

THE LEAGUE OF ARAB STATES HUMAN RIGHTS STANDARDS AND MECHANISMS

**TOWARDS FURTHER CIVIL SOCIETY ENGAGEMENT:
A MANUAL FOR PRACTITIONERS**

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“RECENT EVENTS HAVE SHOWN THE NEED TO HEED THE VOICES OF ARAB PEOPLE DEMANDING CHANGE AND REFORM, THE COMBATING OF CORRUPTION AND THE DEVELOPMENT OF GOOD GOVERNANCE IN ADVANCEMENT OF SOCIAL JUSTICE AND THE PRESERVATION OF HUMAN DIGNITY AND BASIC RIGHTS AGREED TO BY THE INTERNATIONAL COMMUNITY, AS REFLECTED IN INTERNATIONAL HUMAN RIGHTS TREATIES TO WHICH SEVERAL ARAB STATES ARE PARTY AND WHICH ARE AN INTEGRAL PART OF THEIR NATIONAL LEGISLATION.”

(UNOFFICIAL TRANSLATION)

Dr. Nabil Al-Araby

*Secretary-General of the League of Arab States
in the opening session of the conference on establishing
an Arab Court of Human Rights, 25 February 2013.*

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PREFACE

In recent years the League of Arab States (or the Arab League) has captured the attention of the international community as much as those living in Arab countries. To many, it seems poised to play a much-needed role in international diplomacy on issues such as safety, security and human rights in Arab countries. Until now this role has been far from consistent, or driven by a genuine human rights agenda. However, a closer examination of the Arab League during the recent crisis in the region reveals a slow shift in practice. Civil society organizations (CSOs) therefore need to develop their analyses and strategies of engagement with the Arab League in order to influence its reform and help shape its role.

It must be noted from the outset that the League has taken important steps in the context of human rights, including adopting the revised Arab Charter on Human Rights in 2004 (which came into effect in 2008), although the Charter is not fully consistent with international law. Through its review of state reports, the Arab Human Rights Committee has been able to highlight member states' progress as well as shortcomings in respect of human rights law and practice. The establishment of the Arab Court of Human Rights, approved by the Arab League Summit in March 2014, is in principle a welcome step, though the Court's Statute raises major concerns. The current process for redrafting the Arab Refugee Convention may also result in a document with more advanced standards than it currently contains. The latest reform of the Arab League Charter, now in its final stages, offers the real possibility that recognition of human rights protection, as one of the League's founding principles, will be integrated into the document.

Despite this progress, the Arab League is far from having a consistent approach to human rights; and still needs to take significant steps to put human rights at the heart of its programs, initiatives and decisions. Vital to progress on human rights is ensuring that the League's human rights standards are consistent with international law. The Arab League must also become a transparent organization, open to the valuable contribution that the civil society movement can make. This will require a transformation of its internal procedures in order to instate genuine consultation. Reform in regards of transparency and governance of the Arab League will ensure that it becomes a genuinely democratic organization that is capable of leading change in Arab countries.

It should be highlighted that interest in the Arab League's work is not new to the human rights movement and civil society at large, particularly in the Middle East and North Africa. The human rights movement has, for example, engaged very closely with the process of revising the Arab Charter on Human Rights. It has also worked with the League on the Darfur and Syria crises. However, this engagement has been fragmented and at times not driven by clear strategy. There is also the serious impediment that valuable expertise on human rights standards and mechanisms—so crucial to the reform of the League—has tended to be concentrated in a few regional, national and international organizations. Expanding this knowledge and the ability to engage with the Arab League has now become vital.

The civil society movement clearly does not have a coherent platform from which to plan its engagement with the Arab League; but at the same time, the League does not have a clear policy of engaging with CSOs in an open and transparent manner. In fact, the guidelines of some League bodies seem to betray an unfavorable and even hostile attitude towards civil society—especially those organizations working in human rights.

It is therefore paramount that the Arab League reforms its relationship with civil society, and at the same time that civil society improves its own relationship with the Arab League. The ultimate goal is improved protection of human rights in Arab countries.

This manual has been produced with these challenges and opportunities in mind. It aims at providing information to activists in the civil society movement, especially those working in the human rights field, on the structures, standards, and mechanisms of the Arab League that relate to human rights. Strengthening understanding of these issues can only contribute to better engagement with the Arab League, and therefore the ability to influence and reform the organization.

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WHY THIS MANUAL?

While some information exists on the Arab League, it is fragmented and often not easily accessible. It is not concentrated in a resource like this, where civil society engagement frames the purpose of the information illustrated by case studies from prominent organizations.

WHY ENGAGE WITH THE ARAB LEAGUE?

- **to improve** the coherence of regional human rights protection through engagement with and reform of regional mechanisms;
- **to enable** civil society to act as an important linkage between international and regional bodies and mechanisms;
- **to allow** CSOs to pursue their goals of promotion and protection of human rights through the avenue of the Arab League as a regional intergovernmental organization.

HOW DOES IT WORK?

This works simply by a cycle of engagement as illustrated on the next page. The more civil society understands the Arab League's bodies and standards, and engages with these, the more it is able to influence the reform of the Arab League.

CYCLE OF ENGAGEMENT



BACKGROUND AND STRUCTURE



THE ARAB LEAGUE—AN INTRODUCTION

The League of Arab States, commonly known as the Arab League, is an intergovernmental organization of independent Arab states. It is the first such regional organization.

The first discussion on establishing a form of common Arab cooperation or union was initiated by Egypt with Syria and Iraq, followed by consultation with other newly independent Arab states. After an initial meeting in 1944 and the approval of what is known as the Alexandria Declaration, the Arab League Charter was officially adopted in 1945 by seven newly independent Arab states: Egypt, Iraq, Transjordan (which became Jordan in 1946), Lebanon, Saudi Arabia, Syria and North Yemen (which became Yemen after its unification with South Yemen).¹ Today the Arab League has 22 member states. Its headquarters are in Cairo, Egypt. Summits and meetings of various ministerial councils, as well as other meetings, may be held in other locations.

The membership of the Arab League is not based solely on geographical location—Turkey and Israel, for example, are not members even though they are in the same geographical area as other Arab states. The League Charter does not specify any criteria for membership except that the country has to be an independent Arab country—without specifying what an Arab country is.² Therefore, the League of Arab States is unique among other similar regional organizations in that all its members share one same feature: all are Arab states; which is beyond just sharing the same region.

In 2015, the Arab League celebrated its 70th anniversary. 22 March of every year marks Arab League Day.

1 For the political context and the sequence of events related to the creation of the Arab League, see the Background section on the Arab League website, available at: [<http://www.lasportal.org/ar/aboutlas/Pages/HistoricalOverView.aspx>].

2 Although Palestine was not at that time an independent Arab state, it was admitted as a full member of the League from the outset, represented by the Palestine Liberation Organisation (the PLO is a political entity comprised of multiple Palestinian political parties).

MEMBER STATES OF THE ARAB LEAGUE

(according to the year of joining)

1945 Egypt
Iraq
Lebanon
North Yemen
(which then became unified Yemen)

Saudi Arabia
Syria
Transjordan
(which then became Jordan)

1953 Libya

1956 Sudan

1958 Morocco
Tunisia

1961 Kuwait

1962 Algeria

1971 Oman
Qatar
United Arab Emirates
Bahrain

1973 Mauritania

1974 Somalia

1976 Palestine
(represented by the PLO)

1977 Djibouti

1993 Comoros

THE ARAB LEAGUE CHARTER

The Arab League Charter is the organization's founding document, and contains the main provisions governing the structure and function of the League and its bodies. The first version of the Charter was adopted on 22 March 1945, now officially considered the Arab League Day.

The founding Charter reflects the fact that it was created by newly independent Arab states that, at the time, did not want a super-organization that replaced or overshadowed their own states. They sought a balance between maintaining strong individual independent states, on the one hand, and the desire for a pan-Arab formation, with the possibility of bilateral or multilateral inter-Arab states formations, on the other. According to Article 2, the Arab League's purpose is:

the strengthening of the relations between the member-states, the coordination of their policies in order to achieve co-operation between them and to safeguard their independence and sovereignty; and a general concern with the affairs and interests of the Arab countries.³

The same article identifies cooperation in six areas: economic and financial affairs; communications; cultural affairs; nationality, passports and visas; social affairs; and health affairs.

There is no mention of human rights in the original Arab League Charter. But it should be remembered that the main international human rights standards had not then been adopted. The Universal Declaration on Human Rights was adopted in 1948, three years after the Arab League Charter.

³ See the Arab League Charter, available in English from the UK Office of the League of Arab States, available at: [<http://arableague.org.uk/league/charter.html>].

THE ARAB LEAGUE CHARTER

The following is the author's brief unofficial summary of the Arab League Charter as of January 2015. Further details on the Charter are included under relevant sections of this Manual.⁴

ARTICLE 1	The Arab League is formed of independent Arab states that wish to join the organization
ARTICLE 2	The League's purpose is to foster relations between members and coordinate their political plans to safeguard independence and sovereignty
ARTICLE 3	The League's Council, its composition and mandate
ARTICLE 4	Committees will be formed to carry out functions under each of the subjects indicated in Article 2 above
ARTICLES 5, 6	The use of force for conflict resolution between member states is prohibited. Parties to a conflict can resort to the Council to settle their differences
ARTICLE 7	A two-thirds majority forms the quorum of meetings of the Council, the Arab Economic and Social Council and the ministerial councils. The article also provides for decision-making procedures
ARTICLE 8	Each member state respects the system of government in other member states
ARTICLE 9	Member states have the right to draw up bilateral or multilateral agreements between themselves
ARTICLE 10	Cairo is the Arab League's headquarters
ARTICLE 11	Regular meetings of the Council take place twice annually, in March and September, and the Council can meet in extraordinary sessions at any other time
ARTICLES 12, 13	The League General Secretariat is headed by its Secretary General. The articles define the Secretary General's responsibilities;

⁴ The full text of the Charter of the Arab League is available on the Arab League's website, available at: [<http://www.lasportal.org/ar/aboutlas/Pages/Charter.aspx>].

ARTICLE 14	Members of the Council and its committees and employees enjoy diplomatic security
ARTICLE 15	Details the method of convening the very first meeting of the Council
ARTICLE 16	Details the issues requiring simple majority vote by the Council
ARTICLE 17	Requires that each member state deposit with the General Secretariat all the treaties they ratify
ARTICLE 18	Details withdrawal of a state from its membership of the League
ARTICLE 19	This article was added to the Charter in 2005 for the purpose of creating an Arab Parliament
ARTICLE 20	Details requirements for amending the Arab League Charter
ARTICLE 21	Details ratification of the Charter
ANNEX 1	Concerns the membership of Palestine
ANNEX 2	Details cooperation with Arab states which, at the time of the Charter's adoption, were not members of the Arab League
ANNEX 3	Concerns the appointment of first Secretary General (Mr Azzam Al-Ahmed)

For further information on various articles in the Charter that relate to Arab League bodies and procedures, see below.

Reform Efforts

Calls for the reform of the Arab League have been made repeatedly and heightened during the 'Arab Spring'. After the revolutions that overtook the Arab region, a space opened for the League to reconceptualize its position as a regional organization that is taking a more proactive approach to human rights. This was first seen in the positions it took in relation to emerging conflicts—including the unprecedented suspension of Syria's participation in meetings and sessions of Arab League bodies in 2011. The Arab Spring coincided with the appointment of Nabil Al-Arabi in July 2011 as Secretary General, who played a role in pushing forward a League-wide reform process, requesting that an expert committee, headed by Mr Lakhdar Brahimi, make proposals on its reform. A report was subsequently produced, but was dealt with confidentially and continues to be unavailable. Four open governmental membership committees for reform were established (on the Charter; the structure and mechanisms of the Arab League;

CIVIL SOCIETY ENGAGEMENT WITH THE REFORM OF THE ARAB LEAGUE

The reform of the Arab League is an important example of civil society engagement. When external factors in the region presented civil society with a much-needed opportunity to engage with the Arab League, it was quickly seized. A number of CSOs mobilized swiftly with recommendations for reform, leveraging their current relationship with the League, involving members and making use of existing studies of its systems. A strategic mix of private and public letters to relevant officials was supplemented by direct advocacy meetings with representatives of member states. Importantly, the majority of CSOs concerned with this issue were not fragmented, but acted together as a coordinated coalition. This was essential for increasing the legitimacy of their recommendations, and creating greater political will for change. For CSOs just beginning to engage with the Arab League, it also provided an important entry point, connecting them with established and well-connected organizations that could facilitate this new relationship.⁵

5 See Mervat Rishmawi and Sohair Riad: *"Civil Society Interaction with the League of Arab States—Synthesis and analytical report: Key insights, principles, good practices and emerging lessons"*, Cairo Institute for Human Rights Studies, October 2013, available at: [<http://www.cihrs.org/?p=7649&lang=en>].

the economic and social aspects of the League's work; and the popular dimension of participation in the Arab League—which includes the League's relationship with civil society).⁶

Among the substantive asks by CSOs was the inclusion of human rights in the Charter—this was reflected in the 2015 proposed amendments to the Charter as detailed below. Also high on the agenda was their demand for the Arab League to reform its relationship with civil society.

Proposed Amendments to the Charter—2015

Amending the Arab League Charter requires the approval of two-thirds of the League's member states, as laid out in Article 20, and is often a protracted and highly politicized affair. The Charter was initially amended in 1958 (concerning the regularity of League Council sessions) and again in 2005 (voting procedures and the creation of the Arab Parliament).

In March 2015, the League Summit reviewed a new proposal for amending the Charter. It was included in the 2015 Summit resolutions entitled “Sixth edition: the Final Draft”, indicating that it was ready for adoption. However the League Summit did not adopt this version, but took note of the draft and asked the other government working groups working on the reform of the League to finalize their work.⁷ The adoption of the new Charter has been postponed again, as has been the case for the last number of years, until a general reform can be agreed on.

The proposed League Charter integrates provisions adopted on bodies established in the last number of years, particularly the Arab Parliament and the Arab Court of Human Rights, in order to reflect existing decisions by the Arab League Summit. Importantly, the draft finally integrates recognition of human rights protection as one of the Arab League's founding principles.

