for the Promotion of Human Rights]

--Working papers submitted to a workshop organized CIHRS in Cairo, 29-31 July 1997, entitled "Toward a Strategy to Revive the Arab Human Rights Movement." The Center is currently preparing to publish these papers in a separate book.

\*\* Researcher and Assistant Editor of *Rowaq Arabi*, and former CIHRS executive director.

light of several obstacles that impede the establishment and evolution of the human rights movement. We cannot argue that we now have an Arab human rights movement in the true sense of the word, though we possess the basic foundations. In the following discussion we will attempt to review the challenges that Arab human rights organizations face and the prospects for continued development of the Arab human rights movement, albeit briefly due to the lack of space. We will also suggest a number of recommendations to help in propelling this movement. It should be noted that this paper covers only those human rights organizations whose frame of reference is solely international human rights instruments. The human rights movement is considered a social entity that strives to create a suitable atmosphere for the respect and promotion of human rights.

### **Structure of Human Rights Organizations (Closed and Open Membership):**

Despite the fact that the nature and structure of human rights organizations in terms of open or closed membership is a subject of concern not only to Arab organizations, this issue has a special importance in the Arab region. The debate over this issue has been mostly settled in favor of the closed-membership model, due to a number of factors including the setbacks that some open-membership organizations have experienced, or at least the eruption of conflicts within such organizations. Moreover, legal restrictions imposed on the right to form associations impelled a number of human rights organizations to adopt the closed-membership formula.

It is high time now, however, to reopen discussion of this topic. The current experience of human rights organizations in the Arab region, structured along the two models, allows us to adequately assess both paradigms. A great deal of confusion has accompanied the discussion of the topic. The introduction and application of the open-membership option has been associated with advocating the establishment of popular organizations encompassing all human rights sympathizers even if their understanding of the human rights cause was somewhat foggy. This point of view has many flaws. Thus human rights activists have put forth the closed-membership paradigm as being the ideal solution. There are also drawbacks to this option. While one could argue that this model limits the stakes involved with the first model, on the other hand it undermines opportunities to develop the human rights cause into a social movement. Furthermore, one

cannot assert that the closed organization is the perfect option for all human rights organizations. It might be more suitable for organizations specializing in the field of research and studies. However, the open-membership option is more appropriate for organizations monitoring human rights violations, and working on fact-finding and dissemination of human rights culture.

Here we can make a number of recommendations. First we must indicate the importance of avoiding having leaders serve on more than one board of trustees, such that they do not play their assigned roles on any of those boards.

### **First: Concerning Open Membership Organizations:**

- 1) Develop more than one level of membership (active, affiliated, honorary,...).
- 2) Set strict regulations for active membership, with rigid attention to standards and ethical behavior. The number of working members should be equal to that of those actively engaged in the defense of human rights. Membership should be subject to a periodic review in such a way that the perpetuation of membership would be contingent not only upon paying dues but also upon active participation in the activities of the organization.
- 3) Devise statutes to guarantee the separation between elected and executive authorities.
- 4) Make sure that members of political parties cannot become members of boards of trustees. Necessary measures should be enacted to activate the role of the board of trustees and the general assembly in laying down policies as well as assessment, steering, and guidance.
- 5) Specify the tasks of branches and committees, and apply these rules strictly.

### **Second: Concerning Closed-membership Organizations:**

- 1) Specify how to make most effective the role of boards of trustees, delimit its responsibilities in such a way that permits it to play an effective role in supervision as well as to renew its membership.

2) Devise formulae for rotation of leadership positions within such organizations; give the second generation an opportunity to participate in designing policies and plans of action.

3) Establish suitable guidelines to integrate the largest number of those concerned with the evaluation of these organizations and specify their agenda on a periodic basis.

### **Voluntarism, Professionalism, and Politicization:**

The debate over the nature and structure of human rights organizations encompasses a discussion of all the previous points as being potentially contradictory. However, these points are actually interdependent and interrelated. The problem of delimiting the scope and range of both voluntarism and professionalism concerns the organization's domains of action. On the other hand, the problem of politicization is inevitable and self-evident because it tips the balance between serving the purposes of the organization and its material and objective requirements, which are not necessarily associated with the purpose it has been set to fulfill. For instance, a number of activities are important for promoting and sustaining the organization, regardless of whether the efforts invested in these activities yield the expected returns or not. Any observer can feel that, in some cases, a desire to develop the organization and achieve an honorable record prevails over striving to fulfill the ultimate objectives of the organization. One could even go as far as to argue that several activities concerning teaching human rights, for instance, have become an end in themselves rather than a means.

It is noteworthy that Arab human rights organizations have not yet given issues of internal organization their due concern. Such issues include bylaws, periodic evaluation, the relationship between policymaking and executive authorities, and so forth. Furthermore, the issue of ensuring the future of staff members within these organizations has not yet been carefully considered. It is necessary to devise suitable methods of insurance, particularly in those countries where the legal status of human rights organizations is fragile, which in turn puts the status of those workers into jeopardy compared to their fellow workers in other domains.

## **Politicization:**

The nature of human rights organizations and whether they are political or apolitical groups is a topic of great controversy. In fact, a great part of the controversy stems from the inaccuracy of the concept. The contradiction over classification conceals a great deal of consensus. For instance, there is a consensus over the fact that human rights organizations do not seek political power, nor do they work directly in politics. Moreover, no one can claim that human rights organizations have no relationship with politics in their broad sense. The more complicated aspect here is probably at the practical level. There is not enough room here to deal with the different dimensions of this problematic. Nevertheless, one could expostulate that the dissemination of human rights culture could play a crucial role in minimizing the risks of politicization. Human rights organizations should eliminate political considerations from their practices and attitudes and should be committed to standards of professionalism applicable worldwide. Furthermore, the application of the aforementioned regulations concerning the organizational structure of human rights organizations would also limit the chance of politicization. It should be noted that the perils of politicization are not restricted solely to open-membership institutions but also encompass closed organizations, since both kinds of organizations tend to cooperate with some political movements.

## **The Problem of Cultural Legitimacy:**

The failure of Arab thought to produce and root a legitimate human rights culture is responsible for thwarting Arab human rights organizations and has led to their continued inability to make a measurable impact on the human rights situation in their respective countries. It should be noted that the problem of cultural legitimacy pervades all human societies and is not a characteristic of our Arab societies only. Furthermore, it will endure until the concept of human rights evolves and integrates new rights or raises the level of commitment to other, already endorsed, rights.

The problem of cultural legitimacy is based on the contradiction and disharmony between local culture and universal human rights principles and values. This in turn calls for a definition and formulation that responds to social and political priorities within each society and attempts to strike a compromise between values of human rights and the cultural features and

institutions of the society concerned. Here we should indicate that there is a severe lack of training of human rights activists and staff concerning the tools and methods of dealing with this problem. Human rights workers are not familiar with the complexities of this problem and consequently they oversimplify the issue. Hence, it is necessary to focus on promoting literature dealing with this problem and to exert more research and training effort in this domain.

### **The Problem of Legitimacy Under the Law:**

Human rights organizations face several difficulties as a result of their fragile legal status. While some of these organizations have failed to obtain legal authorization as civil society institutions, we find that other organizations enjoying de facto legitimacy then face other threats to their very existence. Some organizations have succeeded in getting around the obstacle of legal authorization—as a result of legal restrictions and the huge jurisdiction of the administrative authority, ranging from authorization to the dissolution of any association—by resorting to other legal formulae. Nevertheless, these organizations are also threatened because authorities use the pretext of illegality to denounce and prohibit them. Finally, some organizations have managed to obtain legal authorization, even though the authorities' inimical attitude towards them undermines their effectiveness.

The explicit prohibition or the ambiguous and sometimes restrictive legal framework under which human rights organizations operate is responsible to a great extent for the problems these organizations are facing. Thus local funding is quite scarce, human rights organizations have very few opportunities to work among the people, and human rights activists bear a high degree of risk.

### **Relationship with Governments:**

The political, cultural, and social conditions within the Arab World have hindered the creation of a suitable environment for respect of human rights more than has the negative role played by Arab governments. Nevertheless, governments do thwart efforts of Arab human rights organizations to expose and call attention to the deteriorating human rights situation in their countries. It is significant that the topic of human rights organizations has

been integrated within the agenda of Arab ministers of interior (the sole Arab authority that possesses a high level of coordination and systematic operation). Moreover, the attack on human rights organizations is launched via the same methods in various Arab countries, albeit in different levels of intensity. Meanwhile it might be argued that coordination between human rights organizations has not reached the necessary level to confront government perseverance, planning, and coordination. Despite the fact that changing government strategy toward the human rights movement requires that national as well as regional and international organizations reconsider their strategies, nothing has happened so far. In the following section, we will discuss a number of factors that should guide the relationship between human rights organizations and government.

- Channels for dialogue should be kept open. Governments are not monoliths.
- Human rights organizations should exert efforts to convey an objective image about themselves, since the current image that Arab governments maintain is distorted.
- Commitment to professionalism, impartiality, honesty, non-affiliation or sympathy with a particular political or ideological movement, etc. play a crucial role in strengthening the position of these organizations vis-a-vis government attempts to clamp down on them.
- Coordination between human rights organizations, as well as maintaining links with national, regional, and international civil society, plays a large role in minimizing the government's capacity to suppress human rights organizations.
- Human rights organizations should be alert not to fall prey to government attempts to either tame or co-opt them.

### **Relationship with Political Movements:**

First we should emphasize that the line between human rights and politics is very thin. What characterizes human rights organizations from opposition parties is that the former do not seek to replace the regime but to change it. Human rights organizations do not seek political power, and adopt positions on the basis of international human rights instruments irrespective of the nature of the regime and the rulers. However, the



relationship between the human rights movement and political forces within the Arab World is murky, partially as a result of current political circumstances. Political forces perceive civil society institutions as a tool and a springboard that should be "nationalized" to serve their own interests. Here, human rights organizations should be committed to the highest degree of professionalism and objectivity, and should call upon different political forces to integrate human rights with their political platforms. They should also open channels of debate with all these forces to impel them to adopt human rights issues. The Islamist political movement is a special case partly because of its widespread popularity and partly due to the explicit contradiction between its platform and attitudes on the one hand, and international human rights instruments on the other. This leads us back to the shortcomings of human rights organizations concerning how to deal with the problem of cultural legitimacy.

### **Relationship with Social Forces:**

The more human rights advocates manage to draw support from social movements and integrate them into a joint struggle to achieve common goals, the less isolated the human rights movement will be. Human rights activities in the domain of civil and political rights provide an umbrella for other forces to push the envelope of their activity. In addition, eliminating the shortcomings of human rights organizations in the spheres of economic, social, and cultural rights would make room for greater areas of joint action between human rights organizations and a number of social movements. Nevertheless, these organizations are required to play a distinct role in enforcing these rights from that role played by social movements.

### **Funding:**

Despite the problems related to accepting foreign funding, human rights organizations have no option at present except to entertain such funding. However, absolute dependence on foreign funding is risky, and this source should not be totally relied upon. This requires:

1. A strict application of rules of transparency and auditing according to disciplined regulations.

2. Exerting all possible efforts to enlighten local public opinion about mechanisms of foreign financing, since the prevailing image about this topic is totally distorted.
3. Establishing regulations concerning rationalization of expenditure, and achieving the optimum investment of available funding.
4. Warning against the risk of modifying the organization's agenda to suit the domains where funding is available.
5. Searching for channels of self-financing such as investing in activities that yield financial profit, including nominal dues, or selling printed matter even at low prices.
6. Opening channels of dialogue with funding agencies to establish genuine partnerships and guide the donor-host relationship to serve the purposes of the Arab human rights movement. In this context, we might devise several solutions to improve the situation of different organizations. For example, funding agencies could pay for permanent headquarters and lease them to human rights organizations in return for a token rent.
7. Advocating the amendment of current legislation that controls actions of non-governmental organizations in such a way as to allow them to increase their local funding quotas. In addition to the special importance of local funding to the organization, it would be impossible to guarantee the continuous flow of foreign funding on the intermediate and long run.

### **Coordination Among Arab Human Rights Organizations:**

We have previously alluded to the fact that we are witnessing the rise of Arab human rights organizations. In spite of several factors that could create an Arab human rights movement, the weak and limited coordination at present hinders the achievement of this objective. Coordination at the country level is the first building block for coordination at the regional level. It is time to overcome this problem and design an active and methodical action toward establishing stronger relations between human rights organizations at the country and regional levels. We should start with preliminary steps, and flexible and consultative structures that could develop later on into an institutional congregation and even a federation. Moreover, coordination at the country and regional levels could be achieved

in parallel, and could throw the greater burden of coordination among Arab human rights organizations on regional institutions. During the second half of last year, a vehement debate over the status of the Arab Organization of Human Rights took place, which impels us to contend that the Arab human rights movement requires further reconsideration and evaluation.

