



Cairo Institute for Human Rights Studies
(CIHRS)

The Beirut Declaration

on the Regional Protection
of Human Rights

**Towards An Effective
Regional Protection of Human Rights:**

"Which Arab Charter on Human Rights?"

Beirut, Lebanon, June 10-12th 2003

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Upon an initiative by the Cairo Institute for Human Rights (CIHRS) and in cooperation with the Association for the Defence of Rights and Liberty (ADL), a conference entitled "Towards An Effective Regional Protection of Human Rights: Which Arab Charter on Human Rights?" was organized between June 10-12th 2003 in Beirut, Lebanon.

The conference was held in the context of the decision by the Arab League to devote a special meeting of its Permanent Human Rights Committee during the period June 18-26th 2003 to revise the Arab Human Rights Charter.

Around eighty persons participated in the conference including 36 representatives of Non-Governmental Organisations (NGOs) in the Arab world, 11 international organisations as observers, 15 independent legal and media experts and seven governmental experts and members of parliament. A number of government observers and representatives of the League of Arab States and the United Nations Commission on Human Rights also attended the conference. The conference was supported by the European Union and held in close coordination with the International Federation for Human Rights (FIDH) and the Euro-Mediterranean Human Rights Network (EMHRN).

The conference affirmed that the Arab Charter for Human Rights lacks a number of the international Hu-

man Rights standards and guarantees adopted by other regions in the world, it also lacks the necessary mechanisms to ensure and monitor its implementation. Accordingly, the conference expressed reservations on the endeavours that aim at the adoption of the Arab Charter in its present state or introducing superficial or partial amendments. It also emphasized the importance of ensuring and respecting the universal human rights system as established by the United Nations. Furthermore, it affirmed that the establishment of an integrated and effective protection of human rights in the Arab world requires, particularly, working in accordance with the following principles and standards:

1- All the Arab peoples are entitled to the right to self-determination. By virtue of such right, they can freely pursue their economic, social, and cultural development, and enjoy their natural wealth and resources. This requires the full exercise the freedoms and rights stipulated in the international instruments of human rights.

2- A regional instrument should explicitly reflect the ethnic, religious, cultural and linguistic diversity in the region. The Arab world is not solely consistent of Arabs, or Muslims, and its Muslims are not only Sunni. Rather, it is rich in diverse races, sects, beliefs, cultures and languages that should be respected and recognized with equality. This should be emphasized in all the articles of the regional instrument including its title. Thus, we suggest the following title: "Charter/Convention of Human Rights in the Arab World."

3- Civilization or religious particularities should not be invoked as a pretext to doubt and to question the universality of the principles of human rights. The "particularities" that deserve celebration are those entrenching the citizen's sense of dignity, equality, enriches his/her

culture and life, and enhance his/her participation in their own country's public affairs. Assuring the tolerant principles of Islam and religions in general should not be put in a forged contradiction with the principles of human rights. The conference warned against invoking dated interpretations of Islam, adherence to which – though a human *ijtihad* - is an insult to Islam and Muslims and violation of human rights. This is particularly the case when it comes to excluding women, confiscating freedoms of conscience, thought, belief, scientific research and artistic and literary creativity.

4- In reference to the previous statements, the permanent Committee on Human Rights is urged to revise the Arab Charter for Human Rights in conformity with the universal human rights standards. Such standards should constitute the minimum of the commitments of the Arab states by virtue of their ratification of the international conventions on human rights. Moreover, the permanent committee is encouraged to consider that the universality of human rights is the fruit of the interaction of the major civilizations and cultures throughout history including Arab and Muslim cultures.

5- The rule in any legislation related to rights and freedoms is the enjoyment of the fruits of these freedoms, with the exception being prohibition. A regional human rights convention should not give governments a free hand to manipulate the law to undermine such rights. It should encourage Arab States to bring their current legislations in conformity with the new convention and should not enact any law contradicting any of the rights set forth in the convention. No restrictions should be made unless for the protection of the democratic society and its constitutional institutions as well as others' rights to fully enjoy human rights stipulated in such convention. In all cases, "the Charter" should

prescribe the prohibition of any restrictions on the established human rights invoking that the "Charter" does not recognize them.