One of the most important pending amendments to the Arab League Charter is the inclusion of provisions on the protection of human rights as one of its founding principles.

6 For more information on the demands of the civil society to reform the Arab League, see, for example, “*Memorandum on the Development of Joint Arab Action presented by 37 Human Rights Organizations*”, 20 March 2012, available at: [<http://www.cihrs.org/?p=1889&lang=en>] and “*For an effective Arab League human rights protection system: LAS Secretary General welcomes convergence on universal standards, NGO Coalition develops*”, 21 March 2013, available at: [<http://www.cihrs.org/?p=6032&lang=en>].

7 Sharm El-Sheikh Summit, Decision No. 621, 29 March 2015.

SELECTED PROPOSED AMENDMENTS TO PROVISIONS OF THE ARAB LEAGUE CHARTER⁸

(unofficial translation)

PROPOSED NEW ARTICLE 2: PURPOSE AND OBJECTIVES OF THE ARAB LEAGUE

Member states undertake to operate according to the following fundamental principles:

1. Respect the sovereignty of member states and their independence, unity, territorial integrity, and existing systems of governance, and the preservation of common Arab interests in accordance with the principles and objectives of this Charter.
2. Non-interference in the internal affairs of any other member state.
3. Compliance with the principles of the United Nations Charter and respect for international treaties, agreements, and conventions.
4. Respect for the principles of equality between member states in rights and responsibilities.
5. Abstention from the use of force or threat thereof, and the resolution of conflicts in a peaceful manner.
6. Respect for democratic principles and the values of justice and equality, protection of human rights, and the promotion of good governance and the rule of law.

PROPOSED ARTICLE 3: AMENDS EXISTING ARTICLE 2 OF THE CHARTER

The Arab League strives to realize the following objectives:

1. Achieve Arab peace and security in its political, economic, social, and cultural dimensions, and contribute to the promotion of international peace and security.
2. Ensure the independence of member states, their sovereignty, and their territorial integrity in order to achieve their security and stability.

⁸ As found in the sixth draft of the Arab League Charter, appended to Decision No. 621 of the Sharm El-Sheikh Summit, 29 March 2015.

- 3.** Achieve political, economic, social, cultural, and technological complementarity among member states in furtherance of Arab unity by strengthening cooperation in all fields, especially in the following areas:
 - a. Political
 - b. Economic and financial
 - c. Social, cultural, scientific, and technological
 - d. Legal and judicial
 - e. Security and military
- 4.** Promote sustainable development on all economic and social levels.
- 5.** Strive to improve the living standards of the Arab citizen to meet the requirements for a dignified life.
- 6.** Promote democracy, popular participation, transparency, and good governance, and affirm the values of belonging and citizenship as the basis of rights and duties.
- 7.** Respect human rights and fundamental freedoms.
- 8.** Disavow violence and extremism, disseminate the values of tolerance and moderation, combat all forms of terrorism and its manifestations, and dry up its sources of funding without infringing the right of peoples to resist occupation.
- 9.** Promote Arab identity in Arab states.
- 10.** Imbue collective Arab action with a popular dimension by cultivating ties of cooperation and partnership with civil society institutions and the private sector.
- 11.** Elevate the Arabic language and Arab culture, make known Arab history and civilization, and promote dialogue among religions, cultures, and civilizations.
- 12.** Adopt unified stances on regional and international issues and defend common Arab interests.
- 13.** Promote the Arab role at the international level by strengthening cooperation and building partnerships with states and international and regional organizations and agencies.

MAIN BODIES AND THEIR ROLES



THE ARAB LEAGUE'S MAIN BODIES

For civil society to engage effectively with the Arab League, there must be some understanding of its structure and its main bodies as mechanisms for engagement, especially as engagement with the League's bodies varies depending on their structure, entry points and mandate.

The Arab League's main bodies are established by the applicable Charter and subsequent decisions and resolutions of the Council, and can be grouped structurally as follows:

- **POLITICAL BODIES:** they are made up of member states' representatives, who sit in the relevant body in their capacity as representatives of their government, not as independent experts. While they may have expertise on the subjects they deal with, especially those who sit on specialized councils or committees (for example, Ministers of Justice are often lawyers, Ministers of Health are often medical professionals, etc.), this does not mean that they perform their role as independent experts. The Arab Permanent Committee on Human Rights, made up of states' representatives, is also one of these political bodies. Others include the Summits, the Council of Ministers of Foreign Affairs, ministerial councils, permanent committees, and the Arab Economic and Social Council.
- **JUDICIAL BODIES:** these are the courts established as part of the League's structure. They include the Arab Court of Human Rights and the Arab Court of Justice, neither of which are operational as of January 2015. There is also an administrative court.
- **INDEPENDENT EXPERT BODIES:** they are formed to oversee the implementation of a treaty or to provide an independent expert view on a specific thematic issue. So far the Arab League's main independent expert body is the Arab Human Rights Committee, which oversees the implementation of the Arab Charter on Human Rights (different from the Arab Permanent Committee on Human Rights—see below). Unlike the UN or the African Union, for example, the Arab League does not yet have a system of thematic or country special procedures (for example, special rapporteurs or working groups).
- **THE ARAB PARLIAMENT:** this is made up of representatives of national parliaments or councils from every member state. However, it does not have legislative and oversight powers, and its role is limited to making recommendations.

- **THE ARAB LEAGUE GENERAL SECRETARIAT:** this is headed by the Secretary General and made up of employees who work in different departments and units.

The recent proposal for amending the League Charter (see above) includes the creation of the following bodies: a Peace and Security Council; an agency to monitor the implementation of resolutions and obligations; and an administrative court.

The Council of the Arab League

The Council of the Arab League is made up of representatives of member states; each state has a single vote, regardless of its size or wealth. Its powers and functions are broad.

For many years, the Council of the League did not meet in regular sessions. But in 2000, it was agreed that it should meet and take decisions at three levels:

- Summits of Heads of States;
- Ministers of Foreign Affairs; and
- Permanent Representatives.

The Council's work is often assisted by various committees. For example, the drafting of the Statute of the Arab Court of Human Rights has gone through a committee of experts, and then a committee of representatives of states (see further, 'The Arab Court of Human Rights', below).

Arab League Summits

Heads of state meet at the Summit level. This is the highest decision-making authority within the Arab League.

The first Summit was held in 1964. After that, Summits were held whenever the need arose, but from 2000 it was agreed they would be held regularly, in March every year. Extraordinary sessions of the Summit can be held at the request of a member state or the Secretary General.⁹

Before the Summit in March, the Council first meets at the level of Permanent Representatives and then at the level of Ministers of Foreign Affairs in order to prepare for discussions.

⁹ Summits have been held regularly since 2000. In 2012, however, the Summit that was due to be held in Iraq was postponed because of political disagreement and security issues. Iraq hosted the 2013 Summit.

Summits deal with the following main issues:

- high-level policy matters on regional and international concerns;
- strategic Arab security matters;
- resolutions, reports and recommendations presented by the Council at the level of the Ministers of Foreign Affairs;
- amendments to the Arab League Charter;
- appointment of the Secretary General;
- acceptance of new members to the Arab League; and
- dismissal or suspension of a member state.

Heads of states issue decisions and communiqués outlining their position on issues discussed during the Summits. In October 2000, it was agreed that decisions adopted by the Summit must be reached by consensus (see further, 'Decision-making at the Arab League', below).

In addition to this, the Development, Economic and Social Summits are held every two years (for more information, see below 'Development, Economic and Social Summits'). There are also Arab-African and Arab-South American Summits.

FINDING INFORMATION ON ARAB SUMMITS

Information about past sessions of the Summits, including the text of their decisions and communiqués, can be found on the Arab League's Arabic website.

1. On the home page (<http://www.lasportal.org/ar/Pages/default.aspx>) go to the right-hand navigation bar.
2. Go to 'Structure', then 'Main bodies'.
3. Under 'Main bodies', click on 'Council of the League'. This opens a new page.
4. In the top navigation bar, click on 'Summits'.



The Council of Ministers of Foreign Affairs

The Council of Ministers of Foreign Affairs is the second top layer of decision-making at the Arab League after the Summit. It deliberates on issues and prepares for decisions to be adopted by the Summit, as well as having responsibility for taking decisions itself on certain matters.

Specific responsibilities include:

- implementing the Arab League's general policies;
- deliberating on issues presented to it by the Council at the level of Permanent Representatives, by member states, or by the Secretary General;
- resolving disputes between two or more member states with their agreement;
- following up on decisions taken by the Summit;
- creating technical or advisory committees;
- adopting the Arab League budget and agreeing each member state's level of contribution;
- taking necessary measures in relation to aggression of one state against another; and
- adopting the various Councils' Rules of Procedures

CIVIL SOCIETY ENGAGEMENT WITH THE ARAB LEAGUE'S COUNCIL

CSOs do not have direct access to Summits or to the sessions of the Council of Ministers of Foreign Affairs.

Agendas for Summits and Council of Ministers' sessions are not usually released in advance.

However, on a number of occasions, CSOs have issued specific recommendations on matters to be addressed by these sessions.

In addition, CSOs have tried to influence Summit agendas and deliberations by holding parallel forums. See, for example, the First and Second Civil Forums held in parallel to the Arab Summit in Beirut in 2004¹⁰ and Rabat in 2006.¹¹

10 CIHRS: "Second Independence: Towards an Initiative for Political Reform in the Arab World", 1 January 2004, available at: [<http://www.cihrs.org/?p=4722&lang=en>].

11 CIHRS: "The Final Statement of the Second Civil Forum Parallel to the Arab Summit", 27 March 2006, available at: [<http://www.cihrs.org/?p=5758&lang=en>].

Regular sessions of the Council of Ministers of Foreign Affairs are held in March and September, preceded by sessions of the Permanent Representatives. The Council may also meet in extraordinary sessions at other times, if decided at a previous regular session, at the request of two or more states, or at the request of the Secretary General and with the approval of two or more member states.

The March session of the Council of Ministers of Foreign Affairs prepares the agenda for the Summit.

FINDING INFORMATION ON THE COUNCIL OF MINISTERS OF FOREIGN AFFAIRS' SESSIONS

Information on past sessions of the Council of Ministers of Foreign Affairs and Permanent Representatives, including the text of their decisions, can be found on the Arab League's Arabic website.

1. On the home page (<http://www.lasportal.org/ar/Pages/default.aspx>), go to the right-hand navigation bar.
2. Go to 'Structure', then 'Main bodies'.
3. Under 'Main bodies', click on 'Council of the League'.
4. This opens a new page listing sessions of the Council of Ministers of Foreign Affairs according to the year in which they were held.
5. Go to 'Year of the session' on the top navigation bar, and click on the year.
6. Decisions of the Council of Ministers of Foreign Affairs can be found under the respective sessions.



The Ministerial Councils

There are 13 specialized ministerial councils:

- Council of Arab Housing and Construction Ministers
- Council of Arab Information Ministers
- Council of Arab Interior Ministers
- Council of Arab Justice Ministers
- Council of Arab Ministers for Communications
- Council of Arab Ministers for Electricity
- Council of Arab Ministers for Environmental Issues
- Council of Arab Ministers for Health
- Council of Arab Ministers for Social Affairs
- Council of Arab Ministers for Tourism
- Council of Arab Ministers for Youth and Sports
- Council of Arab Transportation Ministers
- Council of Arab Ministers for Water



Items discussed in one Summit or Council of Ministers' session are

often carried over into the next, as is indicated in the published decisions, which can be found on the respective webpages of the Summits and the Council of Ministers of Foreign Affairs (see above). Civil society actors seeking to engage may therefore be able to anticipate part of the agenda of future sessions by looking at earlier resolutions.

These councils are made up of the relevant ministers from each member state. They elaborate methods of collaboration between Arab states in various areas of their specialization. Ministerial councils meet regularly and adopt policies and decisions, some of which are then forwarded to the Arab League Council for its consideration and agreement. Each ministerial council has its own separate internal regulations. They meet at various locations, not only at the League headquarters in Cairo.

While the work of these councils is important for persons living in Arab countries, touching on and regulating

many aspects of daily life, such as labor and social welfare, it is important to note that some councils have also adopted decisions that have a negative impact on the protection of human rights in Arab countries. For example:

- The Council of Ministers of Justice has adopted model Arab laws elaborated by the League to guide legislation in various Arab countries. Many provisions of these laws are not necessarily consistent with member states' obligations under international law.

SPECIALIZED MINISTERIAL COUNCILS



- In 1998 the Councils of Ministers of the Interior and Justice together adopted the Arab Convention on the Suppression of Terrorism, which violates international standards (see further below).
- In 2008 the Council of Ministers of Information adopted a set of principles regulating satellite and television broadcasting. They flagrantly contravene obligations under international law (see further, 'The Arab League's Position on Freedom of Opinion and Expression', below).

The Permanent Technical Committees

Permanent technical committees, also known as specialized committees or commissions, are established by the Council of Ministers of Foreign Affairs in accordance with the Charter to study and draft proposals on areas of common interest and cooperation, and to study whatever the Council or member states

CIVIL SOCIETY ENGAGEMENT WITH MINISTERIAL COUNCIL MEETINGS

Ministerial council meetings are closed, making it very difficult for CSOs to engage with them. Meeting agendas are not announced in advance. There are no recorded precedents where human rights organizations have been able to engage with a ministerial council in an open and productive way.

However, the importance of engaging with them cannot be underestimated. The policies these councils introduce are taken up by member states, or can be employed as a reference at the national level. Depending on the nature of the decision or policy, they can undermine human rights in member states if these instruments are not consistent with states' obligations under international human rights law. This situation is aggravated by the fact that ministerial councils are made up of the same individuals who have the power to carry forward these instruments in their home state. For example, decisions by the Council of Ministers of the Interior are implemented by the very same ministers at the national level—making resistance to such implementation unlikely. This highlights the importance of engaging with ministers at the national level before ministerial councils are held, to ensure that they do not support decisions that are inconsistent with the promotion and protection of human rights; and to ensure that such decisions are not translated into national laws, policies and practice after their adoption.