### **Suggestions and Recommendations:**

It should be said here that there is an urgent need to organize a workshop devoted to developing existing expertise on the aforementioned points, but that this workshop must be carefully prepared. It should incorporate the expertise of Arab human rights defenders in some areas in addition to experiences from countries with similar conditions, as well as useful recommendations and studies. Proceedings should be published widely. In addition to some of the previous, more detailed recommendations we stress need to do the following:

1. Devote more attention to the environment in which human rights organizations operate, seeking to set priorities on the above-mentioned issues for each society. In this regard there should be work toward founding an Arabic human rights publication that would cover the activities of these organizations and serve as a conduit of communication both among them and between them and the public at large. An annual report on the performance of the human rights movement also might play an important role. Also recommended is holding a workshop on ways of strengthening the political and social effectiveness of human rights organizations, and that this workshop be designed in such a way as to permit participation by the most prominent Arab political, cultural, and human rights activists.
2. Tie the work programs of human rights organizations to long-term plans and identify appropriate means in a systematic fashion. Mobilize resources in such a way as to maximize their investment in activities, and carry out periodic review and evaluation of the extent of effectiveness of organizations' activities and programs.
3. Devote more attention to dealing with the cultural problem and exert greater research and training efforts to helping human rights workers confront this problem. Put together a bibliography of all writings on Arab culture and human rights, organize workshops to widen the circle

of dialogue and knowledge on Islamic studies, and carry out a series of individual or group research projects.

4. Study the attitude of different political forces toward human rights, open uninterrupted channels of debate with these forces to urge them to commit themselves to international human rights instruments, and urge them to incorporate human rights issues into their platforms.
5. Work to develop relationship with representative bodies, stimulate the role of the judiciary in protecting human rights, always keep channels to governments open, striving to preserve an objective image. Put in place strategies to deal with actions by a number of Arab governments to strangle or do away with human rights organizations.
6. Speak out on behalf of extending legal status to human rights organizations and defend the legitimacy of different types of civil activity such as associations and non-profit companies, as well as other kinds of bodies that carry out work in democratic countries.
7. Stress that professionalism and training are necessary conditions to guarantee credibility and avoid amateurism, and that both should be viewed as means rather than ends unto themselves. Devote proper attention to the future of workers in human rights organizations, especially in countries that deny legal recognition to human rights organizations; devise appropriate solutions.
8. Support the development of administrative skills among workers in human rights organizations, providing appropriate materials depending on the specialties of such organizations. Focus on topics such as internal organization of human rights organizations; charge a working group with exploring organizational models suitable to the work of human rights organizations, principles to govern their work, and models of organizational transparency and accountability, as well as ways to ensure the future of workers in human rights organizations.
9. Work to develop standards of measurement for the efficacy of tools and mechanisms used by Arab human rights organizations. Universalize the use of such standards, thereby providing an objective basis from which to discuss the efficacy of human rights organizations.
10. Improve the degree of coordination among human rights organizations, particularly in the domain of exchanging expertise. For

instance, organizations specializing in human rights education could publish a model book for teaching human rights. Organizations active in the domain of monitoring human rights violations could publish a model book on methods of monitoring and documentation as a guideline to workers in the field.

11. Organize a conference on the current status of regional human rights institutions and possibilities for building on them, in addition to outlining opportunities for coordination, and determining the necessary requirements to improve the performance of Arab human rights organizations, including new tools and methods.

12. Seeking occasions for relevant celebrations in order to benefit from accompanying momentum, for example:

- This year will witness the fiftieth anniversary of the Fourth Geneva Convention, providing opportunities to organize a conference to discuss how such agreements are put into practice in the Arab world today, governments' positions on such agreements, those who have signed the convention but do not respect it (whether in armed international or domestic conflicts), and how to put a stop to this. Additional topics could be the extent of commitment to implementing such agreements in areas where they are applicable as well as to weak minorities and organizing training to educate on international human rights law. Such occasions also provide an opportunity to publish and distribute texts of international human rights laws.

- Next year will be the World Year of the Volunteer, providing the opportunity to organize many activities such as training on how to make volunteerism more effective in human rights organizations and carrying out a study on volunteerism in Arab civil society (including of course human rights organizations). In addition a workshop might be held on "Arab Human Rights Organizations Between Volunteerism and Professionalism," addressing issues such as principles and ethics of volunteer work, discussing findings and recommendations of the aforementioned study, defining rules for professionals and volunteers, and building both the professional base and the capability to employ volunteers in human rights organizations.

## **Additional Recommendations from the Working Group on “Development Horizons of the Arab Human Rights Movement and Present Challenges”**

Participants support the recommendations included in the working paper and add the following:

1. Stress that professionalism is absolutely necessary to avoid amateurism and strengthen the credibility of human rights organizations.

2. Work to strengthen the spirit of volunteerism, as it is one of the bases of work in the field of human rights.

3. Arab human rights organizations should devote more attention to analyzing the climate within which they work, tie programs to long-term plans, define means on a systematic basis, mobilize resources to maximize benefit to activities, and find ways to evaluate periodically the efficacy of their activities and programs.

4. All human rights organizations need to devote more attention to administrative matters such as preparing budgets, carrying out evaluations, and systematizing contact between executive and policymaking bodies.

5. Struggle on behalf of extending legal status to human rights organizations, defend the legitimacy of various kinds of civil organizations such as associations and non-profit companies, as well as other types of groups that carry out such work in democratic countries.

6. Work to secure the future of workers in human rights organizations, particularly in countries that deny legal status to such organizations, and search out solutions in this regard.

7. Accord greater importance to training programs and research that assist in educating human rights defenders about the cultural legitimacy problem.

8. Develop methods of solidarity to protect human rights, whether at the regional or international level, that incorporate social movements but do not require human rights organizations to give up their special nature, neutrality, and independence.

9. Make explicit all coordination and cooperation mechanisms among human rights organizations.

10. Human rights organizations must be sure to keep open channels of dialogue with governments and should exert more efforts to correct the negative image of human rights organizations among governments. At the same time human rights organizations must find strategies to deal with Arab governments that seek to strangle or do away with human rights organizations in their countries.

# Arab Human Rights Defenders and their Legal Predicament

Kheder Shukairat\*

Activists and defenders of human rights are subjected to many kinds of oppression and violation of their rights, and always find themselves facing problems in the course of their work. Their efforts to resist human rights abuses become even more difficult when their countries' governments place restrictions on establishing organizations and carrying out activities. Such is natural for governments who regard the work of these organizations as a challenge to undemocratic practices on the part of ruling regimes. Governments consider the work of human rights activists as a form of opposition to government policies, and thus depict the work as having no connection to the real conditions of the population, but rather as upholding Western ideas and culture at the expense of the authentic ideas and cultural heritage of the people.

On the global level it has been noted that those who protect and defend human rights have themselves become a target for retribution. Organizations working to defend human rights fear their governments' retribution, especially as such instances are increasingly frequent. To date there are more than 300 cases of human rights defenders in various regions subjected to retribution, a number of them facing legal cases and detention.

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Eye witnesses have reported that many activists have been killed, for example in Colombia where no fewer than 60 human rights defenders have been killed. The conviction is growing that there must be standards and effective mechanisms put into place to protect human rights defenders.

Over the past 20 years human rights organizations all over the world have redoubled their efforts to make the United Nations a mechanism and guarantor for the protection of human rights defenders. The United Nations Human Rights Committee decided in March 1985 to establish a working group with open membership to draft an international declaration on protection of human rights activists. Over the years leading up to the declaration's issuance in late December 1998, the working group's meetings saw interference by governments seeking to restrict the work of human rights defenders, to the point that it seemed the goal of the declaration was to protect governments confronting human rights defenders rather than the contrary. Several governments, led by Cuba, China, Iran, Syria, Mexico, and Nigeria, tried persistently to sabotage the draft.

Despite the fact that the draft declaration upon which the General Assembly of the United Nations agreed on December 10, 1998 did not meet the expectations of those working in the field of human rights in terms of providing an effective protective mechanism, 26 nations registered reservations on the declaration. Unfortunately among them were 14 Arab states that presented a memorandum of reservations, clearly expressing these states' readiness to wipe out any guarantees that the declaration might have provided to the human rights defenders.

The time has come to search out strategies suited to protecting those who endanger their lives and subject themselves to various kinds of retribution because they defend human rights, and to look for new means and working mechanisms for human rights activists.

In my assessment the starting point must be initiating a new cultural discourse, one not cut off from our cultural heritage but emphasizing its enlightened aspects. This discourse must be developed to accord with the thinking of the age and what it demands in terms of development, pluralism, and democracy, as well as practical needs and the requirements of building a democratic civil society and upholding human rights. There must be work on forging links with grassroots groups; they are the ones continually subjected to abuses and, at the same time, they constitute the principal groups about which human rights organizations are concerned.

Many efforts have been mounted before to develop a culture of human rights and give it a grassroots dimension that would permit it to spread and win support and respect. These efforts, however, were purely cultural in nature and opportunities to gain understanding and support for this culture remained confined to elite circles.

The task of developing an alternative culture calls for building a civil society and effective human rights organizations. Unfortunately there are many current obstacles—harsh measures and direct restrictions—before these organizations.

Dialogue with society strengthens the position of human rights activists and lends them an air of credibility. Cultural, health, and housing organizations, for example, as well as labor and trade unions, are each in their own way defending human rights. Understanding and acknowledgement of human rights principles happens when they are situated in the surrounding context. Moreover, the organizations of civil society are well placed to spread the message.

It is incumbent upon Arab governments to permit such links to be forged freely, as well as to allow the free building of civil society, as it is incumbent on Arab institutions—among them the Arab League—to create opportunities for discussion on human rights issues on a regional level.

**Providing protection to human rights activists requires in the first instance:**

1. An independent and neutral judiciary.
2. Struggle against despotism.
3. Civil society's acceptance of defenders.
4. Raising consciousness in society.
5. Training.
6. Putting into place cooperative mechanisms among various organizations concerned with human rights.

**First: the Local Level**

1. Creating integrative, not competitive, working mechanisms among organizations.

2. Establishing a network of relations with civil and religious judiciaries.

3. Locating a grassroots base from which to draw support and pressure.

4. Struggling for national legislation to protect defenders.

5. Striving toward a national law providing for defenders' right to establish organizations, in accordance with international laws on human rights and democratic practice, as well as their right to work in emergency situations.

6. Work to guarantee that freedom of opinion is provided, in all times and under all conditions, according to international norms for human rights, and that these rights are included in local laws.

7. Freedom of movement within the country and outside must be guaranteed for human rights defenders.

## **Second: the Regional Level**

1. Creating regional coalitions of human rights organizations.

2. Regional organizations must resist aggressions to which human rights defenders are subjected, whatever the geographic location.

3. Creating contact mechanisms with global organizations.

4. Striving for regional protective legislation.

5. Benefiting from modern communication networks.

6. Organizing pressure campaigns when violations occur.

7. That Arab organizations each year adopt the issues of human rights defenders in one specific Arab country and mount a coordinated campaign toward this goal. I suggest Tunisia as the subject of this year's campaign.

## **Third: the International Level**

1. Using the Internet to strengthen communication and coordination.

2. Human rights organizations and defenders in the region must increase their knowledge and expertise regarding international and regional measures.

3. Calling upon the United Nations to put into place a specific mechanism to oversee countries' adherence to the international declaration on the protection of human rights activists. In this regard thought should be given to establishing an office or special department for human rights defenders under the supervision of the High Commissioner for Human Rights.

## **Recommendations of Participants in the Working Group on Arab Human Rights Defenders and their Legal Predicament**

### **First: on the Local Level: Work and Struggle on Behalf of:**

1. Building integrative working mechanisms among human rights organizations.

2. Urging all efforts to strengthen the independence of judicial authorities in their capacity of protecting rights and public freedoms.

3. Electing fair legislative institutions that express the will of the Arab peoples.

4. Establishing national legislation that provides protection to human rights defenders and secures the right to form organizations in accordance with international laws on human rights and democratic practice, as well as providing for the right of these organizations to carry out work during times of emergency.

5. Providing freedom of opinion at all times and under all conditions in accordance with international human rights norms, as well as including these rights in local legislation.

6. Providing freedom of movement inside countries and outside to defenders of human rights and to all citizens, and lifting all legal restrictions inhibiting freedom of movement.

7. Spreading a culture of material and mental solidarity with human rights defenders, on the local, Arab, and international levels.