6- It is prohibited to declare a state of emergency except in the time of actual war, or in case of a natural disaster, and should immediately be lifted when the justification of this emergency no longer exists. Furthermore, a state should not manipulate its authority under such emergencies in events, which are not relevant to the causes of the emergency imposed. Accordingly, the state has no right to illegally arrest anyone, and everyone has the right to resort to a judge to instantly determine whether or not the arrest is legal.

7-Respecting human rights and fundamental freedoms and above all, the absolute equality in dignity and citizenship. This should be the sound approach to deal with religious, cultural, linguistic, and national groups' problems in the region. Ignoring this fact for several years has led to wasting human resources and depleting material wealth in extremely harmful and needless civil wars. Such negligence has been very harmful and has nurtured separatist tendencies and opened the door for revenge and foreign intervention.

8- Abandoning the use of violence in politics and all forms of inciting religious and ethnic hatred whether by state or non-state actors. Also, abandoning all forms of racial discrimination against certain national or religious groups in the Arab world and condemning Zionism as a racist ideology.

9- All Arabs have the right to civil representative ruling systems. Every Arab nation should be allowed to create their own legislation according to their contemporary conditions. All citizens have the right to participate in the administration of public affairs. They should be allowed to assume public and political office on an

equal basis despite their national, religious, and linguistic inclinations.

10- Allowing citizens the freedom of association, assembly, peaceful demonstrations, strikes disseminating public statements, press and ownership of media outlets.

11- Acknowledging the right to form political parties and NGOs simply by notification, recognition of the role of NGOs and guaranteeing their independence. Human Rights organizations should be granted the freedom of work within the context of the 1998 UN Declaration on Human Rights Defenders.

12- Ensuring the freedoms of belief, expression and creative art and literature, and the right to exchange information and ideas. There shouldn't be any freedom-undermining penalties in the cases of publication.

13- The necessity of acknowledging the independence and impunity of judiciary organs and the right of individuals to a fair trial. Allowing effective measures to appeal and seek remedy against arbitrary measures that violate the convention.

14- No one should be subjected to torture or to cruel or degrading treatment or inhumane punishment. Cases of emergency, such as war or threats of war, or internal political instability, should not be used as a pretext to torture citizens, in addition to commands by high-ranking state officials or public authority.

15- Acknowledging the fact that human rights are indivisible, interdependent and interrelated. Accordingly, women's rights should be acknowledged as an inseparable part of human rights. Women have the right to dignity and legal status, which makes them able to control their own destiny and to practice their equal duties and rights as men within the private and public spheres. Women should be protected against family, societal,

and institutional violence.

16- Acknowledging the rights of the child related to survival, growth, protection and participation according to the principles of indiscrimination and best interest of the child and according to the Convention on the Rights of the Child and the related protocols that Arab states have ratified. Every state party to the regional charter/convention should ban all forms of slavery and sexual exploitation of women and children.

17- Arab states should guarantee their people enjoyment of economic, social, and cultural rights in the framework of the optimal utilization of the national wealth of the state. A lack of natural resources should not exempt a state from fulfilling the minimum level of these rights especially the vulnerable populations and the areas lacking public services. The convention should guarantee that everyone has the right to health, housing, and social insurance. The Arab Charter on Human Rights doesn't acknowledge such rights.

18- Co-operation between Arab countries for a better utilization of the region's natural wealth ensures development of the entire region, considering the previous commitments that some wealthier Arab countries have taken to help other poorer or occupied ones.

19- Acknowledging the right to form syndicates and to join them. Ensuring syndicates' rights and freedoms including the right to form unions whether according to their type of work, or geographic location on the national, or regional levels while regarding the international conventions of syndicates' freedoms.

20- Ensuring individuals' freedom of movement between Arab countries and within each country.

21- Acknowledging the principle of equal opportunities and non-discrimination in enjoying the right to

work and seeking public posts regardless of race, gender, religious beliefs, or political affiliation.

22- Protecting emigrant laborers in the Arab world and ensuring the refugees' rights. Arab states should guarantee all Palestinian refugees civil, economic, and social rights until the Right to Return is implemented.

Measures for protection and guarantee:

23- A committee of independent human rights and international law experts should be elected. This committee should receive complaints and reports on human rights violations either from individuals, Arab and international NGOs, or from any state party. The committee should be allowed to review the reports of the state parties and the progress they achieved, as well as the problems they face implementing human rights. Representatives of NGOs should be allowed to discuss these reports with the committee and to submit reports parallel to them. The committee should be permitted to give its reports directly to the League's Assembly, as well as the public.