For specific examples, see further below on the position of the Arab League on some human rights issues, as reflected by the resolutions adopted by various ministerial councils.

refer to them. Their key role is to assist member states with cooperation in technical matters through the creation of specific committees. Temporary technical committees can also be created by the Council to prepare studies for consideration. Permanent technical committees take their decisions by majority. Meetings are called by the Secretary General of the Arab League. They can invite international and regional organizations, including CSOs, to attend part of their sessions according to their areas of specialization and expertise.

With the subsequent expansion of the scope of cooperation among member states, many permanent technical committees have been replaced by specialized ministerial councils and organizations. However some committees have continued, including the Arab Permanent Committee on Human Rights (see ‘The Arab Permanent Committee on Human Rights’, below) as well as committees on financial, administrative, information and legal affairs.

The Arab Permanent Committee on Human Rights

The Arab Permanent Committee on Human Rights (also referred to in some literature as the Arab Commission on Human Rights, or the Arab Standing Committee for Human Rights) was established in 1968, initially as one of the Arab League’s permanent specialized committees. This is different from the Arab Human Rights Committee (also known as the Charter Committee—see ‘The Arab Committee on Human Rights’, below).



The Arab Permanent Committee is not a committee of experts.

It is a body formed of representatives of the 22 Arab states (similar to the Human Rights Council of the UN).

It is made up of one representative from each member state who sits on the Committee as a political representative, not as an independent expert in human rights. The Permanent Committee’s Rules provide that states should give due consideration to expertise in human rights when nominating representatives. Therefore, expertise in human rights is not mandatory. As a result, representatives tend to be political appointees rather than human rights experts. All states have equal rights.

The Permanent Committee's main role is controlled by its internal regulations, adopted in 2007.¹² This includes:

- establishing rules of cooperation among member states in the field of human rights;
- formulating an Arab position on human rights issues that are under discussion at the regional and international level, including positions on draft treaties;
- preparing draft human rights treaties, to be referred to the Arab League Council of Ministers of Foreign Affairs for adoption;
- studying Arab agreements pertaining to human rights in order to give an opinion on their compatibility with human rights principles and standards;
- promoting the implementation of human rights treaties and recommendations;
- providing recommendations on any issues related to human rights that is referred to the Permanent Committee by the Council or the Arab League General Secretariat or any of the member states; and
- promoting cooperation in the field of human rights education.

The Permanent Committee's sessions are held twice a year, normally in January and June. However, since events in Egypt during the Arab Spring they have been held in February and June (as the anniversary of the revolution in Egypt is in January and this is normally accompanied by widespread demonstrations). Recommendations from the sessions are normally included in reports of subsequent Ministers of Foreign Affairs' sessions in March and September every year.

All draft treaties relating to human rights are referred to the Permanent Committee on Human Rights before they are adopted by the Council of Ministers

of Foreign Affairs. The Permanent Committee accordingly has adopted the revised Arab Charter on Human Rights and the Arab Human Rights Education Plan (see 'The Arab Charter on Human Rights', below).

The Permanent Committee is restricted in what it can comment on. It is able to study matters referred to it by the Council, the Secretary General or member states. It can prepare drafts of human rights treaties, but is not



Many human rights organizations, academics and others believe that the composition of the Permanent Committee as a political body and its narrow mandate prevent it from actively and effectively engaging in human rights concerns in the region.

¹² Internal Regulations of the Arab Permanent Committee on Human Rights, adopted by Resolution 6826, Regular Session 1285 of the Council of Ministers of Foreign Affairs, September 2007.

mandated to adopt them. The Permanent Committee does not have a mechanism to consider the human rights situation in member states (like the Universal Periodic Review Mechanism of the UN Human Rights Council, for example). It also does not have any special procedures, such as country or thematic special rapporteurs, experts or working groups.

For these reasons, the Permanent Committee has not proved to be an effective mechanism for addressing human rights concerns in the region (either in general or in relation to individual cases), considering reports and issuing recommendations, and examining progress in the implementation of such recommendations, unlike other international and regional intergovernmental human rights bodies.



THE HUMAN RIGHTS DEPARTMENT

The Human Rights Department provides technical support to the Permanent Committee, and arranges its meetings, including setting the agenda, and preparing reports and recommendations. It also convenes meetings on thematic or general human rights issues. It organizes specific discussions related to themes selected each year on the Arab Human Rights Day on 16 March. It also cooperates closely with the Office of the High Commissioner for Human Rights (OHCHR), and maintains a dialogue with other bodies of the UN, the African Union and the European Union, among others. It is important for civil society to establish relationships with its members, who may share essential information and act as entry points.

CIVIL SOCIETY ENGAGEMENT WITH ARAB PERMANENT COMMITTEE

Although the Arab Permanent Committee on Human Rights was the first Arab League body to allow CSOs to attend its sessions by granting them observer status, in practice it is still difficult for CSOs to engage with it in a meaningful way.

CSOs have only limited and untimely access to documentation, and limited access to sessions and deliberations. They are not allowed to make statements on agenda items. Although many CSOs have applied for observer status, including the Cairo Institute for Human Rights Studies (CIHRS), as of January 2015, only 23 organizations from 12 Arab countries have been successful because of criteria that are based on often restrictive national association laws (documented and widely criticized by UN mechanisms and CSOs), which is directly related to obtaining observer status.

The eight criteria for granting CSOs observer status are:

1. the CSO must be registered in an Arab country; its headquarters must also be in an Arab country, and it must provide its statutes and a list of board members;
2. it must be a non-profit CSO that works on issues mandated by the Arab Permanent Committee on Human Rights;
3. all of the CSO's goals and activities must align with the Arab Charter on Human Rights as well as other international human rights treaties;
4. the CSO must have been continuously active for at least three years at the time of application;
5. the CSO should be funded by Arab organizations and institutions in the field or by its members. If donations, contributions or support are given either directly or indirectly by a government or other CSO, then accurate and transparent information on the amount and the donor must be provided to the Permanent Committee;
6. the CSO must provide the Permanent Committee with a copy of its annual budget and sources of funding;
7. CSOs with 'pan-Arab' identity must have members from at least three different Arab countries, or must work within a regional organization that includes individuals from Arab countries; and
8. the CSO must be in compliance with its own mandate, and hold regular elections.¹³

It is important to note that this is an observer, not a consultative status, which provides CSOs with very limited opportunities for participation in the committee's processes.

The Permanent Committee has initiated a process of revising the criteria for observer status for CSOs. This is now being integrated as part of a larger reform process (see further above on reform of the Arab League), with the aim of developing and unifying the criteria across the various Arab League bodies.

¹³ See the League of Arab States, *Guidelines, Criteria and Procedures for Consultative Status with the Arab Permanent Committee on Human Rights*, available at: [<http://www.lasportal.org/ar/sectors/dep/HumanRightsDep/Pages/Committee.aspx#tab1>].

FINDING INFORMATION ON THE ARAB PERMANENT COMMITTEE ON HUMAN RIGHTS AND THE HUMAN RIGHTS DEPARTMENT

Information on the Permanent Committee can be found on the Arab League's Arabic website.

1. On the home page (<http://www.lasportal.org/ar/Pages/default.aspx>), click on the 'Human Rights' tab on the top navigation bar.
2. This opens a new page, 'Human rights'. Scroll down to the bottom and click on 'Human Rights Department'. This opens a new page.
3. For information about the Permanent Committee, go to the right-hand navigation bar and click on 'Arab Permanent Committee on Human Rights'.



For information on discussions in Permanent Committee sessions and on its decisions, refer to the Council of Ministers of Foreign Affairs' decisions at regular sessions (see 'The Council of Ministers of Foreign Affairs', above), which normally include the Permanent Committee's reports.

The Arab Economic and Social Council

The Arab Economic and Social Council (the Arab ECOSOC) was established in 1953, and its purpose was amended and detailed in 1977 and 2004.¹⁴ It approves

¹⁴ See Council of Ministers of Foreign Affairs, Resolution 3552, 29 March 1977, and Council Resolution 280, 23 May 2004.

the creation of any of the Arab League's specialized organizations (see 'The Arab League's Specialized Organizations', below). According to its internal regulations, adopted in 2005, the Arab ECOSOC is made up of ministers of economic and financial matters, or their representatives. It has sub-committees including one for Social Affairs and one for Economic Affairs.

The Arab ECOSOC is tasked mainly with implementing the economic and social aspects of the Arab League Charter, elaborating policies in this regard,

CIVIL SOCIETY ENGAGEMENT WITH THE ARAB ECOSOC

In 2005 the Arab ECOSOC adopted clear and strict criteria for CSOs to gain observer status (which are different from the Arab Permanent Committee on Human Rights' observer status criteria).

They include:

- the organization must be an Arab, non-profit-making, voluntary non-governmental organization;
- its purpose must be consistent with the Arab League Charter;
- it must work on issues that fall within the Arab ECOSOC's mandate;
- its members must be drawn from at least one-third of the Arab countries that make up the Arab League; or if its area of work is focused on regional groups of countries, its members must be from countries belonging to that group;
- the organization must have been operational for at least three years;
- it must have transparent financial resources and reporting. This criterion particularly details the need for full and detailed disclosure and reporting of any donations from foreign or local, governmental or non-governmental, individual or institutional sources;
- the organization must operate with full transparency and in consistency with the laws of the country where it is based.

Organizations with observer status are allowed to attend sessions by invitation.

It is important to note that this is an observer, not a consultative status, which provides CSOs with very limited opportunities for participation.

The Secretary General of the Arab League, with the Arab ECOSOC's approval, may invite representatives of non-Arab states or bodies, or international or Arab institutions linked with the Arab League. They do not have to be observers.

and supervising the work of the League's specialized organizations. It meets twice annually in regular sessions every February and September and can meet otherwise in extraordinary sessions.

The Arab ECOSOC established the Arab Fund for Economic and Social Development (AFESD). Based in Kuwait, it is a pan-Arab development finance institute of which all Arab League member states are members. This fund mainly benefits small- to medium-sized private sector projects.

FINDING INFORMATION ON THE ARAB ECOSOC

Further information on observer status in the Arab ECOSOC can be found on the Arab League's Arabic website.

1. On the home page (<http://www.lasportal.org/ar/Pages/default.aspx>), go to the right-hand navigation bar.
2. Go to 'Structure', then 'Main bodies'.
3. Under 'Main bodies', click on 'Economic and Social Council'. This opens a new page.
4. Criteria and an application form for civil society participation with the Arab ECOSOC can be found on this page.



Observer status allows CSOs only to observe meetings, not to participate in deliberations. Consultative status allows organizations to have access to the agenda of the meeting in advance, and participate in deliberations through making regulated interventions. All other regional bodies similar to the Arab League provide CSOs with consultative status, and some have a very inclusive role for civil society in their deliberations.

Development, Economic and Social Summits

The Arab ECOSOC (see above) holds Development, Economic and Social Summits, following a decision by the Arab League Summit in 2007.¹⁵ The objective of convening such Summits focusing on these specific issues is to develop and agree comprehensive programs, mechanisms and strategies for development.¹⁶

Development, Economic and Social Summits are convened every two years. As of January 2015, three such Summits have been held. Each Summit has addressed a variety of issues relating to development and economic issues within the Arab region, has adopted a program of action, and has often reaffirmed and built on the recommendations of previous Summits.

THE KUWAIT SUMMIT (JANUARY 2009)

Among other things, the Kuwait Summit affirmed commitment to the UN Millennium Development Goals;¹⁷ stressed the importance of scientific research and allocating budgets for its development; supported the development of health services and decreasing unemployment through education and vocational training. The Kuwait Declaration also gave importance to the empowerment of women and fostering their economic, social and legal capacity.

¹⁵ Riyadh Summit, Decision No. 365, 29 March 2007.

¹⁶ Ibid.

¹⁷ For detailed information on the UN Millennium Development Goals, see the official webpage on 'We Can End Poverty: Millennium Development Goals and Beyond 2015', available at: [<http://www.un.org/millenniumgoals/>].

THE EGYPT SUMMIT (JANUARY 2011)

This second Summit-level meeting was convened to follow up on the Kuwait Summit's decisions. It focused on poverty, food security, and support to Iraq, Somalia, Djibouti and Palestine, and made particular reference to the need to support the Gaza Strip.

THE SAUDI ARABIA SUMMIT (JANUARY 2013)

In addition to reaffirming the decisions made in the two earlier Summits, the resulting Riyadh Declaration also highlighted the following issues: strengthening the capacity of institutions for 'joint Arab action';¹⁸ encouragement of inter-Arab investment, trade and customs union; food and water security in the Arab region; developmental and environmental sustainability; as well as working with young people. The declaration also made specific mention of civil society, indicating its support for the Third Forum of Civil Society for Development Summit and their efforts to develop frameworks for effective partnerships between governments and CSOs (see 'Civil society engagement with the Development, Economic and Social Summits', below).

THE TUNISIA SUMMIT (2016)

The fourth Development, Economic and Social Summit, which was due to be held in Tunisia in 2015, was postponed until 2016 at the request of the host country because its presidential elections were taking place that year.

THE FOCUS OF THE SUMMITS

A continuing issue for CSOs trying to engage with these Summits is that, despite the apparent breadth of issues that they address, there is little implementation or enforcement of the recommendations.

Importantly, civil society notes that the underlying purpose of the Summits has always been private sector-oriented. This was evident in the first Summit, where the majority of observers and participants in side events were from the business and private sector, with little space for civil society. This was even more apparent in the second Summit, where in addition to the three side events organized for external actors (youth, civil society and the private sector), the Secretary General held an informal/closed meeting of investors and private sector actors on the creation of an investment fund. This was highly criticized by civil society, but again, is an indication of the apparent key purpose of Development, Economic and Social Summits—being business-oriented fora aimed at raising funds and mobilizing the support of the business community, rather than discussing human development aspects of economic and social issues.

18 'Joint Arab action' is used by the Arab League to refer to the joint work of the various bodies, committees, councils, specialized organizations, etc., of the Arab League.

CIVIL SOCIETY ENGAGEMENT WITH THE DEVELOPMENT, ECONOMIC AND SOCIAL SUMMITS

There are no formal mechanisms for civil society engagement with the Arab League Development, Economic and Social Summits. However, these Summits include decisions on the support and encouragement of civil society work on economic, social and developmental issues in the Arab region, as well as calling for sustainable development.