8. Setting up a fund to support human rights activists.

## **Second: on the Regional Level:**

1. Calling on regional legal organizations to fulfill their duty to resist the abuses that afflict Arab human rights defenders.

2. Building and activating mechanisms to contact global human rights organizations, as well as benefiting from modern communication networks.

3. Calling on the Arab League to establish regional legislation to protect human rights defenders.

4. Organizing regional campaigns to put pressure on governments in the case of any aggression against those who fight for human rights.

5. Setting up mechanisms for immediate action on the national and regional levels in cases where human rights defenders' own rights are violated.

## **Third: on the International Level:**

1. Making universal the use of Internet networks.

2. Advancing human rights organizations' and defenders' knowledge and expertise regarding international and regional measures protecting human rights.

3. The United Nations must put into place a mechanism to oversee and review various governments' adherence to the international declaration for the protection of human rights defenders. In this regard consideration should be given to establishing a special office or unit for human rights defenders under the auspices of the High Commissioner for Human Rights, as well as to appointing a special reporter for human rights activists and defenders.

# Strategies to Promote Human Rights Education

Magdi El Na'im\*

## Introduction:

This contribution aspires to briefly elucidate general indications for an evaluation of the state of human rights education in the Arab World. I also aim to point out briefly the challenges and obstacles facing human rights educators and to summarize recommendations on how to deal with these challenges.

The Arab human rights movement has moved beyond the debate on the importance of human rights education. We have entered a more advanced stage of discussion concerning the curriculum of this education and the difficulties we have faced in the past. Human rights education is the top priority on the agendas of more than one Arab institution (e.g. the Cairo Institute, the Arab Institute) and has become a fixture on the work plans of many national NGOs. The efforts of international NGOs, such as the international institute for human rights in Strasbourg and the International Institute for Higher Studies of Criminology, which began their efforts in the late eighties before all Arab institutes, have also played crucial roles in the advancement of human rights objectives. The projects in this field have ranged from training rounds to symposia and conferences. We have also

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progressed from occasional and seasonal activities in the eighties to entire programs in some organizations in the nineties.

## **Human Rights Education in the Arab World:**

Perhaps the positions and opportunities for the advancement of human rights education in the Arab World invariably follow the status of human rights on an international level. It is true that there are political regimes that imitate the discourse of human rights and at the same time practice organized violations of the rights derived from these principles. Tunisia, for instance, is an example of such a country. Within the framework of such imitation they may provide some scope for human rights education, but such tolerance deprives the education of its full meaning and content and restricts its benefits. Human rights education is not a hobby with which to fill our spare time but an integral part of a conscious and measurable process of change. Therefore it is difficult to deal with this "fabricated" separation between human rights education and the state of those rights. Whenever this situation improves the opportunities for educational activities to flourish become greater, and it becomes possible to develop a more positive relationship between governmental institutions and NGOs, a critical partnership. The matter is never this simple, however, as it is complicated by political culture, within which various power relationships detract from the effectiveness of human rights education.

The deterioration of human rights in some countries and the teaching of the "subject" of human rights in their institutions of higher education does not constitute a paradox. The latter does not qualify as being anything more meaningful than window-dressing, aiming at an outward appearance of educational modernization that matches its political—and cultural and social--agenda. Perhaps a comparison of the working papers presented at two symposia held in 1987 and 1993 regarding human rights education in Arab universities<sup>(1)</sup> will reveal that there is no major Arab penetration of this

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<sup>(1)</sup>Compare working papers submitted to the symposium of the Arab Lawyers Union 1987, about the teaching of human rights and development of legal sciences in Arab universities in: *Teaching Human Rights And Development Of Legal Education In Arab Universities*, Muhammed Nur Ferhat (editor), Arab Lawyers' Union for Research and Legal Studies, Cairo, and the symposium of the deans of faculties of law in the Arab Nation about teaching human rights in *Teaching Human Rights In Arab Universities*, The Arab Institute for Human Rights Studies, Tunis: 1993 .

field and that any development has had limited results. At the University of Khartoum, for instance, a proposal to establish an institute for Human Rights Studies at the Faculty of Law was frozen. At the Jordanian University no proposal for teaching human rights was even submitted until the early nineties. In most other universities the published reports do not reveal anything but limited concern regarding undergraduate university education. A recent study dealing with some aspects of human rights education in Egyptian universities affirmed that despite the fact that some faculties had established human rights centers, human rights in most faculties of law (with the exception of the Faculty of Law of Assuit University) do not enjoy official recognition. It is also noteworthy that many of the projects begun in the eighties with the help of international NGOs have stopped completely or have continued but with a lack of enthusiasm and support<sup>(2)</sup>.

Thus it is not surprising that human rights education initiatives flourish in the Arab world outside of official institutions of education. This is due to the fact that official education, which is mainly state-controlled, remains far from formulating its own initiatives in the sphere of human rights education. Rough treatment of methods and curricula of human rights education in the Arab World has become a documented matter in a number of reports and situational studies.

**Human rights educators face many confrontations in our Arab societies, the most prominent include:**

- The inhospitable political climate and absence of political will in Arab states.
- A predominantly backwards cultural infrastructure, weakness of a human rights culture, and non-implementation of human rights in general<sup>(3)</sup>

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<sup>(2)</sup>Amal Abd El Hadi. "Teaching the Conventions on Children's Rights and on Eliminating All Forms Of Discrimination Against Women in Faculties of Law in Egypt," Riwaq Arabi, Cairo Institute for Human Rights Studies, Cairo, vol. 2 no. 7 (July 1997).

<sup>(3)</sup>See Mohammed El Sayid Sa'id , "The Message Of Human Rights Studies In The Context Of The Present Cultural State Of The Arab Nation ," Riwaq Arabi, Cairo Institute for Human Rights Studies, Cairo, vol. 2 no. 6 (April 1997): 48-59



- Restrictions imposed on human rights organizations in the Arab World.

- The absence of firm tradition and motivated expertise in the field of human rights education.

- The isolation of those most in need of this education ( i.e. women, youth, children, and minorities), due to their being the categories most prone to violations and the voices most severely silenced by repression, in spite of the fact that, in unison, they form the majority of the population. It is for this reason that they are the most in need of thorough knowledge of their rights and of the means to defend them.

These challenges do not indicate a lack of opportunities for new initiatives in this field. The same governing regimes that lack the political will to put forward their own initiatives in the field of human rights education, and which regard with a wary eye—even with hostility--initiatives coming from outside their entities, must face on the cultural and political level the challenge of Islamic fundamentalism, which threatens their legitimacy on all fronts. This pushes them to draw nearer to civil society and to search for new allies within it. This also necessitates the revision of their own political agendas and allows for some space for the process of democratization, even if only for the purpose of tactical maneuvering within their own threatened political contexts. The end of the Cold War weakened many of their cultural and political arguments, which aspired to perpetuate their hegemony. Furthermore, the spread of human rights groups in various Arab countries represents a source of pressure that is difficult to ignore. The sweeping progress in telecommunications also leads on a daily basis to loosening the muzzle on voices calling for the respect of human rights.

### **Human Rights Education and Cultural Particularity:**

Acknowledging the universality of human rights does not mean formulating rigid methods of instruction to teach these rights. Universality is the nature of human rights as a final and methodological product of refined ideals acceptable to all with living and aware consciences. Particularity is an appeal to inventiveness in the implementation methods and priorities of

human rights education<sup>(4)</sup>.

With this in mind, issues such as women's rights, democracy, and collective rights, for example, occupy a leading place in the concerns of the Arab movement for human rights. Analyzing and addressing cultural roots that contribute to the deterioration of human rights and justify their violation serves the goals of human rights education better than jumping ahead to teaching international human rights law without linking it to the actual challenges of each society.

Advocates of the cultural relativity of human rights, as it is referred to presently, regard them as products of Western culture and as an expression of its dominance. Therefore, they argue that these basic human rights are contrary, not only to our culture, but to our identity as Arabs. This is an ahistorical explanation, which regards cultures as isolated islands and identities as immutable gemstones. Adopting the universality of human rights and then translating them in a mechanical manner into education, however, also is ahistorical, when human rights education is reduced to a list of desirable behaviors versus violations. This turns education into sermonizing, which yields extremely limited results. Thus even if human rights education were to be taught in our schools, the subject would be transformed into just "another" boring subject to be memorized by students, instead of the students gaining a comprehensive understanding of what these rights mean and how they affect their own lives and societies.

The literature on cultural relativity contains, explicitly or implicitly, the supposition that culture, any culture, is static and has unchangeable qualities. Perhaps this logic is, in a way, the basis of eclecticism in dealing with the principles of human rights, but human experience has taught us that cultures are enriched by their dialogue with others, and that they change and gain new elements through this dialogue. Cultures benefit through responding to people's lifestyles and relationships.

The public which human rights education targets is not just an ambivalent audience, whose mission is to memorize what it hears<sup>(5)</sup>. It is a

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<sup>(4)</sup>See the founding mission statement of the Cairo Institute for Human Rights Studies, Cairo: 1994

<sup>(5)</sup>Mohammed El Sayid Said, "Philosophy for Teaching Human Rights," *Riwaq Arabi*, the Cairo Institute for Human Rights Studies, Cairo, number 11, 1998.

populace possessing a collective historical memory, and by necessity, a society and culture, which in some aspects mesh with human rights' culture in other respects clash with it. It also possesses a memory that necessarily reacts to its environment, which is tumultuous and constantly evolving. The human rights educator is not a preacher, whose task is converting the listener by the truth and logic of his/her arguments. Rather, he/she is available to lead the learner to questioning and dialogue in an ideal teacher/student relationship.

## **Towards an Arab Strategy for Human Rights Education:**

**(Or, From Subjects of the Middle Ages to Citizens of the Twentieth Century)**

The values of equality, justice, and human dignity are inherent in Arab Muslim culture as in all major cultures. In recent decades Arab intellectual thought turned towards the study, analysis, and reconsideration of the ideological schools of thought in Arab Muslim heritage, exposing the cultural roots of extremism, inertia, and the justification of hegemony. These efforts converge with those expended in the education of human rights, democracy, and participation in an active and flourishing civil society.

In the final analysis human rights education is training people how to enjoy their rights and giving them the tools to defend them. In other words, it is to teach them citizenship that is effective, participatory, and which leads them to be responsible for themselves and not dependant on others. In this context, it is very close in meaning to the spread and stabilization of democratic society.

I envision that one of the missions of this group is drafting the features and general context of an Arab strategy for the education of human rights. This strategy does not just come instantly and certainly cannot be built in a vacuum. It evolves as a result of the many efforts that continue to be expended by some Arab institutions, NGOs, and experts, and some international NGOs, along with some international governmental institutions (the most important one being UNESCO). Therefore the

constituents of this strategy are entirely new but are built on previous expertise and experience. It is a strategy that should be poured into the conduit of establishing "the cultural legitimacy of human rights in the Arab world."<sup>6)</sup> The tools that should be utilized in this strategy of human rights education are as follows:

1- Distancing human rights education from its image as a series of legal clauses, although this is of great importance. Instead we should concentrate on placing human rights in the cultural and political framework of the citizens. We should also always take into consideration the real problems and challenges of each cultural context as well as also making use of the achievements of modern pedagogy.

2-Human rights education should include all educational levels. Special care should be devoted to informal education.

3-Increased attention to religious education, from the perspective of analyzing its role in supporting or challenging the culture of human rights, and from the angle of introducing human rights into educational curricula.

4-Concentration on the sectors of society most able to deliver the message of human rights to the majority of citizens (e.g. teachers, religious leaders, media personalities, and artists), in addition to employees tasked with law enforcement, and those whose vocations are linked to human rights in an even more direct manner (e.g. judges, policemen, doctors, journalists, and local society leaders).

## **Recommendations**

### **Recommendations to Arab Human Rights Movements and Organizations:**

1-Coordinating efforts of Arab organizations working in this field (e.g. an annual meeting) and affirming the importance of sharing expertise and educational methods.

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<sup>6)</sup>Bahey el Din Hassan, "The Role of Human Rights Education in Strengthening Religious Tolerance in Difficult Situations," a paper submitted to the symposium: "Building a Global Culture for Human Rights , " UNESCO, 19 October 1998.

2-Holding an Arab conference at the end of 1999, to coincide with the end of the first half of the century of the UN agreement for human rights education, in order to evaluate comprehensively what was achieved on the Arab level in the education of human rights, including lessons learned in implementing the plan. Special attention should be devoted to the work methods of the organizations and NGOs in this regard, as well as to priorities, coordination, and relationships with governments civil society.

3-Organizing a special meeting to evaluate applied educational programs, obstacles facing them, and their implementation.

4-Insisting on the importance of the entry of Arab governments and their institutions in a dialogue with NGOs to work towards the spread of human rights and to acknowledge and support Arab NGOs.