24- Establishing an Arab Court for Human Rights and appointing a Commissioner for Human Rights in the Arab League. This commissioner should work in collaboration with the national institutions for human rights and the NGO's.

Fundamental Approaches to Develop an Effective Regional Mechanism

Based on the above-mentioned, the conference urges:

1. The Arab League to respond anew to the recommendations of the Arab human rights NGOs, which implies the formation of a joint committee that joins governmental and non-governmental experts from the Arab world in order to develop a regional instrument to pro-

note and protect human rights in the region. Such instrument should depart from the minimum international commitments of the Arab governments based on the ratification by most of them of the major international human rights instruments. Moreover, the conference emphasized that any genuine endeavour to launch a regional Arab mechanism to defend human rights should be founded on the principle springboards outlined in this declaration.

2. The UN High Commissioner for Human Rights to provide the necessary consultations for the process of establishing a regional mechanism to protect human rights in the Arab World. The Commissioner should work on monitoring the extent to which this process is rightly guided by the international human rights standards and does not bless any deviation of these standards.

Furthermore, the conference proposes for the AL to seek the support of the Technical Assistance Programs at the Office of the UN High Commissioner for Human Rights in the initiation of an effective catalyst for human rights protection in the Arab world.

3. For the need to re-structure the Permanent Committee of Human Rights at the League of Arab States to enable it to undertake its role effectively. This requires opening the committee to the Arab and international human rights NGOs as the established practice in the similar regional and UN bodies. Nevertheless, the conference calls for transforming the meetings of the Permanent Committee into vivid occasions motivating Arab states that did not ratify the international human rights conventions to promptly ratify them without reservations and to encourage other Arab states that have ratified to drop their previous reservations.

Follow-up Mechanisms for the Process of Develop-

ing a Human Rights Charter in the Arab World

Re-affirming the need to follow-up its recommendations and to reinforce the endeavors aimed at establishing an effective regional mechanism for the protection of human rights, the conference concluded the following:

1. To establish a web site to serve as a focal point for all those interested in the issues of developing a viable human rights charter in the Arab region.

2. To encourage human rights NGOs, civil society institutions, and all concerned parties in the region to formulate a public opinion seeking to initiate an effective regional mechanism for safeguarding human rights.

3. To work for creating a politically informed and integrated lobby that addresses all bodies and institutions that might help to achieve the desired goal including Councils of Representatives, the Arab Parliament Union, Ministers of Justice, Arab media, UN agencies, and Arab and international civil society institutions.

4. To organize an annual conference for human rights organizations in which representatives of governments and national human rights institutions in the Arab world are invited to discuss reports on the current state of human rights. This annual conference should submit its recommendations to the League of Arab States and proclaim them publicly, as it will serve as a permanent conscience court for human rights in the Arab world.

The Concluding Report

Upon an initiative by the Cairo Institute for Human Rights Studies (CIHRS) and in cooperation with the Association for Defending Rights and Liberty "ADL", the regional conference entitled: "For an Effective Regional Protection of Human Rights: Which Arab Human Rights Charter?" was held in Beirut over 10th – 12th of June 2003.

The conference came within the framework of the invitation by the League of Arab States for the Arab Permanent Committee for Human Rights to a special meeting to consider updating the Arab Charter for Human Rights, over 18th – 26th of June 2003.

The conference was held under the auspices of the European Union and in coordination with the Euro-Mediterranean Human Rights Network (EMHRN) and the International Federation for Human Rights (FIDH). Representatives of the League of Arab States and the Office of the United Nations High Commissioner for Human Rights attended the conference. About 80 representatives of 36 Arab NGOs and 11 international organizations participated in the proceedings of the conference. Moreover, 15 independent experts from the legal, academic and media circles and 7 governmental and parliamentary experts attended the conference.

The conference expressed its appreciation of the efforts of the experts, legal personnel and civil society institutions, which worked on fulfilling the aspirations to

have a regional mechanism to safeguard human rights in the Arab world. First there was the Syracuse conference held in 1986 that drafted the project entitled: "Human Rights Charter and People in the Arab Region". Then, the Casablanca conference that was held in 1999 whose declaration called upon the League of Arab States to "reconsider the Arab Charter of Human Rights and modify it accordingly to the international instruments with the aim of drafting an Arab convention on human rights in cooperation with the Arab human rights organizations." Finally there was the series of conferences held in Amman Sana'a and Cairo, which effectively contributed to the development of the Arab Charter of Human Rights.