CSOs greeted the decision to hold these meetings at the Summit level with enthusiasm, especially those concerned with sustainable development, and economic, social and cultural rights; and they contacted the General Secretariat of the Arab League to indicate their interest in participating. However, as the Summits take place at the behest of member states rather than the League's General Secretariat, it was not possible to alter the format of the forum to accommodate direct civil society engagement.

In response, a number of CSOs, hosted by the Arab NGO Network for Development (ANND), organized a parallel meeting for civil society in preparation for the 2009 Kuwait Summit.¹⁹ The objective was to bring together civil society representatives and Arab League officials to discuss the Summit agenda and develop recommendations to be presented to it.²⁰ Civil society was also able to send a representative to the Kuwait Summit to attend side events and share its declaration with Summit participants.

In 2011, the Arab League organized a side event on the day before the second Development, Economic and Social Summit, with the declared aim of including civil society. However, according to participating CSOs, there wasn't adequate provision for holding discussions or communicating their messages to Summit participants. This was to be expected, given that the Arab League organized the meeting, set the agenda and chose speakers without any consultation with civil society.²¹

Civil society organized another pre-meeting in Beirut, which was attended by 180 civil society representatives and resulted in another declaration. It built upon the 2009 declaration, which remained salient, particularly as most of the Kuwait Summit decisions had still not been implemented.²² The declaration emphasized the increased

19 ANND: "Regional meeting for civil society in preparation for the Arab Development, Economic and Social Summit", press release, 8 January 2013, available at: [<http://www.annd.org/arabic/eventId.php?eventId=15>.]

20 Ibid.

21 Ibid.

22 ANND: "Letter from civil society organizations to the Sharm El-Sheikh Arab Economic and Social Summit", January 2011.

marginalization of civil society engagement with Development, Economic and Social Summits, as well as the continued marginalization of social issues, despite their centrality to development in the Arab region.²³ CSOs also focused on raising the profile of their recommendations and a second meeting, to mobilize the media around the resulting declaration, was held in the Ahram Regional Institute for Journalism.²⁴

In the opinion of civil society actors who had worked on the Development, Economic and Social Summits, the Saudi Arabia Summit proved to be the most restrictive forum for engagement, partly because Saudi Arabia was closed to civil society, making it difficult to hold the Arab League civil society side event in the same period and location. Instead, it was held two weeks before the Summit, in Cairo. This time gap, together with the above-mentioned restrictions on engagement, including the fact that the agenda was set in advance without prior consultation and that most speakers did not come from CSOs active in the field, made engagement even more difficult. Civil society organized a third meeting parallel to the Riyadh Summit, and the resulting recommendations were shared with Summit participants.²⁵

Concurrently, the Arab ECOSOC had been focusing on the post-2015 Millennium Development Goals agenda. In March 2013, civil society in cooperation with the UN Economic and Social Commission for West Asia (ESCWA) held a joint consultation on the post-2015 framework. Discussions focused on strong, participatory development, social justice and a comprehensive and bottom-up approach—echoing recommendations that civil society had delivered to previous Development, Economic and Social Summits.²⁶ This was followed by another consultation in June 2014 with the same partners to discuss the social and economic challenges facing development in the Arab region.²⁷ Arab League representatives were invited to participate, and though their presence was important, they were not able to sign off on the recommendations.

The pressure mounted by a collective of civil society actors on participatory approaches to development, their persistence in engagement around the Summits within both formal and informal settings, together with parallel engagement in other fora (including the consultation with ESCWA), prompted the General Secretariat to suggest declaring an Arab Decade for Civil Society (2015–2025). Its purpose is to increase civil society participation, to input into the post-2015 process and development in the Arab region, and to increase cooperation with other stakeholders.²⁸

23 Ibid.

24 Ibid.

25 ANND, “Regional meeting for civil society in preparation for the Arab Development, Economic and Social Summit”, press release, 8 January 2013, available at: [<http://www.annd.org/arabic/eventId.php?eventId=15>].

26 Declaration of CSOs from the Arab Region on the Post-2015 Framework, March 2013, available at: [<http://annd.org/english/data/folders/117.pdf>].

27 Addressing social and economic inequality: the need for a new paradigm, June 2014, available at: [<http://annd.org/english/data/latest/file/174.pdf>].

28 See, for example “The Arab League begins drafting the ‘Decade for Civil Society’ Project”, Yanair.net, September 2014, available at: [<http://yanair.net/archives/64614>].

FINDING INFORMATION ON THE DEVELOPMENT, ECONOMIC AND SOCIAL SUMMITS

Further information on these Development, Economic and Social Summits is available on the Arab League's Arabic website.

1. On the home page (<http://www.lasportal.org/ar/Pages/default.aspx>), go to the right-hand navigation bar.
2. Go to 'Structure', then 'Main bodies'.
3. Under 'Main bodies', click on 'Council of the League'. This opens a new page.
4. In the top navigation bar, click on 'Summits'. A drop-down menu appears.
5. Click on 'Development, Economic and Social Summits'.



The Arab League's Main Independent Human Rights Expert Bodies

The Arab League has very few bodies made up of independent experts who are mandated to examine human rights issues.

While it has some treaties relating to children's rights, refugees, and labor rights, it is important to note that the League does not have bodies of independent experts who oversee the implementation of these treaties—with the exception of Arab Labor Organization treaties (see 'The Arab Labor Organization' below; see also Annex 3 for a list of the Arab League's human rights treaties and the status of their ratification).

Unlike other intergovernmental organizations at the international and regional levels, the Arab League does not have independent human rights mechanisms, such as country or thematic special rapporteurs or working groups. Further, the Arab League does not so far have a process which allows for individual complaints. This is exacerbated by two facts: the Arab Court of Human Rights also does not allow individuals

direct access (see 'The Arab Court of Human Rights', below). In addition, individuals living in Arab countries have limited recourse to international mechanisms, since the vast majority of Arab states have not ratified individual complaints mechanisms (for example, Optional Protocols to human rights treaties) and do not have a positive history of cooperation with UN expert bodies which consider individual cases (UN special procedures such as special rapporteurs and working groups) or with treaty bodies that oversee the implementation of human rights treaties.

In essence, such mechanisms, whether regional or international, serve to hold governments accountable for human rights violations through a review by an external and independent expert body. The significant lack of such mechanisms in Arab countries in the Arab League system means that independent assessment of the state of human rights in Arab states rarely occurs, and that people living in Arab countries cannot avail themselves of remedies for these violations beyond the national system.

There is currently one human rights body in the Arab League mandated to work as an independent body (i.e. not government representatives): the Arab Human Rights Committee (also known as the Committee of the Arab Charter on Human Rights). Another body whose mandate has now ended was the Sub-Commission (or the Committee of Experts of the Human Rights Commission), but this was mandated only to prepare studies and plans and not to consider the human rights situation in member states.



The international and regional review and adjudication mechanisms are particularly important when the national justice system is unable or unwilling to deliver justice.

The Arab Human Rights Committee

The Arab Human Rights Committee is a treaty body of seven independent experts responsible for overseeing the implementation of the Arab Charter on Human Rights

The Arab Charter on Human Rights is the first, and so far the only Arab League treaty to have an independent supervisory mechanism embodied in the treaty itself.

Each state can have only one member on the seven-member Committee. States nominate candidates, who are then elected by secret ballot.

ARTICLE 45 OF THE ARAB CHARTER ON HUMAN RIGHTS

1. Pursuant to this Charter, an 'Arab Human Rights Committee', hereinafter referred to as 'the Committee', shall be established. This Committee shall consist of seven members who shall be elected by secret ballot by the States parties to this Charter.
2. The Committee shall consist of nationals of the States parties to the present Charter, who must be highly experienced and competent in the Committee's field of work. The members of the Committee shall serve in their personal capacity and shall be fully independent and impartial.²⁹

MEMBERSHIP OF THE ARAB HUMAN RIGHTS COMMITTEE: CSO EXPECTATIONS

In line with the practice of other human rights expert bodies, the Arab Human Rights Committee should be composed of individuals of acknowledged integrity, independence and competence who have relevant legal and/or other professional expertise and experience. The Committee should also have an appropriate gender balance and reflect the diversity of the states comprising the Arab League, including their different legal systems. Electing competent and independent individuals to the Arab Human Rights Committee is vital to ensuring proper monitoring of a state's treaty obligations.³⁰

²⁹ League of Arab States, Arab Charter on Human Rights, 22 May 2004, reprinted in 12 Int'l Hum. Rts. Rep. 893 (2005), entered into force 15 March 2008, available at: [<https://www1.umn.edu/humanrts/instree/loas2005.html>].

³⁰ See further Amnesty International: "Middle East and North Africa: The Arab Human Rights Committee: Elections of Members and Criteria of Membership", Index number: IOR 65/001/2008, 10 June 2008.

Members serve for four years and can be re-elected for one more term. Article 45 of the Arab Charter on Human Rights provides that members sit on the Committee in their personal capacity and requires that they have expertise in the domain of the Charter. Despite Article 45's guarantee of independence and expertise, the Committee's membership criteria are, however, very general, and neither the Secretary General nor any other Arab League body have issued any form of guidance on the nomination or election process. As of January 2015, there have been no women sitting on the Committee. Committee members come from various Arab sub-regions.

FUNCTIONS OF THE ARAB HUMAN RIGHTS COMMITTEE

Reviewing state reports and interpreting the Arab Charter: According to Article 48, initial state reports are to be submitted within a year of the Charter entering into force in the state party, then periodic reports must be submitted every three years. The Committee can ask states to submit other reports or additional information.

The Committee provides states with guidelines on the format and content of reports (see further below). The state submits its report to the Secretary General of the Arab League, who passes it on to the Committee for its consideration. The Committee then discusses the report with representatives of the state and issues its conclusions and recommendations, which are made public. The Committee also submits annual reports to the Arab League Council.

According to its Rules of Procedures, adopted in November 2014, the Committee also has the authority to interpret the Charter to ensure the optimal implementation of its provisions. This is not explicitly stated in the Charter. It also can request information from Arab League bodies and Arab institutions.

The Rules of Procedures require that the Committee's decisions, remarks, and recommendations are adopted by absolute majority.

Sessions: The Committee has an administrative and technical secretariat, which is separate from the Human Rights Department at the Arab League General Secretariat (see 'The Arab Permanent Committee on Human Rights', above). The Committee's Secretariat is responsible for preparing its sessions as well as studies to assist the Committee in its work.

SUMMARY OF THE ARAB HUMAN RIGHTS COMMITTEE'S REPORTING GUIDELINES

The following is a brief summary of the Reporting Guidelines for state reports (CSOs are encouraged to follow the same format in their shadow reports).

The Committee considers the rights in the Charter in clusters, rather than article by article. Therefore, the Committee asks states to report on rights in the Charter in the following order:

- spreading the principles and values of human rights, humanity and forgiveness (Article 1);
- right to self-determination (Article 2);
- equality (Article 3);
- states of emergency (Article 4);
- rights to life and physical safety (Articles 5–9);
- slavery and trade in persons (Article 10);
- independence of the judiciary and the right to fair trials by a natural judge (Articles 11–23);
- political rights including the right to participate in public life and rights to be elected and to run for public office (Article 24);
- rights of minorities; freedom of movement; right to seek political asylum; right to nationality; and freedom of thought, conscience and religion (Articles 25–30);
- right to individual property (Article 31);
- freedom of opinion and expression (Article 32);
- protection of the family, especially women and children (Article 33);
- right to work and freedom of assembly and trade union rights (Articles 34–36);
- right to development (Articles 37–38);
- right to health (Article 39);
- right to decent living for persons with physical and mental disability (Article 40);
- right to education (Articles 41–42).

The Committee holds its meetings and sessions at its own headquarters or at those of the Arab League General Secretariat. It can also hold meetings and sessions in any of the state parties by invitation.

Committee meetings are quorate if attended by the majority of members.

Funding: The Arab Charter and the Rules of Procedures state that the Secretary General of the Arab League should make provision within the League's budget for the Committee's financial and human resources and facilities. The Arab Charter also provides that the Committee may open a special bank account, with funds allocated by the Arab League Secretary General; and donations from member states, international and regional donors, and natural or legal persons in a manner that does not contradict the objectives and purposes of the Arab Charter on Human Rights and the Arab League Charter.

International standards: It should be noted that the Arab Human Rights Committee makes reference to international standards in its work. According to its Rules of Procedures, the Committee's Secretariat is responsible for assembling all state parties' reports, in addition to other relevant regional and international agreements, and interpretations of human rights concepts and agreements issued by the United Nations.



There is concern that if the Arab League does not provide

adequate resources to the Arab Human Rights Committee, it may become dependent on donations. This may affect the stability of the Committee's work, its durability, and importantly, its independence.

ARTICLE 43 OF THE ARAB CHARTER ON HUMAN RIGHTS

Nothing in this Charter may be construed or interpreted as impairing the rights and freedoms protected by the domestic laws of the States parties or those set forth in the international and regional human rights instruments which the States parties have adopted or ratified, including the rights of women, the rights of the child and the rights of persons belonging to minorities.³¹

³¹ League of Arab States, Arab Charter on Human Rights, 22 May 2004, reprinted in 12 Int'l Hum. Rts. Rep. 893 (2005), entered into force 15 March 2008, available at: [<https://www1.umn.edu/humanrts/instatee/loas2005.html>].

CIVIL SOCIETY ENGAGEMENT WITH THE ARAB HUMAN RIGHTS COMMITTEE

Since it began work in 2008, the Arab Human Rights Committee has made clear its openness towards the role that CSOs can play in its work, including reviewing state reports. As well as inviting them to its sessions, it has held discussions with civil society representatives, and repeatedly reminds states parties to consult with civil society as part of preparing state reports.

The Committee's webpage announces the receipt of state reports and the date when reports from CSOs are accepted prior to consideration of state reports. According to its Rules of Procedures, the Committee may invite any person or organization to attend the discussion of state parties' reports.

It is therefore important for national and regional CSOs to establish relations with the Committee and its Secretariat, follow up on information related to sessions, provide parallel reports, and attend national workshops and sessions for consideration of state reports.