5-Rethinking the recommendations and related proposals submitted on previous occasions, such as planning an Arab television channel devoted to promoting a culture of human rights,<sup>(7)</sup> publishing a newspaper, and establishing an educational website.

6-Urging specialists in the field of education to contribute to this field and gathering their expertise to develop courses and methods of teaching human rights within each unique cultural context.

7-Adopting Arab prizes in the field of education and research grants in human rights, and encouraging the propagation of university theses in this field.

8-Deepening cooperation between the Arab movement for human rights and writers and artists, through joint projects to produce high caliber works and artistic media to carry the message of human rights.

9-Examining the experiences of countries of with similar social conditions as Arab countries.

10-Compiling a bibliography that monitors all Arab writings in the field of human rights education.

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<sup>7)</sup>Suggestion raised by Bahey El Din Hassan in the conference, "Human Rights as a Political Support to the Democratic Conscience," which was organized by the institution Ius Primi Viri. See Siwasia, Number 13 (December 1996), Cairo Institute for Human Rights Studies. The two other suggestions were made at the First Arab Regional Workshop, 1997, held by the Cairo Institute.

11-Urging the mass media to assume their responsibility in this field.

## **Recommendations to the Arab Governments and Governmental Institutions:**

1-A call on Arab governments to:

- a) Include the subject of human rights in educational curricula.
- b) Exponge from educational curricula all that is at variance with the principles and values of human rights.
- c) Seed educational curricula with the ideas and principles of human rights<sup>(8)</sup>.

2-Support the efforts of non-Arab organizations in human rights education and lift different types of restrictions imposed on them and their participation in planning for human rights education.

3-Devote part of each government's general budget to aid the efforts of NGOs in all fields, including the education of human rights.

4-Rethink the level and mechanisms of interaction (or non-interaction) that exist at present between inter-Arab governmental organizations (i.e. the Arab League and its organizations) and Arab NGOs along the lines of similar regional organizations.

5-Rethink media policies and practices in order to allow scope for the propagation of human rights and avoid spreading all that harms the values and culture of human rights.

6-Call on the faculties of education of Arab universities and institutions of higher education to include human rights in the curricula of teacher training.

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<sup>(8)</sup>Bahey el Din Hassan, "Towards a New Strategy for Human Rights Education," Rowaq Arabi, Cairo Institute for Human Rights Studies, 1998, vol. 3 no. 9.

## **Additional Recommendations from Participants in the Working Group on Strategies for Spreading and Teaching Human Rights**

1-Working to strengthen the culture of human rights in civil society organizations, as they are strong links to the masses.

2-Benefiting from modern pedagogical systems based on participation, and in this regard:

a) Translating principles and standards of human rights into activities aimed at connecting all target groups.

b) Benefiting from popular cultural heritage and employing it to spread and teach human rights.

3-Stressing the importance of informal education and making use of all available platforms to reach the masses, giving special importance to some target groups such as students, teachers, clergy, broadcasters, and others.

# Ways of Strengthening Cooperation with International Human Rights NGOs

Bahey El Din Hassan\*

## Introduction:

This paper stems from the assumption that there is a common goal and a shared interest in bringing together human rights nongovernmental organizations (NGOs), be they local, regional, or international. This goal is the improvement of human rights throughout the world in general, and especially at the local and regional levels (i.e., the Arab world). Any other goals must be realized in accordance with the principle of respect for human rights and their improvement on the ground—that is, the *raison d'être* for the presence of these kinds or organizations. Hence, the Cairo Institute for Human Rights Studies (CIHRS) has selected the issue of “ways of strengthening cooperation with international human rights NGOs” as one of the themes for the conference working groups based on its wholehearted belief in this assumption. If this assumption proved to be untrue and not a basis for agreement, then working towards strengthening cooperation with international organizations would lack any real basis and would become akin to a public relations exercise and a means of glorifying individuals, groups, and personal or partial interests—all of which are not relevant to this conference.

In attempting to realize the aim of this paper, I will begin by giving an

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\* See the author's two articles published in *Rowaq Arbi*, Cairo Institute for Human Rights Studies, “Towards a Concerted Strategy for the Human Rights Movement in Egypt” issue no. 3, July 1996, and “Towards Regaining Initiative”, issue no. 6, April 1997.



outline of the problems currently facing relations between local and international organizations. Then, this paper will put forward a number of suggestions for attempting to improve the nature of this relationship as an important step toward achieving the goals of human rights organizations, both local and international.

### **The Growth of Southern NGOs:**

A number of international human rights NGOs have played a leading role historically, not only in defense of human rights and laying the foundations for an international human rights movement, but also, and this is what concerns the working group, in preparing the groundwork for the establishment and development of local human rights NGOs in all parts of the world, including, of course, the Arab world. This is through the provision of financial and moral support as well as constant technical support, training, and protection, especially during critical situations. It is fair to suppose that, without this support, the Arab human rights movement would not have become what it is today.

The phenomenal growth in the number and sophistication of human rights organizations over the last two decades may be traced to the wave of democratic change in the late eighties and early nineties, linked to the collapse of the Soviet Bloc, that swept a number of countries in Central and Eastern Europe, in addition to Africa, Latin America and, in a more limited manner, Asia. Despite some attempts at political liberalization in some Arab countries prior to and following this period, the Arab world today remains the only region in the world immune to democracy<sup>(1)</sup>. Nevertheless, human rights NGOs in the Arab world were also established in the context of experiments with democratization, and it is not paradoxical that the retreat from democracy has led to a strengthening of Arab human rights NGOs<sup>(2)</sup>.

Until the end of the eighties, international human rights NGOs were the prime source—the only source in most cases—of information about the

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<sup>(1)</sup>This is due to various local conditions particular to each Arab country and this brief paper cannot dwell upon this point. However, it would be useful within this context to contemplate the rapid movements toward and away from democracy in such countries as, Egypt, Tunisia, Algeria, Yemen, Jordan, and Sudan during the eighties and nineties. Perhaps Morocco is the only Arab country that has succeeded in implanting democracy.

<sup>(2)</sup>In Lebanon and Palestine, factors other than aborted attempts at democratization led to the establishment and strengthening of human rights organizations.

state of human rights in the Arab world and other Southern countries. With the beginning of the nineties, the center of influence started to shift from North to South and to Eastern and Central Europe. The nineties witnessed the establishment and strengthening of hundreds of local human rights organizations in the South<sup>(3)</sup>, to the extent that these local organizations became the chief source of information about human rights in their home countries for local and international audiences. This provided the international community with the means to scrutinize the human rights records of various governments. Local NGOs also became the chief vehicle for disseminating the philosophy of human rights to their fellow citizens, as well as becoming the principle means by which international NGOs monitored and verified human rights violations. Consequently, Southern human rights NGOs, including those in the Arab world, became known internationally for their high standards of dedication in serving a humane cause and of professional know-how in the techniques and methodology of human rights work.

### **Problems in Cooperation between International and Local NGOs:**

This phenomenal development in the quantity and quality of human rights work globally has not been reflected in the development of horizontal relations (local-local) or vertical relations (local-international) between human rights NGOs. The last few years have witnessed a variety of attempts at cooperation, both horizontal and vertical, that proved to be transient in nature (for example, in solidarity against certain events) or periodic (such as, consultations connected with the achievement of a certain work goal). However, the time has come to put forward a practical vision that would bring about relatively stable relations of cooperation, which do not depend on the individual will of any quarter. The present framework for relations between human rights organizations has passed its expiry date and is actually becoming detrimental to the human rights movement. It is no longer able to promote the development of the movement and accommodate its increasing and complex tasks. The following observations are by way of example.

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<sup>(3)</sup> In Egypt, for example, ten new organizations appeared in the nineties, and at least three of them enjoy as much solidity as the first organization that was established.

- The present framework of relations encourages negative competition. This is because the goal of human rights work, that is, the improvement in the human rights situation, has become secondary to the means of achieving this goal, that is, using the media, holding meetings, making declarations, etc. Professionalism in these various methods has become, in some cases, a goal in and of itself, sometimes without regard to the degree of its effectiveness in achieving the objective. For example, while exposure in the media of the opinions of human rights groups toward a certain issue is doubtless a great boost to their message and moral status, it may have a negative impact on negotiations proceeding behind the scenes.

- The absence of even minimal horizontal and vertical cooperation can lead to a great waste in human and financial resources, either because of the repetition of needless tasks or because of concentration on secondary cases at the expense of priority cases. Progress in this area, however limited, will lead to a growth in the capacity of the human rights movement.

- International human rights NGOs must realize that although they perform their work in situations far removed from the field of human rights violations in the Arab world, this does not exempt them from the duty to closely consult and cooperate with local NGOs, not only about the nature of violations, but, more importantly, about the political, social, and cultural context in which these violations occur. This is for the following reasons:

- International human rights NGOs invariably rely for their reports on sources alien to the local context.
- However objective the reports prepared by international NGOs on the South, nevertheless, they are prepared in the North. North vs. South dichotomy brings to mind negative implications.
- International NGO reports are invariably prepared in the capitals of the great powers (i.e., Washington, D.C., New York, London, Paris), which are accused of double-dealing and double standards by employing human rights in the service of their narrow interests. The perception of double standards by the West is acute in the Arab world, particularly in regard to the collective rights of the Arab people. International neglect of these rights has led Arab people of all political persuasions and all cultural backgrounds to prioritize these collective rights above any other rights discussed by international human rights NGOs.
- Unfortunately, international human rights organizations have almost consistently failed to take the above issues into consideration and, consequently, they have not only harmed the credibility of their own

organizations but also of Arab organizations, affecting their ability to mobilize local public opinion in support of the issue of human rights. Some Arab governments have begun to exploit this situation in order to discredit Arab human rights organizations or to justify their suppression.

### **Some Proposals for the Working Group:**

1. Undertaking a field study on relations between international human rights NGOs and Arab NGOs in the context of the particular political, social, and cultural conditions of the Arab world, with the aim of identifying means to develop these relations with the ultimate goal of improving the human rights situation.

2. Holding one regional workshop or three local workshops (e.g., Egypt, Morocco, and Palestine) to discuss and evaluate Arab NGOs' international relationships. The lessons from Arab NGO experiences could prove to be a valuable source in the preparation of the aforementioned study.

3. Holding annual consultations between those international NGOs working in the Arab world and Arab NGOs. It is also possible to hold intra-country meetings between international and local NGOs from each Arab country. The purpose of these meetings would be to work toward increasing the efficiency of human rights work at all levels and in all fields. The agenda of such meetings should include at least the following three core points:

- Defining priorities;
- Developing strategies based on the division of roles between the international, regional, and local; and,
- Evaluating past experiences and brainstorming for ways to constantly develop cooperation.

4. Establishing a body that could conduct the above activities on the international level—for example, an international federation—thereby strengthening the effectiveness of the international human rights movement. The success of the proposed Arab–international framework could lead other regions to emulate this model, leading to proposals of creating an international coordinating framework for the movement.

5. Proposing a joint initiative for major international NGOs to make a joint or unilateral declaration clarifying their position to local and

international audiences on longstanding issues concerning the collective rights of Arab peoples; condemning the cynical use of human rights by the international community in certain cases; and condemning the use of international institutions in the service of goals that are contrary to human rights. Such a declaration should clearly expose how international institutions sometimes collude with the host governments of the capitals in which they are based.

6. Circulating updates in Arabic on the positions of international human rights NGOs on new issues concerning individual and collective human rights in the Arab world and related issues (for example, Kosovo, Bosnia, Turkey, Iran, Afghanistan, and human rights in international relations). These updates would provide the necessary material to disprove accusations that international NGOs are tools of Western governments, which damage the credibility of both international and Arab human rights NGOs.

7. Conducting field studies, holding regional and local workshops, and holding regular consultations, as recommended in numbers 1, 2, and 3, but with funding institutions as the target. This is in order to keep funding institutions up-to-date with the priority needs of the Arab human rights movement, thus enhancing the effectiveness of the movement and helping to avoid some of the negative stigma associated with external funding.

# Annexes



# **The Casablanca Declaration of the Arab Human Rights Movement**

**Adopted by the First International Conference of  
the Arab Human Rights Movement  
Casablanca, 23-25 April, 1999**

At invitation of the Cairo Institute for Human Rights Studies, and hosted by the Moroccan Organization for Human Rights, the **First International Conference of the Arab Human Rights Movement: Prospects for the Future** was held in Casablanca from 23 to 25 April, 1999, to examine the human rights conditions in the Arab world, and the responsibilities, tasks and prospects of the Arab human rights movement.