Which Charter... What kind of Revision!

The conference underlined deep misgivings with respect to the success of any attempts to revise or update the charter based on its philosophy and approach. The current charter was issued 9 years ago, but it was never adopted by a single Arab country. Over which period, the charter was not heeded by the public opinion and was scathingly criticized by the human rights organizations. The conference expressed the participants' regret for not inviting the non-governmental human rights organizations to participate in the meetings of the Permanent Committee. This was in contradiction to the United Nations Commission on Human Rights Resolution 76 issued in April 2003 encouraging Arab NGOs to perform their role in this regard. As such, the aspirations of the participants to conclude a regional document that would effectively safeguard human rights in the Arab world are undermined. This would even restrict "updating" - modifying the form while maintaining the gist of the charter, which is based on perspective belittling humans in the Arab world.

In this respect, the conference highlighted the following:

First: The Arab Charter of Human Rights in its current situation is not coping with the monumental development experienced by the international human rights system. Undoubtedly, it is not up to the Universal Declaration of Human Rights, which was not rejected by a single Arab country and in the preparation of which Arab experts have participated 46 years prior to the charter. Moreover, the Arab Charter is not up-dated to the African Charter of Human Rights which also was adopted by the Arab African countries. Clarify with the Arabic translation

The conference pinpointed that the encouragement by the United Nations of various regions all over the world to adopt regional charters, safeguarding human rights, is due to the fact that the particularities of various communities would enrich the international standards. The latter were the minimum approved by humanity to protect human rights and not to reduce or undermine them. Who is the latter here? Sentence not clear

Regretfully, the conference noted that the current charter is based on a philosophy reintroducing the old imperial snobbish attitude perceiving certain peoples as being unqualified to civilization or to enjoy the same rights like the peoples of the occupying countries. However, the Arab governments now practice such attitude.

Furthermore, the conference was cognizant that clutching to the current charter, with its present method and trying to amend it, implies disrespect on the part of the Arab governments towards their commitments to the international instruments. The majority of Arab governments ratified international and regional conventions implying commitments surpassing those included in the

Arab charter. Besides, it implies disrespect towards the national obligations imposed on the Arab governments by virtue of the guarantees ensured by the national constitutions of such countries. The Arab charter is not up to the guarantees ensured in such constitutions. Matters are further worsened by the fact that the charter authorizes the governments to promulgate legislations, under certain pretexts, undermining the humble list of rights enumerated therein. Hence, it maintained the violation of the right to life in cases of emergency undergone by a number of Arab countries for decades successively.

The charter lacks any mechanism guaranteeing its implementation or adherence to its provisions despite the fact that many Arab countries are parties to international and African conventions and approved, even if in theory, to comply with certain mechanisms to monitor the implementation of the provisions of such conventions.

Second: The conference declared its rejection of the justifying and apologetic attitude of the charter as it justifies denying the Arab peoples rights equal to those of other peoples on grounds of religious particularity. The conference deemed such an approach ridiculing religions and violating human rights in the Arab region.

The conference confirmed its rejection of any draft to restore the Arab Charter of Human Rights as its core implies belittlement of human rights. It highlighted the fact that this status would determine the stance of the Arab human rights organizations towards the outcomes of the so-called "updating the Arab Charter of Human Rights."

The General Framework:

Third: With the current political, economic and social developments in the Arab world, it is imperative to establish a comprehensive system for the regional protection of human rights. In this regard, the conference underlined the fact that it is more imperative than ever in order to rebuild relationships among the state, the society and the citizen in the Arab world. This would be fulfilled according to a new social contract respecting the public rights and freedoms of the citizens. It would define the standards of good governance based on legal frameworks of justice allowing free flow of information and monitoring over the governmental performance. Such a new social contract would pave the way to participation in the making of policies and mechanisms suitable for peaceful circulation of authority. Moreover, getting rid of the fetters of backwardness, poverty and dependency necessitates a comprehensive project for development aiming at the prosperity of the Arab peoples. This would not be realized unless there is serious work done to fully liberate potentials and attract them to creatively participate in such developmental project. Hence, political Arab administrations have to manifest a real awareness towards the need to adopt effective and immediate programs for political, constitutional and legislative reform; enhancement of human rights and fundamental freedoms constitutionally, legally and practically; recognition of plurality and political, cultural, ethnic and religious varieties in the Arab societies.