The Arab Human Rights Committee has developed specific Guidelines for the Participation of Civil Society to clarify its role in the consideration of state reports. According to these Guidelines, the purpose is to ensure that the Committee has access to as much credible information as possible before considering the state report. The Guidelines include the following points:

SUBMITTING REPORTS BY CSOS

CSOs (either singly or in coalition) are encouraged to submit parallel reports to state reports. The Arab Human Rights Committee's webpage announces the dates for submitting reports, as well as when state reports are considered and the sessions which CSOs can attend (see 'Finding Information on the Arab Human Rights Committee', below).



Reports may include comments on perceived inaccuracies or omissions in the state report that CSOs wish to draw to the Committee's attention. CSOs may suggest specific questions for the Committee to put to the state, and/or conclusions and observations for the Committee to adopt following consideration of the state report.

CONTENT

- Reports should follow the same structure as state reports (see above). CSOs are encouraged to comment on the content of state reports and to make specific recommendations to the Committee.
- Reports should be prepared specifically for the Committee.
- The parallel report should not exceed 30 pages in Simplified Arabic 16 pt., with clear page and paragraph numbering. Two copies in Word and PDF must be sent to the Committee's Secretariat (see Annex 2 for a list of contacts).
- It should briefly introduce the organization(s) that have inputted into the document.
- The report should begin with an executive summary, followed by analyses of sections of the state report.
- The submission should not be on specific individual cases. Information should be accurate.



CSOs can also include short reports or documents that they have issued on the subject, or a list of such documents, as an appendix to their submission, in order to draw the Committee's attention to further information on the subject.



The Committee invites to its sessions organizations that have consultative or observer status with the Arab League, the Organization of Islamic Cooperation, or the United Nations. The Committee may also invite others to attend the open session of the dialogue with the state. CSOs that do not have this status can coordinate with other organizations that do.

The Arab Human Rights Committee is open to the involvement of CSOs in its work through the submission of parallel reports and other dialogue. This is not limited to CSOs with observer status with the Arab League.

CIVIL SOCIETY ENGAGEMENT WITH THE ARAB HUMAN RIGHTS COMMITTEE (CONTINUED)

- CSOs are asked to provide information on laws, statistics, research and other reports.
- If the report submitted by the state is a progress, rather than an initial report and the Committee has already made recommendations, CSOs are asked to provide information on the progress the state has made on implementing the Committee's earlier concluding observations.

FACE-TO-FACE DIALOGUE

The Committee holds a dialogue with the state party on the content of its report. This normally lasts two days.

As part of this process, there is a closed session specifically for dialogue between the Committee and CSOs that have submitted parallel reports. This part of the Committee's session is not attended by representatives of the state.

- It is vital to note that the Committee does not limit its relations with CSOs to those with observer status with the Arab League.



It's important to remember that parallel reports do not have to comment on all aspects or sections of the state report—they can concentrate on specific areas of expertise.



The Committee invites to the closed dialogue session only those organizations that have actually indicated their wish to attend. It is therefore important for CSOs to indicate this clearly on the front page of their parallel report, as specifically requested by the Committee.

FINDING INFORMATION ON THE ARAB HUMAN RIGHTS COMMITTEE

Further information on the Arab Human Rights Committee is available on the Arab League's Arabic website.

1. On the home page (<http://www.lasportal.org/ar/Pages/default.aspx>), go to the top navigation bar.
2. Click on the 'Human rights' tab.
3. This opens a new page, 'Human rights'.
4. Scroll to the bottom and click on 'Arab Human Rights Committee (the Charter Committee)'.



The Arab Parliament

When the Arab League was established, the Arab Parliament³² was not initially part of its structure. In 2005, the Summit established an Arab Parliament;³³ the League Charter was amended and the new Article 19 was inserted, providing “[a]n Arab Parliament shall be established in the framework of LAS, and its rules of procedure, composition, functions and areas of competence shall be defined” (unofficial translation). The initial phase was a temporary Parliament which functioned for several years in that capacity and elaborated the Statute of the Parliament.

The Baghdad Summit in March 2012 adopted the Statute of the Arab Parliament,³⁴ which had previously been endorsed by the Council of Ministers of Foreign Affairs. The resolution marked the Arab Parliament’s shift from a temporary to a permanent body. Its main objective, according to the preamble of the Statute, is to give the people of the Arab world a voice within the League, alongside that of Arab governments and, in doing so, to strengthen the democratic decision-making process.³⁵

STRUCTURE

The Arab Parliament is composed of four members from each member state. Due regard should be given to ensuring female representation (the current composition in 2015 roughly reflects a ratio of 1:3). Members are either to be elected directly, or chosen or appointed from their own national parliament or comparable national assembly. The seat of the Arab Parliament is Syria, and sessions are public unless the Parliament decides otherwise. As of January 2015, the Arab Parliament’s sessions continue to be held in Cairo because of the situation in Syria. It revolves around two annual sessions, in March and September.

The Arab Parliament is composed of four members of each member state of the Arab League. They are selected from their national parliaments or national assemblies.

³² This is different from the Arab Inter-Parliamentary Union.

³³ Algeria Summit, Decision Nos. 290 and 292, 23 March 2005.

³⁴ Baghdad Summit, Decision No. 559, 29 March 2012. This contains the full text of the Arab Parliament Statute.

³⁵ Ibid.

The Arab Parliament is composed of four permanent committees:

- Committee for Foreign, Political and National Security Affairs;
- Committee for Economic and Financial Affairs;
- Committee for Legislative and Legal Affairs and Human Rights; and
- Committee for Social, Cultural, Women and Youth Affairs.

The Arab Parliament has its own Secretariat, which is responsible for facilitating its work, providing technical assistance in preparing for sessions, and preparing official documents.

POWERS AND RESPONSIBILITIES

According to the Statute, the Parliament’s primary responsibility is to ensure economic, social and development cooperation towards achieving Arab unity. In particular, the Parliament has a primary responsibility to foster Arab relations, cooperation, and joint mechanisms, to guarantee national security and to foster human rights.

It is not mandated to draft agreements, but can only ratify those referred to it by the Council of Ministers of Foreign Affairs or any of the other councils of ministers or committees. Its decisions are not mandatory but are considered recommendations, which, if they are to take effect, have to be ratified by a ministerial council or a Summit. The League Summit in 2014 affirmed the “consultative nature of the Arab Parliament for the time being”.³⁶

The Arab Parliament cannot ratify agreements, but can hold debates and make recommendations related to human rights.

36 The Kuwait Summit, Decision No. 592, paragraph 4(1), 26 March 2014 [unofficial translation].

CIVIL SOCIETY ENGAGEMENT WITH THE ARAB PARLIAMENT

There are no specific guidelines by the Parliament for engagement with CSOs. It is vital that a procedure and/or program is developed that allows CSOs to engage with the Arab Parliament's work on strengthening human rights in the Arab region. One of the key areas where CSOs can engage is to encourage the endorsement of human rights principles during discussions on the development of Arab state laws. Members of civil society emphasized both of these points in a memorandum to the Arab League General Secretariat: "It is vital first of all that the Parliament issues guiding principles on how states can adjust their laws to their international obligations arising from the ratification of international conventions. The Arab Parliament should also revise several model laws adopted by the Arab League to ensure their compatibility with human rights standards."³⁷

While the Arab Parliament as a body has not devised and elaborated methods for dialogue with CSOs and involving organizations in its deliberations and work, organizations, on their part, can develop methodology to ensure that they follow its work regularly, and find avenues for influencing it. The most obvious way is through making direct contact with the members of their national parliaments or national assemblies who sit on the Arab Parliament. Names of all members by country are available on the Arab Parliament's webpage (see 'Finding Information on the Arab Parliament', below).

CSOs need to be proactive and propose avenues through which they can input their views and expertise into the work of the Arab Parliament. CSOs are able to do that through contacting members of their national parliaments or assemblies who are also members of the Arab Parliament.

³⁷ Cairo Institute for Human Rights Studies: "Memorandum on the Development of Joint Arab Action presented by 37 Human Rights Organizations", 20 March 2012, available at: [<http://www.cihrs.org/?p=1884>].

CASE STUDY: PRINCIPLES ON WOMEN'S RIGHTS

One example of civil society engagement with the Arab Parliament is the development of the Arab Principles on Women's Rights, a guiding document for national legislation on principles for women's rights.

From 2013 to 2014, the Arab Parliament held several workshops on different aspects of women-related issues. None of these included meaningful consultation with civil society.

In response, the Open Society Foundations (the Arab Regional Office) and CAWTAR (the Center of Arab Woman for Training and Research) contacted the Arab Parliament sub-committee responsible for the document and suggested setting up a consultation between civil society and Arab Parliament representatives. The ultimate purpose would be to produce a report with civil society recommendations to feed into the Principles on Women's Rights.

The Arab Parliament was open to the idea, and in September/October 2014, regional CSOs, including specialized women's rights organizations, held a meeting on the Principles on Women's Rights, attended by the head of the Parliament's Committee on Social, Cultural, Women and Youth Affairs, Dr Nawal Faouri. An outcome report, with a set of specific recommendations based on discussions at the meeting, was produced and later adopted by the Parliament as a reference document, used in developing the Principles.

In January 2015, the Arab Parliament met to finalize the Principles; on 17 February 2015 it approved the final version. The Parliament plans to have it endorsed by a future Summit.

Though the Principles do not reflect a number of civil society recommendations, this case study highlights a number of significant issues, including the importance of proactively seeking out Arab League bodies and forming a strong relationship with their actors. It also shows that the Arab Parliament is open to holding consultations with civil society. The presence of the head of the women's sub-committee reflects the significance of such meetings, and the presence of all stakeholders, as well as the persistent follow-up efforts of civil society, helped ensure that the meeting's outcome report was adopted as a reference document.

The Parliament can question ministerial councils, the Secretary General, or senior staff members of the Arab League General Secretariat or specialized organizations, who must respond to such questions.

Importantly, the Parliament is mandated to develop Arab cooperation in the field of human rights and present recommendations accordingly.

The Parliament also has a primary role in leading efforts to unify Arab legislation and to give guidance in this area. The Arab Parliament will clearly be unable to guarantee, for example, that Arab legislation is consistent with international law. However, it may be able to ensure that the debate on such matters is constantly on the agenda, especially through its efforts to review treaties or unify Arab legislation. This is obviously dependent on members and their own commitment to human rights.

FINDING INFORMATION ON THE ARAB PARLIAMENT

Information is available on the Arab League's Arabic website.

1. On the home page (<http://www.lasportal.org/ar/Pages/default.aspx>), go to the top navigation bar.
2. Click on the 'Arab Parliament' icon.
3. This opens a new page, 'Arab Parliament'.
4. Scroll to the bottom and click on 'Official website of the Arab Parliament'.
5. This opens the Arab Parliament homepage.



The Arab Court of Justice

The first attempt to create a regional judicial body was presented to the League in 1950 by Lebanon. In 1996 the Arab League agreed again on the creation of the Court.³⁸ A draft Statute for the Court was submitted to the Council of Ministers of Foreign Affairs shortly afterwards, but the Council consistently postponed considering and taking a decision on it. In 2005, the Arab League Secretary General submitted a new draft Statute, which gave the Court the jurisdiction to consider disputes pertaining to human rights. Having considered the draft, the Summit then tasked the Secretary General with establishing specialized committees, with two representatives from member states, to consider the proposal for the Court and for an Arab Security Council.³⁹

At the Kuwait Summit in 2014 there were renewed calls for the reintroduction of the Statute of the Arab Court of Justice.⁴⁰ In September of the same year, the Council of Ministers of Foreign Affairs resolved to form a committee of legal experts from member states to revise the Statute, based on member states' comments, and to consider the optionality of jurisdiction.⁴¹ In its March 2015 session, the Council noted the Statute's second draft and asked the committee of experts preparing it to finalize their work and present it to the session of the Council of Ministers of Foreign Affairs in September 2015.⁴²

The Arab Court of Human Rights

In early 2012, the Kingdom of Bahrain proposed the creation of an Arab Court of Human Rights.⁴³ In March of the same year, the Council of Ministers of Foreign Affairs welcomed the proposal,⁴⁴ and at the Doha Summit of 2013, the Arab

Article 20 of the Arab League Charter provides for the creation of an Arab Court of Justice. As of January 2015, this has not materialized.

38 Cairo Summit, Decision No. 196, 23 June 1996.

39 Algeria Summit, Decision No. 294, 23 March 2005.

40 Kuwait Summit, Decision No. 592, 26 March 2014.

41 The Council of Ministers of Foreign Affairs, Decision No. 7791, 7 September 2014.

42 The Council of Ministers of Foreign Affairs, Decision No. 7866, 9 March 2015.

43 The Delegation of the Kingdom of Bahrain, Memorandum No. 38 (2/1/15), 15 January 2012—mentioned in the Council of Ministers of Foreign Affairs, Decision No. 7489, 10 March 2012.

44 The Council of Ministers of Foreign Affairs, Decision No. 7489, 10 March 2012.

League approved its creation and appointed a high-level committee of legal experts to draft the Statute of the Court.⁴⁵ No information on the composition and procedures of the committee, including their appointment, was made public.⁴⁶ This reflects the lack of transparency surrounding the drafting process, which took place without the Arab League or the committee calling for or accepting any consultation with academics, professionals or civil society experts.

CIVIL SOCIETY ENGAGEMENT WITH THE ARAB COURT OF HUMAN RIGHTS

Though the Court has not yet come into existence as of January 2015, it is important to highlight civil society attempts to engage with the process of its formation.

Civil society actors were not formally included in this process. No consultations with civil society around the drafting of the Statute took place, and the draft Statute was not officially released for comment before it was finalized.⁴⁷ This did not deter civil society actors from engaging with it and they worked on aligning the potential Arab Court of Human Rights with international human rights standards and making their voices heard at the Arab League.

Actors were able to obtain a version of the Statute informally, and produced analyses and policy papers detailing their objections and recommendations.⁴⁸ This was supported by two public letters, in June and August 2014, from a coalition of civil society actors.⁴⁹ Representatives of several organizations also visited Cairo in September 2014 to meet Arab League officials and state missions to the Arab League to advocate delaying the adoption of the draft Statute in the light of its inconsistency with international and regional law and practice.

Despite their efforts, civil society objections and concerns were not taken into account before the instrument was adopted in September 2014.