After extensive discussions, the Conference declared that the only source of reference in this respect is the international human rights law and the United Nations instruments and declarations. The Conference also emphasized the universality of human rights.

## **The International Setting:**

The Conference examined the international setting and conditions affecting the conditions of human rights specifically in the Arab world, and affirmed the following:

\*The call for substantial reforms in the United Nations so as to make it more representative of the regions and peoples of the world, and more effective in fulfilling its role and in expressing the common interests and responsibilities of humanity.

\* The Conference draws attention to the grave consequences of using the principles of human rights for the realization of specific foreign policy



objectives of some countries. It affirmed that the Arab world is still suffering from the opportunistic, political and propagandist use of human rights by some major powers as evidenced by the double-standards employed by such powers, and most notably by the United States of America.

\* Calling upon the UN Security Council to review the international sanctions system and its application methods. The Conference also urged the UN Security Council to decide to immediately and unconditionally end the economic sanctions on Iraq, considering their devastating effects on the civilian population that could be likened to genocide.

\* Rejecting the manipulation by some Arab countries of patriotic sentiments and the principle of sovereignty so as to avoid complying with international standards.

- Rejecting the manipulation by some Arab governments of national sentiments and the principle of sovereignty with the purpose of avoiding commitment to the international standards.

- Rejecting any attempt to use civilizational or religious specificity to contest the universality of human rights. Commendable specificity is that which entrenches the dignity and equality of citizens, enriches their culture and promotes their participation in the administration of public affairs.

## **Peace and the Rights of Peoples and Minorities in the Arab World:**

The Conference declares its support for the proposed UN Decade for the Culture of Peace, and affirms that acceptable peace is that based on the respect of the fundamental rights, justice and peoples' inherent dignity. It should also be based upon the provisions of international law, the UN resolutions, and the due respect of human rights -- most notably the right of self-determination.

The rights of the Palestinian people are the proper standard to measure the consistency of international positions towards a just peace and human rights. The Arab human rights movement will apply this standard in its relations with the different international organizations and actors.

The Conference declares its full support for the right of the Palestinian people to self-determination and to establish their independent state on their occupied national soil --with Jerusalem as its capital--, and the right of return for the refugees and to compensation in accordance with UN resolutions. The Conference demands the dismantling of settlements, the elimination of all forms of racial discrimination and human rights violations

against the Arabs of Israel, and the elimination of the racist, Zionist and expansionist nature of Israel.

The establishment of a just peace requires the immediate and unconditional withdrawal of Israel from the Golan Heights and South Lebanon in accordance with UN Security Council resolutions.

Meanwhile, the Conference calls upon the Contracting Parties of the Fourth Geneva Convention on the Protection of Civilian Persons in Times of War to fulfill their legal obligations, and to work towards compelling the Israeli occupation forces to apply the provisions of the Convention, considering that these provisions constitute the minimum standards required for the protection and safety of Palestinian civilians. In this regard, the Conference affirmed that it is necessary that the High Contracting Parties comply to the UN General Assembly resolution to hold a special conference of the High Contracting Parties on July 15th, 1999, to examine the measures required for the enforcement of the provisions of the Convention in the occupied territories. The Conference also called upon International and Arab organizations to join the international campaign to urge the High Contracting Parties of the Fourth Geneva Convention to work towards enforcing its provisions in the occupied territories.

The Conference values the positions of organizations and states in support of the rights of the Palestinian people, and the position of the European Union among them -- especially the EU's refusal to recognize the Israeli stance on Jerusalem. The Conference also hails the European Commission's recommendation to embargo the goods produced in the settlements, and calls upon all states to adopt similar positions.

The Conference urges the Palestinian National Authority to respect human rights, to establish the separation of powers, to dissolve State Security Courts, and to release political prisoners.

In discussing the issue of minorities in the Arab world, the Conference affirmed its commitment to the right of self-determination, and its strong condemnation of all acts of oppression, despotism and war that have been and are still being committed against minorities in the Arab world, especially genocide, displacement and enslavement. The Conference affirms that the Arab human rights movement will treat such actions as crimes against humanity.

In this context, the Conference declares its support for the Kurdish people's right to self-determination, and calls upon the United Nations to convene a special international conference with the participation of all the concerned parties to reach an integrated and comprehensive solution to the continued suffering of the Kurdish people.

The Conference also calls for an end to the war in Sudan, and urges the establishment of peace within the framework of a formula that ensures the establishment of a democratic system of political plurality, participation in public life, and the respect of human rights without discrimination between citizens -- including securing the right of the citizens of South Sudan to self-determination.

### **The General Conditions of Human Rights in the Arab World:**

Despite the relative relaxation in the human rights situation in a number of Arab countries, the general picture remains gloomy in comparison to the progress realized in other parts of the world. This is exacerbated by the failure of the League of Arab States to provide an effective regional conflict-resolution system and mechanisms for the protection of human rights in the Arab world.

The Conference expresses its alarm at the continued absence of a modern legal structure in a number of Arab countries. This includes the lack of a constitution, a parliament and a modern judicial system, in addition to their persistent rejection of international human rights standards. This applies to Saudi Arabia and a number of Gulf states.

The Conference discussed at length the continuation of acts that completely suppress fundamental rights and freedoms, and the persistence of legal systems based upon the codification of cruelty and violence in Iraq, Libya, Syria, Sudan and Bahrain. This is despite their accession to some of the most fundamental international conventions and agreements. The Conference also discussed the prevalence in these countries of grave and flagrant human rights violations that can not be accurately monitored because of the absence of the minimum requirements for fact-finding.

The conference draws attention to the fact that acts of external aggression and military or economic violence against Iraq and Libya further aggravate the human rights situation there.

The Conference affirms that the acts of violence and armed internal conflicts, as in Somalia and Sudan, constitute in themselves a grave violation of the rights to life, bodily integrity, life in peace and all other rights.

While expressing its concern at the situation in Algeria since the cancellation of elections in 1992, the Conference strongly condemns the crimes and massacres committed by the armed groups and military militias against tens of thousands of citizens. The Conference also condemns the

grave human rights violations committed by the state, specifically the enforced disappearance of thousands of people.

The Conference examined the human rights situation in the other Arab countries, as characterized by defects in the rule of law and in institutional, legislative and other safeguards for the enjoyment of human rights and fundamental freedoms, in addition to infringements of the principle of the independence of the judiciary. These conditions lead to grave and systematic violations of human rights, especially the crime of torture. The Conference regrets the reversal in some countries which had realized some relative improvement in the condition of human rights, such as Tunisia, Egypt, Yemen and Jordan.

The Conference welcomed the relative progress in the general human rights situation in Morocco in the last decade, due to the efforts of the Moroccan and international human rights organizations.

**In this respect, the Conference affirmed the following:**

1- Generating pressure to reform and upgrade the institutions of the League of Arab States, and to achieve the legislative and practical reforms necessary for safeguarding human rights and for ensuring the participation in and monitoring of these institutions by Arab citizens.

2- Calling upon the League of Arab States to review all its conventions relating to human rights --especially the Arab Agreement on Combating Terrorism-- and also to review the Arab Charter of Human Rights of 1994 so as to make it compatible with international standards in preparation for drafting a new Arab convention on human rights, in cooperation with Arab human rights organizations. The Conference decided to form a working group to prepare a draft proposal for such a convention.

3- Generating pressure to reform the legislations of Arab countries, especially those that contravene the freedoms of opinion, expression, and dissemination of information and the right to knowledge. Working towards ending the state's control of all media, and demanding that Arab governments legalize, in the framework of a democratic constitution and laws, the rights of assembly and peaceful association for all intellectual and political groups and forces, including the unarmed political Islamic groups.

4- Calling upon all political Islamic groups to renounce violence and to end its practice, and calling upon the intellectual and political community and forces to abstain from practicing intellectual terrorism through calling others apostates or traitors or defaming their characters.

5- The need to initiate substantial political reforms in Iraq leading to a democratic system and constitution that would bring about the equality of

citizens, abolish political confessionism, allow for diversity as a basis of national unity according to the principle of equality in citizenship, and enshrine fundamental human rights.

6- Calling for an end to the exceptional situation in Sudan, and for convening a comprehensive constitutional conference with the participation of all the political and civil forces, so as to ensure the restoration of democracy and peace.

7- Calling for the consolidation of the political reforms begun in 1989 in Algeria so as to prepare the ground for ending violence and laying down arms; releasing those detained without trial; retrying those who had been tried under exceptional laws; revealing the fate of the "disappeared"; and bringing those responsible for the crimes of disappearance, torture and killing to justice. The Conference stresses the need for governments to respond to just and legitimate initiatives for opening a serious dialogue to establish peace and broaden public freedoms.

### **Responsibilities of the Arab Human Rights Movement:**

1- Promoting the struggle for democracy, and basing the general strategy of the Movement on such a task. The Conference affirmed that preserving the non-partisan nature of the Movement and ensuring its independence from political parties do not contradict with working towards a constant dialogue between human rights organizations and all political parties. Such a dialogue should aim at cooperation to consolidate democratic transformation and respect of human rights, and to draft a code of minimum standards for the respect of human rights and democracy that takes into consideration the specific political and social context of every single country.

2- Determining the common priorities of the Arab human rights movement in the realms of advocacy and protection. These include the following:

- \* Putting a final end to the practice of torture, and pursuing its perpetrators and bringing them to justice.

- \* Annuling martial and emergency laws, and affirming the need to respect freedoms of expression, assembly and association.

- \* Ending administrative and preventive detention, and releasing all prisoners of conscience and those detained without charge or trial.

- \* Opposing exceptional courts, and struggling for legislating and safeguarding guarantees for the independence of the judiciary from any administrative manipulation or intervention.

\* Introducing necessary reforms to the basic laws, revoking exceptional laws, and putting an end to arbitrary and extra-judicial executions or those resulting from unfair trials.

3- Struggle for the realization of economic and social rights, considering that human rights are integrated, indivisible and are not exchangeable. In this respect the Conference affirms:

\* Securing citizens' right to participation is the backbone of the application of the right to development, including guaranteeing public oversight of the public revenues of the state.

4- Struggle for entrenching the values of human rights in the Arab and Islamic culture. This includes the following:

\* Urging those Arab governments that did not ratify the international human rights instruments to do so immediately and without reservations, and urging those that ratified them to lift their reservations, and to comply to the provisions of such instruments regarding the mechanisms of protection.

\* Urging academics, researchers and religious scholars to shed light on the roots of human rights in the Arab culture, to exhibit the contribution of the Islamic civilization in establishing the values of human rights, and to dismantle the artificial contradictions between some human rights principles and some obsolete fundamentalist interpretations. Calling upon all Arab intellectuals and politicians to refrain from entangling Islam in a confrontation with human rights, and to consider those rights provided by international human rights law as a minimum to build upon and not to seek to reduce or call for their violation in the name of specificity or any other pretext.

5- Struggle for the recognition of women's rights as an integral part of the human rights system. This includes the affirmation of the following:

\* Women's enjoyment of human rights is an integrated and comprehensive process that should encompass all facets of life within and outside the family.

\* Real equality between women and men goes beyond legal equality to encompass changing the conceptions and confronting the stereotypes about women. Thus, it requires not only a comprehensive review of laws, foremost of which are personal status codes, but also the review and upgrading of educational curricula as well as the critical monitoring of the media discourse.

\* In this respect, the Conference stresses the necessity of engaging women's and human rights organizations in the process of reviewing the

current legislations, and in upgrading civil and criminal laws, with a view to resolutely confronting all forms of violence and discrimination against women.

\* The Conference also calls upon the Arab governments that did not ratify the Convention on the Elimination of All Forms of Discrimination against Women to do so expeditiously, and those that ratified it to lift their reservations.

\* It also calls upon human rights organizations to work to refute these reservations, to challenge the culture of discrimination, and to adopt courageous stances in exposing the practice of hiding behind religion to legitimize the subordination of women. These organizations should also give special attention to the continued monitoring of the compliance by Arab governments to their international commitments concerning women's enjoyment of their rights.

\* The necessity of considering the possibility of allocating a quota for women in parliaments, representative institutions and public bodies as a temporary measure. This should stand until appropriate frameworks for women's voluntary activity take shape, and until the awareness of the necessity of equality and the elimination of all forms of discrimination increases.

6- Confronting the violations of the rights of the child in the Arab world, specially those emanating from economic sanctions, the aggravation of armed conflicts in some countries, and the increase in the phenomena of street children and child labor. In this respect the Conference calls for the following:

\* Criminalizing the engagement of children in armed conflicts, and supporting efforts aimed at raising the minimum age of military conscription to 18 years.

\* Prohibiting the employment of children in occupations that may harm their health, security or morals.