In this connection, the conference recalled the conclusion of the report on Human Development in the Arab region of the close relation between the failure of development and the absence of human rights. The United Nations report illustrates that the Arab countries rank low among the countries of the world as far as de-

velopment is concerned and rank high when it comes to violations of human rights and the spread of corruption.

The report on human development highlighted three main factors undermining human development in the Arab countries namely: empowering women, lack of knowledge and above all the lack of freedom. The Arab world is the least area -all over the world- where freedom is exercised. This is emphasized by the Freedom House Institution in a report issued in 2003 in which not a single Arab country is included in a list of 60 countries labeled as free countries. However, 14 Arab countries were among 27 countries that are deemed as not free. In addition, Arab governments amounted to 50% of the worst dictatorships – 5 Arab countries among 9 countries all over the world.

Moreover, the conference indicated that the continuation of pressures and constraints on political freedoms and the activities of civil societies rendered that public opinion in the Arab world have the weakest impact on the growing international civil movement. This was particularly highlighted during its solidarity with the Palestinian people; the protests against the war on Iraq; the continuous struggle for an alternative globalization and a more just and equitable world order and more biased to the human principles and values common among humans with their various races and cultures.

The conference emphasized that the attempts against foreign interventions, particularly US hegemony on the Arab world, require that the Arab governmental systems review their policies. This aims at providing a mechanism for affecting a comprehensive political reform on democratic basis; enhancing social solidarity; creating an atmosphere suitable for managing the affairs of the Arab world in a more rational manner.

Furthermore, the conference asserted that the col-

lapse of the dictator regime of Saddam Hussein is an indication that countries and citizens are inseparable. The sanctity of homeland cannot be maintained in a society where the dignity and sanctity of citizens are being violated. In the absence of democracy, "patriotism" would not lead but to dictatorship and despotism – paving the way for foreign interventions.

The conference affirmed that the Arab-Israeli conflict and combating terrorism are not to be manipulated as pretexts for undermining freedoms, denying democratic transformation and violating human rights.

Fourth: The conference highlighted the fact that opportunities to establish an effective regional mechanism for safeguarding human rights in the Arab world would not be enhanced unless within an ambitious trend aiming at reforming the institutions of the League of Arab States and joint Arab organizations and pave the way to the participation of civil society institutions.

The conference called upon the secretary General of the League of Arab States to adopt the invitation to an expanded dialogue including civil and academic societies. Such dialogue aims at discussing the means towards developing the League of Arab States in the light of governmental and non-governmental initiatives and the current political situation affecting the future of the league and the Arab regime at large.

In this respect, the conference recalled the recommendations of the CIHRS for the meeting of the Arab summit in Sharm El Sheikh in March 2003 to which 55 human rights organizations are signatories and which encompasses 170 Arab NGOs. The recommendations underlined the necessity of restructuring the League of Arab States and establishing relations between the specialized organizations in the League and the General Assembly on the one hand, and the civil societies in the

Arab region on the other hand. The objective behind this is rendering the League a rostrum not only for governments, but to peoples as well – allowing popular and civil representation through parallel coping with the main meetings of the League including the Arab summit meetings.

Fifth: The conference welcomed the resolution of the Council of the Arab Parliamentary Union, which convened in Beirut last week "to establish an Arab parliamentary authority for following up the efforts exerted for preparing the Arab Charter of Human Rights". The Arab and international human rights organizations participating in the conference expressed their readiness to cooperate with the parliamentary authority in this regard and in all means that would enhance the respect for human rights in the Arab world.

Finally: at the conclusion of its proceedings, the conference adopted the "Beirut Declaration on the Regional Protection of Human Rights in the Arab World". The declaration confirmed the disapproval of the participants of updating the Arab charter. It renewed the call for forming a committee comprising governmental experts and representatives of human rights organizations to prepare a draft of a regional document for enhancing and safeguarding human rights. The declaration identified the bascs of the document and adopted a number of motions establishing a mechanism for following up efforts in this connection. Moreover, the conference called upon the governments to put an end to political detention in the Arab world.