45 Doha Summit, Decision No. 573, 26 March 2013.

46 *"Proposed Arab Court of Human Rights: Rewind the process and get it right"*, policy paper, 20 March 2014 available at: [https://www.fidh.org/IMG/pdf/20140320_arab_ct_pp_en.pdf].

47 *"Proposed Arab Court of Human Rights: Rewind the process and get it right"*, policy paper, 20 March 2014 available at: [https://www.fidh.org/IMG/pdf/20140320_arab_ct_pp_en.pdf].

48 Ibid.

49 *"Proposed Arab Court of Human Rights: an empty vessel without substantial changes to the draft statute"*, 6 June 2014. See also, *"Letter to Ministers of Foreign Affairs of member states to the League of Arab States, Re: Ministerial Council Meeting and the adoption of the draft Statute of the Arab Court of Human Rights"*, 31 August 2014, available at: [<http://www.alhaq.org/advocacy/targets/third-party-states/849-re-ministerial-council-meeting-and-the-adoption-of-the-draft-statute-of-the-arab-court-of-human-rights>].

In June 2013, Bahrain submitted a second memorandum, requesting that the Arab Court of Human Rights be based in Bahrain.⁵⁰ The Council of Ministers of Foreign Affairs approved the request in September 2013; Article 3 of the Statute now enshrines this decision.

When the Arab League Secretary General announced in May 2014 that the draft Statute had been finalized, it had yet to be officially released or shared for consultation, despite many requests from CSOs.⁵¹ The instrument was adopted in September 2014⁵² and opened for ratification in November 2014.⁵³ By January 2015, no state had ratified the Statute.

ISSUES AFFECTING ENGAGEMENT WITH THE COURT

Despite the acknowledged need for an independent, adjudicatory human rights mechanism within the structure of the Arab League, the notion that the proposed Court would rely on the Arab Charter on Human Rights—itsself a document that raises many concerns, as it does not fully comply with international human rights standards—presents a source of concern regarding the protection that the Court could offer.⁵⁴ The country of the Court's seat is another concern, since Bahrain's history of human rights violations raises alarm over the lack of guarantees that would protect the Court's work from interference, thus undermining its legitimacy as a guarantor of human rights.⁵⁵ The non-participatory and non-transparent formation process of the Court has also been problematic for civil society actors seeking to engage with it.

Most importantly however, the Statute of the Arab Court of Human Rights contains provisions that can seriously and negatively impact the Court's ability to perform as a guarantor of rights. These articles were highlighted in letters and pleas by civil society actors before the draft was adopted but have not been taken into account (see above).⁵⁶ It has been noted that the officially adopted Statute is actually worse than the earlier drafts.⁵⁷

50 The Delegation of the Kingdom of Bahrain, Memorandum No. 455, 26 June 2013.

51 "Proposed Arab Court of Human Rights: an empty vessel without substantial changes to the draft statute", 6 June 2014, available at: [<http://icj.wppengine.netdna-cdn.com/wp-content/uploads/2014/06/Arab-Court-Statement-June-2014-ENG-FINAL1.pdf>].

52 The Council of Ministers of Foreign Affairs, Decision No. 7790, 7 September 2014.

53 The Arab League, press release, 4 November 2014.

54 See for example, "Proposed Arab Court of Human Rights: an empty vessel without substantial changes to the draft statute", 6 June 2014. See also, "Letter to Ministers of Foreign Affairs of member states to the League of Arab States, Re: Ministerial Council Meeting and the adoption of the draft Statute of the Arab Court of Human Rights", 31 August 2014, available at: [<http://www.alhaq.org/advocacy/targets/third-party-states/849-re-ministerial-council-meeting-and-the-adoption-of-the-draft-statute-of-the-arab-court-of-human-rights>].

55 "Proposed Arab Court of Human Rights: Rewind the process and get it right", policy paper, 20 March 2014 available at: [https://www.fidh.org/IMG/pdf/20140320_arab_ct_pp_en.pdf].

56 Ibid.

57 Joe Stork: "New Arab Human Rights Court is Doomed from the Start", 26 November 2014 (International Business Time), available at: [<http://www.hrw.org/news/2014/11/26/new-arab-human-rights-court-doomed-start>].

THE ARAB COURT AND INTERNATIONAL LAW

At the outset, it should be highlighted that the Court's subject-matter jurisdiction, according to Article 16 of the Statute of the Court, is:

... all cases and litigation arising from the application and interpretation of the Arab Charter on Human Rights or any other Arab treaty in the field of human rights to which the disputing States are party.

(Unofficial translation)

There is no reference to international human rights law and standards in the Statute of the Court. Therefore, this provision and the rest of the Statute does not guarantee that the interpretation of the Arab Charter on Human Rights will be in line with international law and standards.

However, Article 43 of the Arab Charter on Human Rights clearly states:

Nothing in this Charter may be construed or interpreted as impairing the rights and freedoms protected by the domestic laws of the States parties or those set forth in the international and regional human rights instruments which the States parties have adopted or ratified, including the rights of women, the rights of the child and the rights of persons belonging to minorities.⁵⁸

CSOs have expectations that the Arab Court must carry out its work in line with international law and standards and must not undermine them in its practice and jurisprudence.

⁵⁸ League of Arab States, Arab Charter on Human Rights, 22 May 2004, reprinted in 12 Int'l Hum. Rts. Rep. 893 (2005), entered into force 15 March 2008, available at: [<https://www1.umn.edu/humanrts/instreet/loas2005.html>].

ARAB COURT OF HUMAN RIGHTS: KEY CONCERNS

Restricted Access to the Court (Article 19): This article restricts access to the Court to state parties only, and gives member states, *at their discretion*, the option of permitting CSOs to present cases on behalf of individuals. It does not grant individuals the right to access the Court directly; a right that is fundamental to the proper and effective functioning of any court seeking to protect individual rights. This severely hampers the Court's effectiveness, particularly because, as practice shows, states rarely employ complaints mechanisms against each other in human rights-related issues.

The Court's Subject-matter Jurisdiction (Article 16): The Statute provides for the possibility of the Court developing interpretations of the Arab Charter or other Arab League human rights treaties. Firstly, it is not clear which these other human rights treaties the Court will have jurisdiction over; for example, it is not clear whether the Arab Convention on Suppression of Terror, the Arab Refugee Convention or the Arab Labor Conventions will be included in its jurisdiction. The Statute does not state clearly that the Court must apply its subject-matter jurisdiction in line with Arab states' existing obligations under international law. In the first instance the Arab Charter on Human Rights must be adjusted to meet international human rights standards.

Selection of Judges and the Independence of the Court (Articles 5, 6, 7, 8, 15): The Statute must ensure that the judges selected have a high degree of credibility, expertise and integrity necessary to undertake the duties of a judge in a human rights court. The Statute must also provide guarantees of fair and equal representation among the judges in terms of gender, nationality and differing legal systems. This can be attained through the adoption of fair and transparent nomination and appointment procedures, and through clarifying the selection criteria for judges and conditions of serving in the Court, including tenure and removal procedures in line with international standards.

Exhaustion of Domestic Remedies (Article 18): This article requires that domestic remedies be exhausted before the Arab Court can examine a case. This provision should not be so restrictive as to unjustifiably inhibit victims of human rights abuses from accessing the Court. The Court should have the flexibility to decide on the admissibility of cases, and examine the degree to which local mechanisms and remedies are effective in ensuring maximum protection of human rights.

Given these concerns, the question of civil society engagement with the Arab Court of Human Rights—when and if it comes into effect—remains open.

THE CREATION OF THE ARAB COURT OF HUMAN RIGHTS: A TIMELINE

2012 15 JANUARY: The Kingdom of Bahrain submits a proposal to the Council of Ministers of Foreign Affairs, on the creation of an Arab Court of Human Rights.⁵⁹

10 MARCH: The Council welcomes the proposal, and requires the Arab League General Secretariat to prepare a study on the creation of the Court with the assistance of Arab legal experts. It also requires that they circulate the study to member states in preparation for a conference to be held in Manama on the creation of the Court.⁶⁰

2013 25-26 FEBRUARY: A conference of member states on the creation of the Arab Court of Human Rights takes place, where the Arab League General Secretariat presents its findings.⁶¹

26 MARCH: The Arab League Doha Summit approves the creation of an Arab Court of Human Rights, and assigns a high-level committee of legal experts to develop the draft Statute of the Court.⁶²

1 SEPTEMBER: The Council of Ministers of Foreign Affairs approves the Kingdom of Bahrain's request⁶³ to host the Arab Court of Human Rights.⁶⁴ It also affirms the Summit's decision on forming a high-level committee and requests that the committee continues with the development of the Statute and presents it to the Council at its next meeting.⁶⁵

2014 9 MARCH: The Council of Ministers of Foreign Affairs notes the progress made by the high-level committee and requests that it finalizes the draft Statute for approval at the Kuwait Summit.⁶⁶

59 The Delegation of the Kingdom of Bahrain, Memorandum No. 38, 15 January 2012-mentioned in the Council of Ministers of Foreign Affairs, Decision No. 7489, 10 March 2012.

60 The Council of Ministers of Foreign Affairs, Decision No. 7489, 10 March 2012.

61 Doha Summit, Decision No. 573, 26 March 2013.

62 Ibid.

63 The Delegation of the Kingdom of Bahrain, Memorandum No. 455, 26 June 2013.

64 The Council of Ministers of Foreign Affairs, Decision No. 7656, 1 September 2013.

65 The Council of Ministers of Foreign Affairs, Decision No. 7655, 1 September 2013.

66 The Council of Ministers of Foreign Affairs, Decision No. 7726, 9 March 2014.

2014 20 MARCH: A policy paper is prepared by the International Commission of Jurists (ICJ) and the International Federation for Human Rights (FIDH), supported by 14 other national, regional and international organizations, detailing concerns around the draft Statute, and requesting that the submission of the Statute for approval be halted until these issues are remedied.⁶⁷

26 MARCH: The Kuwait Summit approves the draft Statute for the Arab Court of Human Rights ‘in principle,’ and requests that the Secretary General follow up on the matter.⁶⁸

20–26 MAY: The Arab League holds two conferences in Cairo and Bahrain, with civil society participation. At the Bahrain meeting, a version of the Statute is distributed among participants, with the declared intention of allowing discussion and input from CSOs. However, at the opening of both meetings, the Arab League’s Secretary General announces that the expert committee has finalized its work on the draft Statute.⁶⁹

1–4 SEPTEMBER: Representatives of the Open Society Foundations—Arab Regional Office, the International Commission of Jurists, the International Federation for Human Rights and Al-Haq head to Cairo prior to the Council of Ministers of Foreign Affairs’ session to speak with Arab League officials and member states’ government delegations in an attempt to convince them to delay the adoption of the Statute and to open discussions on it with CSOs with relevant expertise. During this intervention, the CSO representatives discover not only that a final Statute had been adopted even before the Bahrain meeting, but also that this final version was different from the document that had been distributed in Bahrain, supposedly ‘for consultation’.

7 SEPTEMBER: The Council of Ministers of Foreign Affairs approves with finality the draft Statute of the Arab Court of Human Rights, and its funding by member states.⁷⁰

4 NOVEMBER: The Arab League website announces the opening of the Statute for ratification.⁷¹

67 “*Proposed Arab Court of Human Rights: Rewind the process and get it right*”, policy paper, 20 March 2014, available at: [https://www.fidh.org/IMG/pdf/20140320_arab_ct_pp_en.pdf].

68 Kuwait Summit, Decision No. 593, 26 March 2014.

69 “*Proposed Arab Court of Human Rights: an empty vessel without substantial changes to the draft statute*”, 6 June 2014. See also, “*Letter to Ministers of Foreign Affairs of member states to the League of Arab States, Re: Ministerial Council Meeting and the adoption of the draft Statute of the Arab Court of Human Rights*”, 31 August 2014.

70 The Council of Ministers of Foreign Affairs, Decision No. 7790, 7 September 2014.

71 The League of Arab States, press release, 4 November 2014.

The Arab League General Secretariat

The General Secretariat is the Arab League's executive body, responsible for implementing the resolutions and plans adopted by the Council of Ministers of Foreign Affairs and the specialized ministerial councils. It organizes the activities of the specialized committees and other institutions and services the technical committees. Its various departments and units carry out a large number of initiatives in line with the general policies and decisions of Arab League bodies.

The General Secretariat is composed of the following main bodies:

- Cabinet of the Secretary General;
- International Political Affairs Sector;
- Economic Sector;
- Legal Affairs Sector;
- Social Affairs Sector;
- National Security Sector;
- Palestine and Occupied Arab Territories Sector;
- Media and Communications Sector;
- Financial and Administrative Auditing Sector; and
- Human Resources Sector.

The General Secretariat is headed by the Secretary General, who is appointed by the Council of Ministers of Foreign Affairs for five years, subject to one renewal. The Secretary General's office includes departments for Arab Relations and Internal Security. The Secretary General has a Deputy Secretary General who oversees the Human Rights Department, and the secretariats of the Council of Ministers of Foreign Affairs, the Arab ECOSOC, and Election Affairs.



The Arab League General Secretariat does not limit its contacts and engagement to those organizations that have specific observer status with its bodies. Any organization should be able to address the General Secretariat and its bodies.

The Arab League General Secretariat's headquarters are in Cairo. Some ministerial councils have their secretariats in other countries (Tunisia, for example). In addition, the General Secretariat maintains missions in various major cities, including New York, London, Beijing, Brussels, and Washington DC.

For the structure of the Arab League General Secretariat and contacts for its main bodies, see Annexes 1 and 2.

The Decision-making Process in the Arab League

The quorum for meetings of the Council (at all levels), the ministerial councils and the Arab ECOSOC is two-thirds.

From the outset, the Arab League's decision-making process has been a major hindrance to its work. Before amendments, Article 7 of the original League Charter provided that decisions that are reached by unanimity are binding on all members, while decisions that are reached by majority are binding only on the states that accepted the decisions. This was changed in 2005 to provide that if unanimity cannot be reached, the following procedure is to be followed:⁷²

- the decision is delayed until the next session;
- if the matter is urgent, a special session is held within one month;
- if it is not possible to achieve unanimity in the next session, a two-thirds majority of the attending states is required for the vote to pass on substantive matters, and a simple majority is adequate for voting on other matters. The amendment removed the proviso that decisions are binding only on those who voted for them.