\* Prohibiting the implementation of capital punishment in crimes committed by children under 18 years of age, this is until the abolition of capital punishment entirely.

\* Prohibiting the confinement of children in the detention places of adults.

7- Disseminating human rights education and culture, on the basis that the first line of defense of human rights is citizens' awareness of their rights and their readiness to defend them. In this respect, the Conference decides the following:

\* The need to overcome all obstacles preventing access to the fora provided by the media and the educational institutions to disseminate the message of human rights. It is necessary to try by all means to convince governments to facilitate the work of human rights education institutions, and to add the subject of human rights to the educational curricula, and to uproot all that contravenes the values of human rights from the current curricula.

\* Consolidating cooperation with the fora of artistic creativity and non-governmental organizations in the realm of the dissemination of human rights culture, and focusing on some intermediary strata that could be able to play a vital role in this sphere, such as: teachers, media personnel, judges and lawyers. In addition, it is necessary to design suitable plans to activate the role of preachers in mosques and churches in this respect.

8- With respect to upgrading and advancing the capabilities of the Arab human rights movement, the Conference draws attention to the signs of substantial developments in international criminal justice manifested by the opening for ratification of the Convention on the International Criminal Court, and also the possibility of bringing to justice the torturer Pinochet. The Conference affirms that such developments open the door to the possibility of trying war criminals and perpetrators of crimes against humanity. This necessitates that human rights defenders develop new methodologies and tools to collect and document information that could be used as evidence before this court.

9- Protecting human rights defenders and their rights to receive information, hold meetings, contact all the concerned sides, and make use of local and international law to defend human rights.

**In this respect, the Conference**

\* Absolutely condemns all the reservations made by 13 Arab states to the International Declaration on the Protection of Human Rights Defenders;

\* Affirms that the conduct of any Arab government toward human rights defenders will be the determinant of how, negatively or positively, the Arab human rights movement will deal with it;

\* Stresses that it is necessary for human rights defenders to commit themselves to the professional standards and political neutrality which require defending the victims of human rights violations regardless of their political or ideological affiliations. It is also necessary that human



rights defenders apply the rules of democratic review established in the structures of civil associations, and exercise complete transparency regarding their financing sources and expenditures. The Conference considers that the commitment to these principles is consistent with the very essence of the task of defending human rights. This calls for the founding of a body to represent civil society in overseeing the performance of human rights organizations and their commitment to these standards.

#### 10- Coordination between the Arab Human Rights Organizations:

The Conference affirms that the minimum standard required for the fulfillment of these responsibilities and recommendations necessitates the elevation of bilateral and collective cooperation between Arab human rights organizations to the highest level. Given the lack of national and regional coordination mechanisms and structures on the local and regional levels, the Conference considers these tasks of utmost importance. There is an urgent need for reviewing the present structure of relations between its components on the local, regional and international levels, taking in consideration the quantitative and qualitative developments of the human rights movement in the South. The movement should strive to found a new international mechanism based on continuous and dynamic consultation to promote the relationships of partnership and parity among its components. This is to help further the effectiveness of the movement on the international, regional and local levels.

# **The First International Conference of the Arab Human Rights Movement**

## **Decision on Publicizing the Casablanca Declaration and the Document on the Tasks of the Arab Human Rights Movement**

The conferees urge the Cairo Institute for Human Rights Studies and the Moroccan Organization for Human Rights to circulate the Casablanca Declaration and the Document on the Tasks of the Arab Human Rights Movement expeditiously and on the widest scale possible. The conferees specially emphasize distributing the Declaration to the UN Center for Human Rights, the UN and its specialized agencies, the Arab governments, international and Arab human rights NGOs, and the audio-visual and print media.

The Conference calls on the Cairo Institute for Human Rights Studies, considering its special consultative status with the UN ECOSOC, to submit a report on the conference proceedings to the next round of both the UN Human Rights Commission and the ECOSOC, and to bring the Casablanca Declaration and the Tasks of the Arab Human Rights Movement to their attention.



## **A Call for Solidarity with Human Rights Defenders in Tunisia and Syria**

The Participants in the First International Conference of the Arab Human Rights Movement, Casablanca, April 23-25, 1999, express their deep concern at the continued intimidation and harassment particularly against human rights defenders, and the continued deterioration of the human rights situation in Tunisia. They also express their deep concern at the continued imprisonment of a number of human rights defenders in Syria, and at preventing the activist Aktham Naïssa from travelling to attend the conference.

The participants call upon the Syrian government to immediately release the following human rights activists: Nizar Nayouf, Thabet Murad, Afif Mazhar, Muhammad Habib, and Bassam al-Shaikh. The participants also express their deep solidarity with the lawyer Ms. Radiya al-Nasrawy who will be standing for an unjust trial based on contrived charges on May 15<sup>th</sup>. They call on the Tunisian government to drop all charges against her.

The participants also express their deep concern at the imprisonment of the activist Khamis Kusailah, the Vice-President of the Tunisian League for Human Rights and a board member of the Arab Institute for Human Rights, and demand his immediate release and full rehabilitation of his rights. The participants call for lifting the restrictions on Dr. Muncif Marzouki, the former president of the Tunisian League for Human Rights, and allowing

him to travel as one of his fundamental rights. They also urge the Tunisian government to end the host of arbitrary measures aimed at paralyzing the human rights movement in Tunisia.

The participants affirm their full commitment to coordinating among themselves and to urging Arab and international efforts of solidarity with human rights defenders in order to put an end to arbitrary measures against them and to allow them the freedom to do their work.

**Casablanca, April 25, 1999**

## **Press Release**

Issued at the Close of the Proceedings of the  
First International Conference of the Arab  
Human Rights Movement  
Casablanca, April 25, 1999

The First International Conference of the Arab Human Rights Movement was held in Casablanca, Morocco, from the 23<sup>rd</sup> to the 25<sup>th</sup> of April 1999. The conference gathered representatives from forty Arab human rights organizations and a number of activists from 15 Arab countries, in addition to a number of observers from both international and Arab organizations. The conference was graced by the presence of the Moroccan Premier, and the human rights fighter Mr. Abdel-Rahman al-Youssufi, who delivered an address in the opening session. The participants were divided into 16 working groups that deliberated different issues pertaining to human rights in the Arab world. At the end of their deliberations, every working group presented a number of recommendations.

The conference participants discussed in their panel sessions the Casablanca Declaration, and they also adopted by general consensus a document entitled "The Tasks of the Arab Human Rights Movement." In relation to those paragraphs where consensus was lacking, the issue was put to vote. Both the minority and the majority had full respect for each other. In this way the discussions showed the democratic nature of the movement and its respect for internal diversity.



# An Observer's View

## Characteristics, Ideas, and Aspirations of the Human Rights Protectors' Generation

Ahmed Nafie\*

In Casablanca, about one hundred Arab activists met in a conference for Arab human rights organizations to discuss the situation of human rights--their main concern—as well as the future of the Arab human rights movement and what they can do together. Most of the activists were from the middle generation, which is in their forties or early fifties. Only a few were from the generation who founded the movement, meaning the Arab Organization for Human Rights (AOHR). This is my own generation and the generation I know best. There were also a considerable number of young activists, meaning those in their thirties.

The participation of different generations helped persuade me to participate in the conference as an observer. My participation was thus not only to find out about the human rights situation and the ideas raised in this regard, but also to get closer to this generation, which has actually taken over the leadership of most well-known organizations in the field of defending human rights all over the world such as Amnesty International, Human Rights Watch, International Federation for Human Rights, International Commission of Jurists, and American Jurists, in addition to women's organizations which have now great influence in America and Europe.

This generation seems to be more radical, better educated, and perhaps more aware of what is going on all over the world than the founding

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\* Mr. Ahmed Nafie is advisor to al-Ahram newspaper for Arab Affairs. He attended the conference as an observer, and published this article in al-Ahram on May 1, 1999.



generation. It was notable that a large number of activists came to participate in the conference from European and American countries where they now live, either having been granted political asylum, or as leading figures in cultural, union, or human rights organizations in Europe or America. This generation is distinguished from the founding generation in that it knows very little about compromise. It is firm in its stances, has absolute faith in the human rights cause, and is aware of how to deal with it. The mechanism adopted by this generation is not to hold amicable meetings with officials and politicians to convince them to release political detainees, but to exert strong pressures to put an end to administrative and political detention. The majority of this generation are in fact the sons of the Arab and international student movement of the sixties and seventies.

We have to deal with both the positive and negative sides of the radical attitude of this generation's activists. It may be true that this generation rejects the policy of using back doors and insists on dealing according to the provisions of law, the constitution, and international treaties. This is a characteristic particular to it. At the same time, it may have to realize the importance of personal ties and close relations, as well as of using persuasion together with modern ways of organizing and exerting pressure whether international or domestic.

This radical attitude can be clearly seen in paragraph two of the Casablanca Declaration adopted by the conference. This paragraph stresses that monitoring and defending human rights is based on international law, or what they call international standards, which include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights issued in 1966, and their supplementary protocols, in addition to other conventions related to women, children, and minorities.

The importance of this situation, as we will see later, is that there is a total rejection expressed by the Declaration of any Arab treaties that do not recognize these standards or that detract from them. The majority of activists from both the middle and young generations speak angrily of the Arab Charter of Human Rights issued by the Arab League and the Islamic Human Rights Charter issued by the Islamic Conference, on the basis that they, according to the two generations, legalize human rights violations and tarnish the image of the Arab nation and the glory of Islam.

Another tangible difference between the current generation of the Arab human rights organizations and the founding generation, specifically the generation that founded the AOHR, is that the latter came from the ranks of

Arab nationalism in general, and Nasserist movement in particular. This fact was shown by the great role played by the Arab Union Studies Center in Beirut, and in the call for establishing the AOHR in its first conference held in Lemasol, Cyprus in 1983. But the current generation does not necessarily come from the ranks of the nationalist and Nasserist trends. Therefore nationalist discourse, with its language and ideologies, was not dominant in the discussions and arguments raised by this generation.

What is really surprising is that this generation is by no means less concerned, and may be not less firm and radical when it comes to essential Arab rights, than the founding nationalist generation. Such a position is clear in the conference's discussions, recommendations, and two main documents, which are the Casablanca Declaration and a longer statement entitled "The Tasks of the Arab Human Rights Movement."

The Declaration strongly condemns what it calls manipulation of human rights principles by great powers. It rejects that any government, whether Arab or of any country all over the world, stand in the position of the accused in front of America or any other power. America has no right to play the judge or guardian of human rights principles. The American government is involved in many serious human rights violations. The Declaration and statement assert that, regarding human rights violations, governments must be held accountable before the international community represented by the United Nations, because these rights are universal and their protection is a universal responsibility, which international organizations are entitled to take.

At the same time the conference refuted accusations made by Arab governments that activists are not loyal to their countries. The Declaration condemns what it calls the misuse by Arab governments of the principle of sovereignty and patriotism either to discredit human rights activists or to free themselves from the commitment to respect these rights. The conference also strongly rejected governments' abandonment of their commitment to respect human rights under the rubric of maintaining our special cultural and religious characteristics.

There was a strong common opposition to the hegemony of America and a few other big countries over international affairs. This feeling was shared by all activists from all Arab organizations as well as by those who work abroad. It was manifested in the call to end the sanctions imposed on Iraq on the grounds that they are a weapon of genocide, and in the call on the United Nations to review the use of economic sanctions that harm

children, the elderly, women, and civilians in general and do not harm the officials responsible for the violation of international law.

It was clear that the conference did not agree that the Oslo conventions imposed on the Palestinian people could be considered peace. It did not explicitly reject these conventions, but severely and implicitly criticized them on the basis that peace must guarantee the respect of the dignity and basic rights of the Palestinian people, particularly the right to self-determination, in addition to the full Israeli withdrawal from the Occupied Territories.

The main area in which the middle-aged Arab activists are different from previous generations is their clear support of the rights of minorities in the Arab region to self-determination. They specifically named the Kurds and the people of south of Sudan. This position, however, apparently was not reached without heated discussions and strong disputes. The supporters of the traditional Arab nationalist trend opposed this stance. However, they did not oppose the principle of the right to self-determination, an integral part of the international set of rights. They succeeded in avoiding any words that would lead to interpret the right to self-determination as being the right to establish a separate state of the Kurds or of southern Sudan, meaning that they agreed to leave such practical political matters to negotiations.

There were also heated debates between the traditional nationalist agenda and the post nationalist agenda. The first one wanted to call for Arab-Arab reconciliation, modernizing the Arab League, etc. whereas the second one believed that these are political issues and goals that should not be mixed with human rights. Therefore all the recommendations calling for Arab reconciliation were jettisoned, particularly as they seemed to add nothing new to the prevalent situation in the Arab politics.

The real problem for this conference, and for this generation of human rights leaders, is implementation. It called for so many things:

It called for the reinforcement of democracy, and for making it a strategic axis in the struggle for human rights. It also called for going back to the rule of law, revoking emergency laws, exceptional trials, and putting an end to the practice of detention. It also called for full rights of women as stipulated in the Convention on the Elimination of all Forms of Discrimination Against Women. It called for more and more, but, the problem is in how to realize these demands.

Human rights organizations are aware that traditional legal work is no longer useful. Many large organizations such as Amnesty International have complained that governments have become "immunity" to pressures that in the past led these governments to release detainees, lessen torture, and revoke certain infamous laws. This problem was reflected in the conference, and in the wording of the "Casablanca Declaration." It used the word "calling for" without specifying to whom these demands are directed and how to implement them. It also used phrases such as "the struggle for," without specifying what is meant by this struggle and how it can be materialized.

In any case the conference was not limited to idealistic themes but tried to pursue concrete practical measures. With respect to the rights of the Palestinian people, it was the Arab human rights movement, and the Palestinian movement in particular, which was behind the invitation made this year by the UN General Assembly to Semite parties to the Fourth Geneva Convention, to hold a conference on 15<sup>th</sup> of July to apply the Convention to the Occupied Territories, to seek concrete measures to protect civil Palestinian people from all forms of Israeli oppression, and to stop the Israeli violation of this Convention.

Although human rights activists lack effective mechanisms to improve human rights conditions in Arab countries, they agree on the following:

I) The constant search for concrete mechanisms, however limited or simple they are, as well as using all mechanisms together at the same time.

II) The importance of coordination among Arab organizations.

This last matter has been a major weak point in the Arab human rights movement. It has been the only movement that dramatically failed to coordinate among activists at the regional level.

Thus the issue of a coordination was a main focus by the conference, although it did not come out with practical measures. The increasing doubts about the actual value of any suggestion for a new structural framework made it impossible to create any framework. At the same time most of the participants, particularly from Egypt, expressed their full adherence to the AOHR, and that any coordination aims not to cancel or substitute for it but to complement its efforts. The idea of a "network" was raised in the conference, and although it is so flexible it attracted neither attention nor general consensus. Therefore, it is more likely that coordination will continue in the framework of the movement, and not within any other framework.

It was clear then that the conference tried to face and solve the crisis of the struggle for human rights in the Arab region but it faced an internal crisis in the movement and may have not been able to solve it. This very determination to find a solution, however, may be a reason for being optimistic about the possibility to solve the internal crisis and the general situation of the human rights movement in the Arab region. This determination also includes trying to coordinate more closely without falling into internal conflicts. This idea was produced by Egyptian organizations particularly the Cairo Institute for Human Rights Studies.

The conference, which was organized by the Cairo Institute for Human Rights Studies, was a big step forward for the center. Egyptian participants played an important and measurable role, though they did not exceed 15 per cent of the total number of participants. The essential notion asserted by Egyptian non-governmental organizations was perhaps that Arab coordination is possible and has actually entered a practical stage. Such coordination should not create conflicts, should not be traditional but modern, must tolerate multiple viewpoints, and distance itself from sectarianism, intolerance, and formalities.

# Objectives and Mechanism of the Conference\*

## **The Objectives of the Conference:**

**First:** Defining the progress achieved in the realm of human rights in the Arab world on the following levels:

- The condition of human rights
- The response of the Arab human rights organizations.
- The cooperation of the international community

**Second:** Defining the common tasks of the Arab human rights organizations and the ways to deal with them

**Third:** Defining ways to enhance the effectiveness of the human rights organizations in the current Arab context, activating the Arab human rights movement, as well as ways of consolidating cooperation among the human rights organizations in the Arab world

**Fourth:** Reviewing the principal elements of the discourse of the Arab human rights movement in addressing the Arab governments, Arab civil society, and the international community on the eve of the twenty-first

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\* A bilingual pamphlet circulated in March 1999 in preparation for the conference.

century, thus defining the movement's positions on the major issues on both the Arab regional and the international levels

### **The Topics of the Conference:**

- 1-Re-evaluation of the progress achieved in the realm of human rights conditions in the Arab world
- 2-Universalism and particularism: Human rights discourse and the Arab culture
- 3-Strategies for human rights education and promotion
- 4--Internal challenges facing the Arab human rights movement (funding, institutional structure, professionalism and voluntarism), and the prospects for the development of the Arab human rights movement
- 5- The protection of human rights defenders and the legal status of the human rights NGOS , etc)
- 6- New approaches to strengthen the cooperation with international NGOs
- 7-Refugee rights
- 8-The right to development and social and economic rights
- 9- Arab women's rights
- 10-Terrorism and freedom of belief
- 11- Peace and human rights
- 12-Economic sanctions and human rights
- 13-Manipulating human rights issues in the international community
- 14-Rights of Arab immigrants and anti-foreigners campaign in hosting countries
- 15-Freedom of the press, opinion and expression

## **Schedule and mechanism of the Conference:**

The goal of this mechanism is to ensure maximum active participation by the greatest number of human rights actors (organizations and individuals) through dynamic consultations. It would run as follows:

1- In mid-January 1999, a consultative committee is to be formed of outstanding Arab experts in human rights (23 members), with due consideration given to the relative weight of the movement in the different countries. The consultative committee is to give the CIHRS advice on the intellectual issues of the conference, its themes, draft recommendations, and a draft final declaration to be adopted.

2- On January 25th, fifteen working groups are to be formed around the fifteen themes of the conference.\* On the first of February 1999, the coordinator of each group should start the discussion (by fax or e-mail) by presenting a working paper (first draft) on the theme of the group in addition to specific recommendations to be adopted by the conference. After the deliberations of the working groups (within five weeks), the coordinators should submit the second draft (on March 7<sup>th</sup>, 1999).

3- In mid-March, the CIHRS staff in charge of the preparations for the conference will have prepared a draft "Casablanca Declaration" (first draft) after receiving the second draft of the working papers from the fifteen coordinators. The draft Declaration will be presented for discussion to the consultative committee, and based on the discussions a second draft will be formulated.

4- The conference is to be convened on April 23<sup>rd</sup> in plenary sessions and parallel working groups. The fifteen working groups will discuss the second draft prepared by the coordinators of the working groups, and will prepare a third draft.

5- The plenary sessions are to review the third draft of the working groups' recommendations, and adopt the recommendations.



6- The final session of the conference on April 25<sup>th</sup> is to review the third draft of the "Casablanca Declaration" which will have been prepared in the light of the changes to the second draft according to the working groups' recommendations.

7- On April 25<sup>th</sup> the final recommendations and the "Casablanca Declaration" will be adopted; the declaration will set out the principals, ethical standards, and human rights perspective that provide guidance to the Arab human rights movement. Also a follow-up committee will be formed. The deliberations of the conference will be published as a book in Arabic, English and French.

According to this mechanism, the conference five- week deliberations start in the beginning of February to members of the conference. The three days of the conference id for loking decisions, making recmondatins and issuing the Casablanca Declaration this declaration is a political and ethical ocument for the Arab human rights movement- It also sets the main principals of the movement and its position regarding major joint issues with the main ellective parties. The conference is expected to follow up its decisions and recmondatins

# The Consultative Panel

A panel was formed from 23 members belonging to 9 Arab countries.

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## Sudan

- 10 - Abdullahi An Na'im
- 11 - Amin Makky Madani

## Mauritania

- 12 - Fatma Embay

## Syria

- 13 - Aktham Na'issah

## Morocco

- 1- Abdel Aziz El Banani
- 2 - Abdellrahman Ben Amr
- 3 - Amina Lamreeni
- 4 - Ddriss El Yazemy

## Algeria

- 5- Mustafa Boshashi

## Tunisia

- 6 - Kamel Jandoubi
- 7 - Khadija El Sharif
- 8 - Moncef Al Marzouki
- 9- Salah El Gorshy

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**Iraq**

19- Abd Al Hussein Sha'aban

**Egypt**

20- Abd Al Aziz Mohammed

21 - Amal Abdelhadi

22 - George Ajaieby

23 -Hany Megally

**Lebanon**

14 - Wael Kheir

**Palestine**

15 - Khider Shukairat

16 - Maha Abu Deia

17 - Mohammed Zeidan

18 - Raji Al Sourany

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## Executive Team

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<b>Edrees Bin Zikri</b>	: Vice Chairperson, Moroccan Organization for Human Rights (Morocco)
<b>Bahey El Din Hassan</b>	Director, Cairo Institute for Human Rights Studies (Egypt)
<b>Magdi El Na'im</b>	Programs Coordinator, Cairo Institute for Human Rights Studies & Conference Coordinator (Sudan)
<b>Mohamed El Sayed Saeed</b>	Academic Advisor, Cairo Institute for Human Rights Studies (Egypt)
<b>Mohamed Hussein El Sayed</b>	Cairo Institute for Human Rights Studies (Egypt)

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# Provisional Agenda

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## Day One (Friday, April 23<sup>rd</sup>)

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- 8:30 – 9:30** Registration
- 9:30 – 11** Opening session
- 11- 11.30** Break & Inauguration of the First Arab Human Rights Book Fair
- 11.30 – 1.30** Working groups (four parallel groups)
- 1.30 – 3** Lunch
- 3 – 5** Working groups (four parallel groups)
- 5 – 5.30** Break
- 5.30 – 7.30** Working groups (four parallel groups)
- 8** Reception hosted by CIHRS

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## Day Two (Saturday, April 24<sup>th</sup>)

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- 9 – 11 Working Groups (parallel groups)  
11 – 11:30 Break  
11:30 – 1:30 Working groups (three parallel groups)  
1:30 – 3 Lunch  
3 – 5 Plenary Session (adoption of Casablanca Declaration)  
5 – 5:30 Break  
5:30 – 7:30 Plenary session (adoption of Casablanca Declaration)  
8 Dinner

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## Day Three (Sunday, April 25<sup>th</sup>)

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- 9 – 11 Plenary session (adoption of Casablanca Declaration)  
11 – 11:30 Break  
11:30 – 1:30 Plenary session (adoption of Casablanca Declaration)  
1.30 – 3 Lunch  
5 – 6 Closing session  
6 – 7 Press conference  
8 Dinner
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## List of Participants

### From Morocco:

<b>Ahmed Shawky Benyoub</b>	Member to the National Office, The Moroccan Organization for Human Rights.
<b>Edrees Bin Zekry</b>	Deputy Director, the Moroccan Organization for Human Rights.
<b>Amina Lamriny</b>	Moroccan Group 95, Democratic Group for Moroccan Women.
<b>Edrees El Yazemy</b>	Deputy President, The French League for Human Rights
<b>Bin Abdel Salam abdel Elah</b>	Member of the Central Office, Moroccan Association for Human Rights
<b>Gamal El Din Bou Gharara</b>	Head of the Moroccan Youth Center for Human Rights.
<b>Horyia Shereef Hawat</b>	Member to the National Council, the Moroccan Organization for Human Rights.
<b>Zeinab Maady</b>	Member of the Trustees Board, the Moroccan Organization for Human Rights.
<b>Saeed Al Salamy</b>	Consultant, Article 19 and Director, Center for Freedom of Media for Middle East and North Africa (London)/ CMF -MEBNA
<b>Sobhy Hamouda</b>	Programs Coordinator, Alternatives, Canada.
<b>Abdel Rahman Bin Amr</b>	Head of the Moroccan Association for Human Rights
<b>Abdel El Rahem El Gaamey</b>	The Moroccan Organization for Human Rights
<b>Abdel Aziz Benany</b>	Head of the Moroccan Organization for Human Rights

<b>Abdel Ghany Aref</b>	Member of the Administrative Committee, the Moroccan Association for Human Rights
<b>Abdullah Mesdad</b>	Member of the Central Office, the Moroccan Association for Human Rights
<b>Abdel El Latif Shahboun</b>	Member of the National Office, the Moroccan Organization for Human Rights
<b>Ali Omelil</b>	Professor, ex-president of the Arab Organization for Human Rights
<b>Omar El Zeidy</b>	The Moroccan Association for Human Rights

### From Algeria:

<b>Mohamed Tahery</b>	Lawyer, Algerian League for Human Rights
<b>Mostafa Bou Shashy</b>	Lawyer and Professor.

### From Mauritania:

<b>Fatma Emaby</b>	Deputy Chair, the Mauritanian Association for Human Rights (discussion only)
<b>Mahmoud Mohamedo</b>	Director, the International Council for Human Rights Policies Researches.