CIVIL SOCIETY ENGAGEMENT WITH THE ARAB LEAGUE GENERAL SECRETARIAT

The Arab League General Secretariat does not limit its contacts and engagement to those organizations that have specific observer status with its bodies. Any organization should be able to address the General Secretariat and its bodies.

The General Secretariat is responsible for organizing sessions of the Arab League's inter-governmental bodies, for example those of the Arab Permanent Committee on Human Rights, the various ministerial councils, and Arab ECOSOC sessions. These are normally accessible only to organizations that have observer status with that particular body. However, it is important to note that the Arab Human Rights Committee, which oversees the Arab Charter of Human Rights, does not limit its interaction to CSOs with Arab League observer status.

The General Secretariat often convenes other meetings and consultations, to which it is able to invite any CSOs or experts.

72 | Algeria Summit, Decision No. 290, 23 March 2005.

Political matters which require a two-thirds majority include issues related to peace, security, sovereignty, national integrity of Arab countries; conflict resolution between Arab countries; issues related to Arab high-level policy strategies; and issues related to boycotts in connection with Arab or foreign countries.⁷³

The current Article 6 of the League Charter also provides that the Council of Ministers of Foreign Affairs, by unanimous decision, determines the measures necessary in the event of aggression. If unanimity proves to be impossible, the decision is to be adopted by a two-thirds majority of members present and voting. If the aggressor is a member state, its vote is not to be counted in determining the majority.

The Council of Ministers of Foreign Affairs takes decisions by majority on procedural matters, including approving the budget and adopting the internal regulations of the Council of Ministers and other bodies.

The Council of Ministers of Foreign Affairs may take decisions by unanimity on dismissing a state from membership of the Arab League, if it is not carrying out its responsibilities.

A two-thirds majority is required for amending the Arab League Charter.

The Arab League's Specialized Organizations

A guide issued by the Arab League General Secretariat lists the specialized organizations.

It should be noted that there is some discussion in the Council of Ministers of Foreign Affairs on the status of the Arab Women Organization and its position in the Arab League's structure.

The guide also lists the Secretariat of the Council of Ministers of the Interior. This is because this Council has oversight of a number of organizations (see 'The Council of Ministers of the Interior', below).

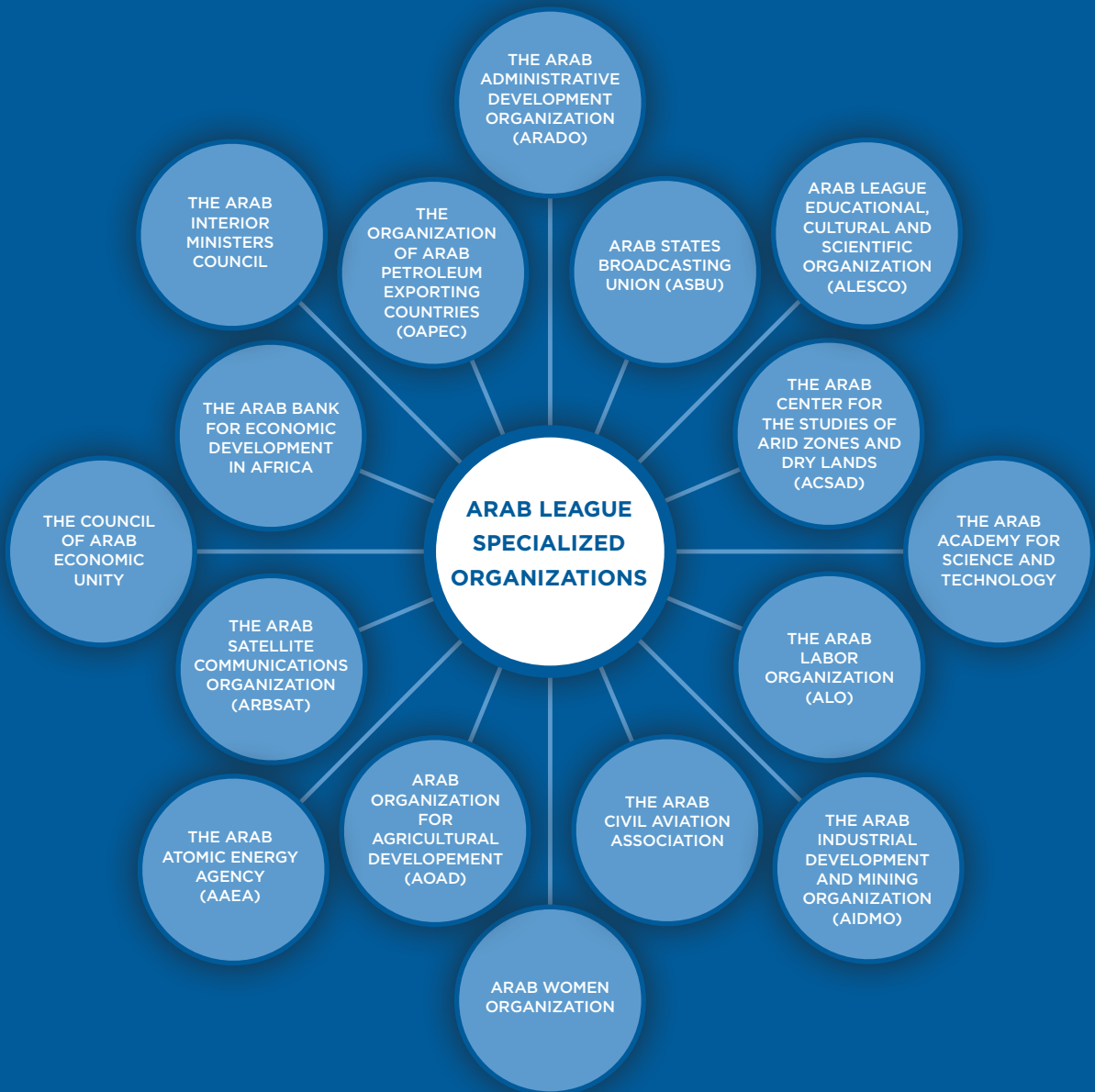
The Arab League has also established several expert technical bodies, which coordinate the efforts of Arab states in their area of specialization. The following are the most relevant in the field of human rights.

The Arab League Educational, Cultural and Scientific Organization (ALESCO) was established by the Arab League Council in 1964.

Its General Assembly, composed mostly of member states' Ministers of Education, meets every two years. The General Assembly elects an Executive Committee formed of members. ALESCO has a technical secretariat based in Tunisia. ALESCO

73 Tunisia Summit, Decision No. 330, 29 March 2006.

ARAB LEAGUE SPECIALIZED ORGANIZATIONS



works to promote education and culture in Arab countries, including producing strategic plans (the latest is for 2011–2016); and developing the education sector by proposing educational curricula, plans for reducing literacy, and publishing manuals and guides in the field of education. It also has teacher-training programs. It focuses on bridging the information, education, and digital gap between Arab states and developed countries. It publishes an annual report on the situation of education in Arab countries, available on its website.⁷⁴

The Arab Labor Organization (ALO) was established by a decision of the Council of Ministers of Labor and the Council of Ministers of Social Welfare in 1965. Its Statute was approved by the Council of Ministers of Foreign Affairs in the same year. Its General Council, the Arab Labor Congress, meets every year in March. It is the highest decision-making body of the organization. The Congress's role is to negotiate and adopt Arab labor conventions and decisions, and discuss the report of its Secretary General as well as reports of its various committees. It also appoints the ALO Secretary General. Congress delegations are made up of four members from each country: two from the government, one representing employers, and one representing workers. They each can bring a number of advisors. ALO has an Executive Council which meets twice a year in May and October. It has a technical secretariat known as the Arab Labor Office.

The organization aims to coordinate efforts in relation to work and labor regionally and internationally; protect trade union rights and freedoms; provide technical support on labor-related issues to the three parties (workers, employers, states); develop and unify labor laws and related standards in Arab countries; advance working conditions through better health and safety measures, and better social services for workers; widen the social insurance net to include workers in various fields; codify minimum wages for workers in a way that is commensurate with the economic situation and the cost of living; develop work relations; and provide better protection for women and child workers.

ALO, like the International Labor Organization, adopts labor standards that are negotiated by the three parties. ALO's Secretary General normally submits an annual report to the Arab Labor Congress in which thematic issues are discussed. It has a Committee of Legal Experts responsible for overseeing the implementation of Conventions and Recommendations, and another Committee on Trade Union Rights. They submit their reports to the Arab Labor Congress after reviewing states' reports. There is also a committee on women at work, which considers and reports on the situation of women, working conditions, and types of employment.

74 For more information on ALESCO, visit [www.alecso.org.tn].

There is a Memorandum of Understanding between ALO and the International Labor Organization to facilitate and strengthen collaboration between the two on matters of common interest to their respective member countries.

Its headquarters are in Cairo, Egypt. Additionally, ALO runs a number of institutes including an Institute for Labor Education, based in Algeria.⁷⁵

The General Secretariat of the Council of Ministers of the Interior

was established in 1982 by a decision of the Council of Ministers of Foreign Affairs. Its headquarters is in Tunis, Tunisia. While the Secretariat of the Council of Ministers of the Interior is itself not a specialized organization, six organizations, which are considered Arab specialized organizations, fall underneath it. They include the Arab Office for Crime Prevention, the Arab Office for Criminal Policing, Naif Arab University for Security Sciences, and the Arab Office on Drugs. The Council draws up policies, plans and strategies for cooperation between Arab states in the field of security. The Council of Ministers of the Interior adopts decisions which are implemented through these organizations, for example, the work of the Arab League in relation to combating terrorism.

The Arab Women Organization was established in 2001. The highest body of the organization is the Supreme Council made up of First Ladies of Arab countries, or their

ARAB LABOR CONVENTIONS

As of January 2015, there are 19 Arab Labor Conventions. The main Conventions deal with the following issues (some conventions update or amend previous ones):

- labor standards
- movement of workers
- minimum social insurance
- women workers
- health and safety
- trade union rights and freedoms
- vocational training
- paid study leave
- collective bargaining
- agricultural workers
- work environment
- social insurance for Arab workers working in another Arab country
- wage protection
- social insurance
- employment of disabled people
- child labor
- labor inspection.

⁷⁵ For more information on the Arab Labor Organization, visit [www.alolabor.org].

representatives. It meets once every two years. It aims to advance the status of women in Arab countries. The Executive Council consists of representatives from member states specializing in women's issues. It meets in regular annual sessions and other irregular sessions. The Arab Women Organization focuses on collecting and disseminating data on the status of women; following up on relevant developments in the international arena; developing model programs for the advancement of women in Arab countries; cooperating with relevant governmental and non-governmental organizations; organizing seminars and workshops to coordinate joint Arab action regarding women's issues; and conducting research on the status and role of women in Arab countries. According to its website, the organization focuses on the following areas:

- Education: especially eradication of female illiteracy.
- Health and Environment: especially strengthening healthcare and promoting women's awareness of environmental hazards.
- Media: especially changing the negative image of Arab women.
- Social Development: especially promoting gender awareness in strategic and action planning.
- Economy: especially poverty alleviation for women.
- Politics: especially enhancing women's political participation.
- Legal Sphere: especially amending laws discriminating against women or preventing them from undertaking an active role in society.

The Arab Women Organization develops its work through conferences. The latest Fourth Conference, held in 2013, focused on the issue of women's entrepreneurship and leadership, with the aim of enhancing women's economic participation. The Third Conference, held in 2010, focused on women as equal partners in sustainable development and setting an Arab vision for what is needed to bring this about.⁷⁶

76 For more information on the Arab Women Organization, visit [<http://english.arabwomenorg.com>].

NORMS AND STANDARDS ON SELECTED HUMAN RIGHTS



THE ARAB LEAGUE AND HUMAN RIGHTS

The 2004 Arab Charter on Human Rights is the main Arab League treaty in the field of human rights. An original Charter was adopted in 1994 but never entered into force. It was widely criticized for falling below international standards.

A process of redrafting the Charter was initiated as part of modernizing the Arab League. This marked a new milestone in the way the Arab League deals with civil society and drafts treaties—at one stage, experts were entrusted with the task of producing a draft for consideration by the Arab Permanent Committee on Human Rights and then the Council of Ministers of Foreign Affairs.

The draft prepared by the Committee of Experts was presented to the Arab Permanent Committee on Human Rights for adoption and referral to the Council. However, the Arab Permanent Committee made fundamental changes to the Committee of Experts' draft, rendering the document much weaker and, in some important instances, in conflict with international law and lacking important guarantees. Nevertheless, the Permanent Committee kept some very important provisions, which, despite its many shortcomings, makes the 2004 version of the Charter a leap forwards in terms of the League's recognition of human rights. The Arab Charter on Human Rights was adopted by the Summit in Tunisia in 2004. After seven ratifications, the Charter entered into force in 2008.

CIVIL SOCIETY ENGAGEMENT: DRAFTING THE ARAB CHARTER ON HUMAN RIGHTS

An earlier Memorandum of Understanding between the Arab League and the UN Office of the High Commissioner for Human Rights (OHCHR) was used by OHCHR and CSOs to convince the Arab League to appoint a committee of independent experts to review the provisions of the 1994 version of the Charter. As a result, a Committee of Experts was set up, formed of Arab members of UN expert human rights mechanisms. The Committee relied in the redrafting on international human rights law and standards as well as regional instruments; studies and suggestions by its members in their own areas of expertise; and oral and written interventions by national, regional and international CSOs. The Committee's final draft was widely welcomed by civil society in the region.

BRIEF REVIEW OF THE ARAB CHARTER ON HUMAN RIGHTS⁷⁷

The Arab Charter on Human Rights includes civil, political, economic, social and cultural rights in one treaty.

The Charter undoubtedly has some strengths. Article 1 emphasizes the importance of human rights, including the principle that “all human rights are universal, indivisible, interdependent and interrelated” (Article 1(4)). It recognizes the rights to health, education, and fair trial, the prohibition of torture and ill treatment, the independence of the judiciary, the right to liberty and security of person, equality before the law, courts and tribunals. Other political rights include the right to political participation, including the right to take part in the conduct of public affairs.