### From Tunisia:

<b>Ahmed Othmani</b>	Director, the International Organization for Penal Reform
<b>Ahmed Karoud</b>	Training and Pedagogical Expert, the Arab Institute for Human Rights.
<b>Khadega Al Shareef</b>	Ex- vice president, the Tunisian League for Human Rights (discussion only).
<b>Salah El Din Al Goroshy</b>	Vice-president, the Tunisian League for Human Rights (discussion only via fax & e-mail).
<b>Mohamed Kamal El Gendouby</b>	Chairman, Committee for the Respect of Freedoms and Human Rights
<b>Moncef Al Marzouky</b>	Chairman the Arab Committee for Human Rights. (Discussion via fax & e-mail, prevented by the authorities from attending the conference)

## From Sudan:

<b>Ameen Meko Madany</b>	1 <sup>st</sup> technical Consultant, United Nations Human Rights Center, Gaza and also the honorary president of the Sudanese Organization for Human Rights.
<b>El Baqer El Afif</b>	Academic Professor, Manchester University, London.
<b>Gramay Suaka Moasis</b>	National Coordinator for Human Rights and the Legal Profession, the Sudanese Church Council.
<b>Hamouda Fath El Rahman</b>	Secretary General, the Sudanese Organization for Human Rights, Cairo Branch.
<b>Hanan Mohamed Ali</b>	Researcher, Amnesty International. (discussion via fax & e-mail only)
<b>Sara Hassan Mohamed</b>	Conference Coordinator Assistant, Cairo Institute for Human Rights Studies (CIHRS).
<b>Abdel Salam Hassan Abel Salam</b>	Former Secretary General, the Sudanese Organization for Human Rights, London.
<b>Abdullah Al Nai'm</b>	Law Professor, Emory University, United States of America (discussion via fax & e-mail only)
<b>Magdy El Nai'm</b>	Programs Coordinator, Cairo Institute for Human Rights Studies (CIHRS).
<b>Mohamed Saeed El Tayeb</b>	Chairman, the Sudanese Organization for Human Rights, London, Netherlands Branch, and Assistant Professor, Netherlands Institute for Human Rights. SIM

## From Egypt:

<b>Ibrahim Awad</b>	Consultant, United Nations, ESCWA
<b>Amal Abel Hady</b>	Women Program Coordinator, Cairo Institute for Human Rights Studies (CIHRS).
<b>Behey El Din Hassan</b>	Director, Cairo Institute for Human Rights Studies (CIHRS).
<b>George Agaybey</b>	Peace & Justice Committee for Human Rights
<b>Hafez Abou Seeda</b>	Secretary General, the Egyptian Organization for Human Rights (EOHR)
<b>Abdelaziz Mohamed</b>	Head of the Egyptian Organization for Human Rights (EOHR)



<b>Essam Hassan</b>	Head of the Research & Publication Unit, Center for Legal Assistance.
<b>Essam Ali Ahmed Ali</b>	Member to the Executive Committee, Assembly of Non-governmental Organizations Concerned with the Child
<b>Alaa Kaoud</b>	Former executive director, Cairo Institute for Human Rights Studies (CIHRS).
<b>Mohamed El Sayed Sa'id</b>	Vice-chairperson, Al-Ahram Center for Political and Strategic Studies & Academic Advisor, Cairo Institute for Human Rights Studies (CIHRS).
<b>Mohamed Hussein El Sayed</b>	Editor-in-chief of "Sawasiah" bulletin, Cairo Institute for Human Rights Studies (CIHRS).
<b>Mohamed Ali Mohamed Zareh</b>	Director, Human Rights Center for Assistance of Prisoners
<b>Mohamed Mandour</b>	Coordinator, Arab Working Group for Human Rights
<b>Nadia Abdel Wahab</b>	New Woman Studies Center (with participation only)
<b>Nasser Mohamed Ameen Abdullah</b>	Director, the Arab Center for the Independence of the Judiciary and the Legal Profession.
<b>Mohamed Negad El Borae</b>	Executive director, Group for development of Democracy
<b>Hany Megally</b>	Executive director, Human Rights Watch/Middle East

### From Syria:

<b>Ahmed Heso</b>	Member to the Administrative Committee, Committee on the Defense of Democratic Freedoms and Human Rights in Syria (CDF)
<b>Aktham Neisa</b>	Spokesman, Committee on the Defense of Democratic Freedoms and Human Rights in Syria (participated from abroad because he was prevented by the Syrian authorities from attending the conference)
<b>Ghaith Neisa</b>	Member to the Administrative Committee, Committee on the Defense of Democratic Freedoms and Human Rights in Syria (CDF)
<b>Mohamed Ameen El Maydany</b>	Director, the Arab Program for Human Rights, International Institute for Human Rights (Strasbourg)
<b>Haytham Manaa</b>	Spokesperson, the Arab Committee for Human Rights

## From Lebanon:

<b>Eli Abou Aoun</b>	Human Rights and the Humanitarian Right Association (by participation only)
<b>Marwa Suliman</b>	Human Rights and the Humanitarian Right Association (by participation only)
<b>Noaman Aby Entwan</b>	Human Rights and the Humanitarian Right Association (by participation only)
<b>Wael Khayr</b>	Executive director, Human Rights and the Humanitarian Right Association

## From Jordan:

<b>Saeda Al Kelany</b>	Director, Arab Archives Studies Association
<b>Soliman Souaes</b>	Head of the Jordanian Association for Human Rights
<b>Hany Hourany</b>	Executive Director, New Jordanian Studies Center

## From Palestine:

<b>Eyad El Serag</b>	Chairperson, Gaza Program for Human Rights & Psychological Health
<b>Hamdy Shakoura</b>	Coordinator, Democratic Development Unit, Palestinian Center for Human Rights
<b>Khedr Shukirat</b>	Chairperson, The Palestinian Association for Human Rights and Environment
<b>Ragi Sourani</b>	Chairperson, The Palestinian Center for Human Rights
<b>Shawky El Eisa</b>	Executive Director, The Palestinian Association for Human Rights and Environment
<b>Essam Younis</b>	Coordinator, Social & Economic Rights Unit, Palestinian Center for Human Rights
<b>Fateh Azzam</b>	Former Director of Al Haq (Ramallah) & Director of Human Rights and Social Justice Programs, Ford
<b>Mohamed Abo Harathyia</b>	Director, Al Haq Association
<b>Maha Abo Deya</b>	Chairperson, Woman Center for Social & Legal Guidance

### From Palestine 48:

Ameer Mokhawal	Director, "Etgah," Union of Arab Non-governmental Organizations
Raef Zareek	Legal Coordinator, Adala Association
Mohamed Zeidan	Executive Director, Arab Institution for Human Rights

### From Iraq:

Abdel Hussein Shabaan	Director, Arab Organization for Human Rights, Britain Branch
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### From Kuwait:

Ganem El Nagar	Head of the Kuwaiti League for the Defense of War Victims
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### From Yemen:

Ezz El Din Saeed Ahmed	General Manager, Human Rights Training & Information Center
Mohamed Abdel Malk El Motowakl	Academic Professor, Sanaa University & Vice Chairperson, Yemeni Organization for the Defense of the Human Being and Freedoms
Mohamed Abdo El Zughair Mohamed	Child Rights Expert, Arab Council for Childhood and Development

### From Libya:

Ali Zeidan Mohamed	A member to the executive committee, Libyan League for Human Rights
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### From Bahrain:

Abdel Hady Abdullah Khawaga	Secretary General, Bahrainian Organization for Human Rights
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## List of Observers

Name	Organization
Ahmed Nafa'e	Consultant, Al Ahram newspaper for Arab Affairs
Eskander Mahmoud Tawfeeq	Lawyer, Algerian League for Human Rights, Medya branch.
Antony Chase	Consultant, International Foundation for Election Systems, USA.
Batrick Bauouin	President, International Federation for Human Rights (FIDH)
Gamal Abdelaziz	Human Rights Watch, Middle East.
Hassan Tawfeek Bo Shena	Member to the Lawyers Organization, Algeria.
Hussein Abdulrazak	Member to the Committee of Coordination between Parties and Political Powers, Egypt.
Sion Assidon	General Secretary, Moroccan Association to Fight Corruption (AROC)
Abdul Hay Al Almy	ICJ/ Swedish section (Morocco)
Ali Ahmed Salem Khashan	Dean of Law School, Al Kuds University (Iraq)
Ghanem Gawad	Head of Department, Al Khuay Charity Institution, London.
Kasy Bin Youssef	Secretary General, Algerian League for Human Rights, Medya branch.
Lena Othyran Baydoun	Child and Women Committee, Association for
Marc Schade -Poulsen	Executive Director, The Euro-Mediterranean Human Rights Network (EMHRN)
Mahmoud Ali	Journalist, Al Wafd News paper, Egypt.
Mona Philip Oukel	Foundation for Human and Humanitarian Rights (Lebanon)
Norman Cook	Director, Canadian International Development Agency (CIDA)
Hisham Al Kostaf	Programs Assistant, Ford Foundation, New York.

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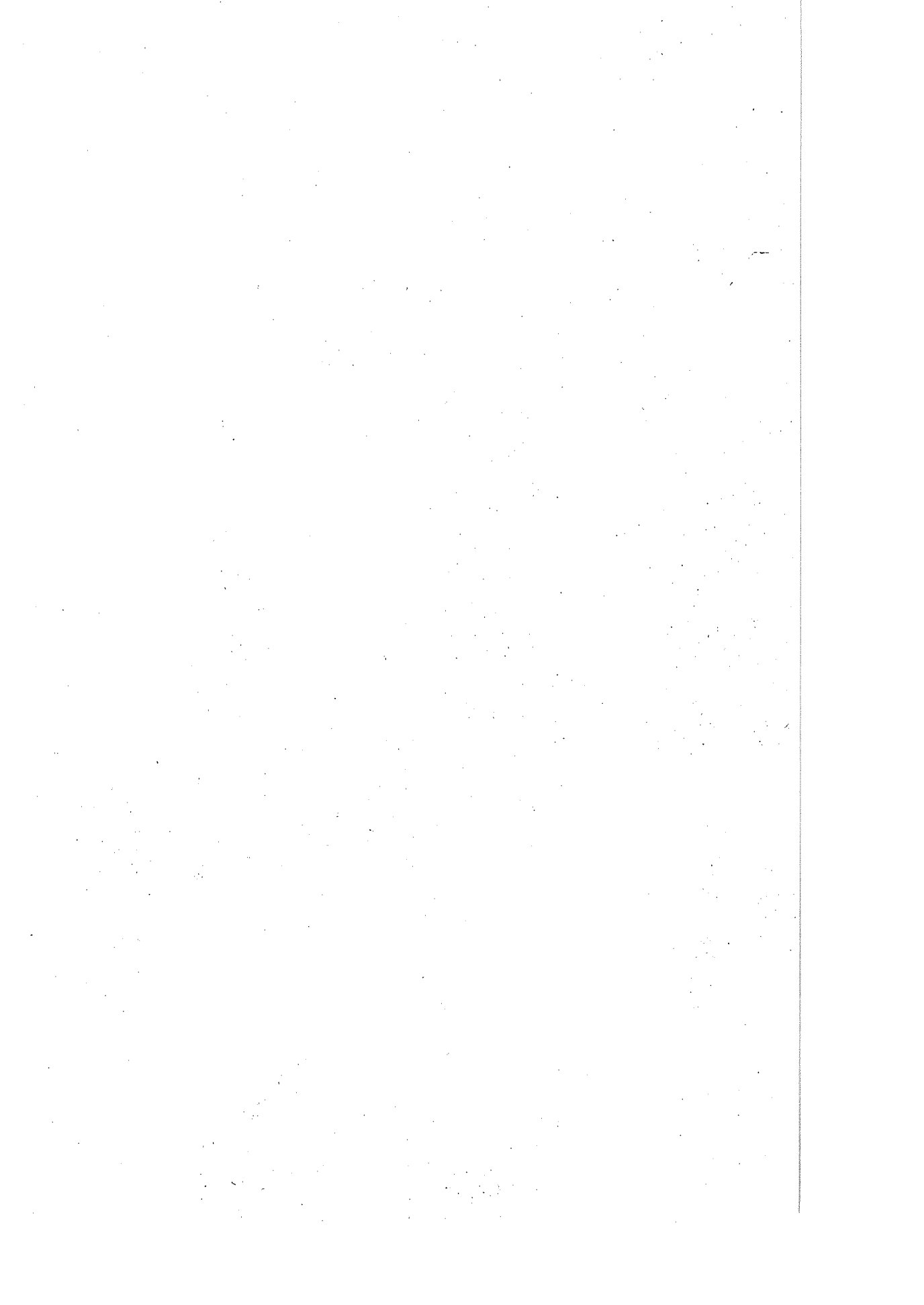
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