However, the Charter does not prohibit cruel, inhuman, or degrading punishments, nor does it recognize the rights of non-citizens in many areas, for example health and education, as it limits many rights to citizens (unlike international and other regional treaties which recognize most rights to everyone under the jurisdiction of the state). For example, free primary education is recognized as a right for citizens but not for everyone within the state’s jurisdiction.

One example where the Charter is in clear conflict with international law is in relation to freedom of thought, conscience, and religion whereby, according to Article 30(1) “no restrictions may be imposed on the exercise of such freedoms except as provided for by law”. International law, on the other hand, allows for restrictions only on the manifestation aspect of a religion, thought, conscience or belief, not on the freedom to hold an opinion, religion or belief. This is reflected separately in Article 30(2) of the Arab Charter.

Moreover, the Charter leaves the regulation of many important rights to national legislation, making the Charter in conflict with international law in further instances. For example, the Charter permits the imposition of the death penalty against children below the age of 18 if national law allows it, “[s]entence of death shall not be imposed on persons under 18 years of age, unless otherwise stipulated in the laws in force at the time of the commission of the crime”. International and other regional law prohibits the imposition of the death penalty on children under the age of 18 at the time of commission of the act in all circumstances.

Despite the Charter’s shortcomings, it should be highlighted that Article 43 provides:

Nothing in this Charter may be construed or interpreted as impairing the rights and freedoms protected by the domestic laws of the States parties or those set forth in the international and regional human rights instruments which the states parties have adopted or ratified, including the rights of women, the rights of the child and the rights of persons belonging to minorities.

⁷⁷ For further review of the Arab Charter on Human Rights, see, for example, Mervat Rishmawi: “*The Revised Arab Charter on Human Rights: A Step Forward?*”, Human Rights Law Review (2005). The English version of the Charter can be found at League of Arab States, Arab Charter on Human Rights, 22 May 2004, reprinted in 12 Int’l Hum. Rts. Rep. 893 (2005), entered into force 15 March 2008, available at: [<https://www1.umn.edu/humanrts/instree/loas2005.html>].

RATIFICATION OF THE ARAB CHARTER ON HUMAN RIGHTS (JANUARY 2015)

The Arab Charter entered into force on 16 March 2008, two months after seven Arab states had ratified it. By January 2015, 14 states—more than half of the Arab League members—had ratified it.

These are (according to date of ratification):

Jordan (October 2004); Algeria (June 2006); Bahrain (June 2006); Libya (August 2006); Syria (February 2007); Palestine (November 2007); United Arab Emirates (January 2008); Yemen (November 2008); Qatar (January 2009); Saudi Arabia (April 2009); Lebanon (May 2011); Iraq (April 2013); Sudan (May 2013); and Kuwait (September 2013).

Unlike other regional standards, the Arab Charter on Human Rights does not have individual or collective complaint mechanisms.

In a statement on the fourth anniversary of Arab Human Rights Day on March 2012, the Secretary General of the Arab League recognized that the Arab Charter on Human Rights fell short of international human rights standards, and that revising it had become a pressing requirement that could not be overlooked.

For information about the Arab Human Rights Committee, the body of experts that oversees the implementation of the Arab Charter on Human Rights, and the relations of the Committee with civil society, see 'The Arab Committee on Human Rights', above.

16 March of every year
is the Arab Human Rights Day.
It marks the entry into force of the
Arab Charter on Human Rights.

CASE STUDY: CIHRS'S ENGAGEMENT ON THE AMENDEMENT OF THE ARAB CHARTER ON HUMAN RIGHTS

This case study illustrates the involvement of civil society in the Charter amendment process in 2003. When the Cairo Institute for Human Rights Studies (CIHRS) engaged in redrafting the Charter, not only did it object to the Charter's non-compliance with international human rights standards, but it also jump-started collective efforts with other Arab regional organizations towards incorporating the necessary amendments into it.

In April 1999, as part of a conference organized by CIHRS in Casablanca, about 40 Arab human rights organizations came together to call upon the Arab League to set up a joint expert commission with human rights organizations to draft a new human rights charter. CIHRS and other Arab organizations have continued to call for the reform of the Charter over the years. An opportunity to contribute to amending the Charter was presented in 2003 when the League finally called for its revision (see above). At the same time, CIHRS organized a conference in Beirut, one of a number of such conferences where civil society called for reform of the Charter. The Conference hosted Arab League representatives, Arab government experts, 36 Arab organizations, 11 international organizations and a number of Arab academics and intellectuals. Its closing declaration, the 'Beirut declaration for regional protection of human rights in the Arab world', warned that Arab governments' plans might improve the Charter somewhat but would not fully amend it in line with international human rights standards. The declaration also included 27 detailed recommendations concerning the principles, standards, guarantees and mechanisms that should govern the preparation of a human rights convention in the Arab world. Governments responded to only one of these recommendations: making use of a Memorandum of Understanding with OHCHR (see above) to initiate a process for re-drafting the Arab Charter on Human Rights. According to OHCHR, if this recommendation had not been presented by civil society, the committee of experts would not have existed.⁷⁸

As a result, the League requested technical assistance from the United Nations. An expert committee was assigned, which produced a draft of the

78 CIHRS: "Which Arab Charter on Human Rights", 23 December 2003, available at: [<http://www.cihrs.org/?p=4868&lang=en>].

Charter in collaboration with CSOs. CIHRS and others issued statements supporting this draft and calling on Arab League member states to adopt and ratify it.⁷⁹

While the Arab League has not adopted this version, CIHRS has continued to advocate for the need for meaningful reform to the Charter so that it is in conformity with international law.

This case study highlights several important points. The first is the consistent position that civil society presented on reform of the Arab Charter on Human Rights, which is necessary in any long-term engagement process. The second is that coordination and partnership with international human rights bodies helped facilitate certain aspects of reform, including the introduction of improved standards. The experience of international and other regional mechanisms can provide good examples to regional mechanisms undergoing reform. Further, the coordination between international, regional and national organizations has created a powerful collective voice that was important in influencing the process. It is clear that the support of civil society for such partnerships between the Arab League and inter-governmental organizations, as well as CSOs, is essential.⁸⁰

79 CIHRS: “CIHRS Calls the League of Arab States to Adopt the UN Draft Arab Chapter for Human Rights without any Amendments—the Draft is Considered a Victory to Civil Society and to Reform trends within the League”, 5 January 2004, available at: [<http://www.cihrs.org/?p=5742&lang=en>].

80 For further information, see CIHRS: “*No Protection for Anyone: The Role of the Arab League in Protecting Human Rights*”, second edition, February 2014, available at: [<http://www.cihrs.org/?p=8023&lang=en>].

The Arab League's Position on the Universality of Human Rights

The preamble of the Arab Charter on Human Rights affirms the belief in “the sovereignty of the law and its contribution to the protection of universal and interrelated human rights and convinced that the human person’s enjoyment of freedom, justice and equality of opportunity is a fundamental measure of the value of any society”.⁸¹ Article 1(4) of the Charter proclaims that one of its aims is to “entrench the principle that all human rights are universal, indivisible, interdependent and interrelated”.⁸²

However, other Arab League documents—mostly those adopted earlier—seem to question the universality of human rights. In 1998, the Arab Permanent Committee on Human Rights elaborated what it called “Guidelines on the Universality of Human Rights”.⁸³ The Guidelines affirm religious and cultural specificity as well as state sovereignty. This position is often reflected in the engagement of Arab states in international fora.



The Guidelines affirm the following:

- the importance of considering the religious, cultural and social specificity of Arab countries as contributions to the universality of human rights;
- that cultural specificity should not mean cultural alienation and shutting oneself away from other civilizations;
- that human rights should not be used as a pretext for interference in internal affairs;
- the need for reaching an Arab understanding of human rights that is based on the concepts and principles of Islam;
- that freedom of expression should be respected in a way that does not contradict Islamic Shari’a;
- the right of states to enter reservations to international treaties.

It should be noted that the Arab League’s Charter itself does not refer to Islam or Islamic Shari’a. However, many of its documents, including human rights standards, refer to Islam as guidance. For example, the preamble of the Arab

81 League of Arab States, Arab Charter on Human Rights, 22 May 2004, reprinted in 12 Int’l Hum. Rts. Rep. 893 (2005), entered into force 15 March 2008, available at: [<https://www1.umn.edu/humanrts/instree/loas2005.html>].

82 Ibid.

83 Adopted under item 1 by the Arab Permanent Committee on Human Rights, Council of Ministers of Foreign Affairs, 23–24 February 1998.

DESPITE THE CHARTER'S SHORTCOMINGS, IT SHOULD BE HIGHLIGHTED THAT ARTICLE 43 PROVIDES:

Nothing in this Charter may be construed or interpreted as impairing the rights and freedoms protected by the domestic laws of the States parties or those set forth in the international and regional human rights instruments which the states parties have adopted or ratified, including the rights of women, the rights of the child and the rights of persons belonging to minorities.

Charter on Human Rights provides that member states adopt the Charter “[i]n furtherance of the eternal principles of fraternity, equality and tolerance among human beings consecrated by the noble Islamic religion”, and also “having regard to the Cairo Declaration on Human Rights in Islam”.⁸⁴

At the same time, it should be stressed that Arab states have widely ratified international human rights treaties, although often with reservations. The ratification of the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are included here as illustrations. In addition, it should be noted that all Arab states have ratified the UN Convention on the Rights of the Child (CRC). However, as discussed earlier, some provisions of the Arab Charter on Human Rights are in clear contradiction with the two Covenants and the CRC.

The 2004 Arab Charter on Human Rights combines provisions that are consistent with international law with others that violate it, as well as omitting important rights and guarantees in international law. This puts the obligations of Arab states under the Charter in conflict with their obligations under international treaties—obligations that these same states have accepted voluntarily.

⁸⁴ League of Arab States, Arab Charter on Human Rights, 22 May 2004, reprinted in 12 Int'l Hum. Rts. Rep. 893 (2005), entered into force 15 March 2008, available at: [<https://www1.umn.edu/humanrts/instreet/loas2005.html>].

RATIFICATION BY ARAB STATES OF THE TWO COVENANTS AND THE ARAB CHARTER ON HUMAN RIGHTS

Country	International Covenant on Civil and Political Rights	International Covenant on Economic, Social, and Cultural Rights	Arab Charter on Human Rights
Algeria	Yes	Yes	Yes
Bahrain	Yes	Yes	Yes
Comoros	No	No	No
Djibouti	Yes	Yes	No
Egypt	Yes	Yes	No
Iraq	Yes	Yes	Yes
Jordan	Yes	Yes	Yes
Kuwait	Yes	Yes	Yes
Lebanon	Yes	Yes	Yes
Libya	Yes	Yes	Yes
Mauritania	Yes	Yes	No
Morocco	Yes	Yes	No
Oman	No	No	No
Palestine	Yes	Yes	Yes
Qatar	No	No	Yes
Saudi Arabia	No	No	Yes
Somalia	Yes	Yes	No
Sudan	Yes	Yes	Yes
Syria	Yes	Yes	Yes
Tunisia	Yes	Yes	No
United Arab Emirates	No	No	Yes
Yemen	Yes	Yes	Yes

However, it should be noted that ratification of international treaties has been coupled with wide reservations on many of their provisions. Some of these reservations are not specific to a particular article, generally on the pretext of a conflict with national law or Islamic Shari'a. A review of such reservations shows that not all Arab states have similar positions on various human rights.

Reservations that Arab states have entered to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), for example, are a good illustration of this. Several countries that have ratified the treaty have made declarations or reservations with the aim of excluding or diminishing the domestic applicability of CEDAW's provisions. An analysis of these reservations shows that it is mainly six articles that have been subject to reservations or declarations. Three articles—Articles 2, 9, and 16 (in part or as a whole)—have attracted most of these reservations. Bahrain, Egypt, Libya, and Morocco have entered reservations or made declarations to Article 2 (adoption of policy measures) based on Shari'a. Reservations or declarations to Article 16 (marriage and family life) were entered by Bahrain, Egypt, Iraq, Kuwait, Libya, Morocco, and Syria, while Saudi Arabia entered a general reservation covering any unspecified discrepancies between Islamic Shari'a and CEDAW. However, not all states in the region have entered reservations to Articles 2 and 16 based on conflict with Shari'a—Tunisia has withdrawn its own reservation—which confirms that there is no consistent approach among states in relation to human rights issues and how they are compatible with Shari'a—otherwise consistent similar reservations would have been entered by all Arab and Islamic states to the same provisions.

This reflects the lack of consistency among Arab states on some fundamental issues related to the universality of rights—for example as reflected in their positions on the rights of women.⁸⁵

The Position of the Arab League and Arab States on the Death Penalty

There is no specific Arab League policy on the death penalty; its standards on it are reflected in the Arab Charter on Human Rights. However, this is an area of the Charter that needs serious revision, as it does not meet the requirements of international human rights law, and specifically, on the death penalty in relation to children. Article 7 provides “Sentence of death shall not be imposed on persons under 18 years of age, unless otherwise stipulated in the laws in force at the time of the commission of the crime”⁸⁶. This is totally inconsistent with the CRC (ratified by all Arab states),⁸⁷ and

85 For further information, see Amnesty International: “*Reservations to the Convention on the Elimination of All Forms of Discrimination against Women—Weakening the protection of women from violence in the Middle East and North Africa region*”, Index number: IOR 51/009/2004, 3 November 2004.

86 League of Arab States, Arab Charter on Human Rights, 22 May 2004, reprinted in 12 Int'l Hum. Rts. Rep. 893 (2005), entered into force 15 March 2008, available at: [<https://www1.umn.edu/humanrts/instree/loas2005.html>].

87 In January 2015 Somalia announced its ratification of the CRC; however as of May 2015 it has not deposited the instrument of ratification with the UN. Palestine ratified the CRC in 2014. See Annex 3 for list of ratifications.

Arab states do not have a unified position on the death penalty. A trend shows an increased practice towards not implementing death sentences. At the same time, an alarming number of death sentences are increasingly being imposed on the pretext of combating terrorism in a few countries.

the ICCPR, which prohibit the imposition of the death penalty against persons below the age of 18 at the time of the commission of the crime. Further, Article 6 of the Arab Charter limits the imposition of the death penalty to the most serious crimes, which is consistent with international law. However, derogation from these provisions during states of emergency is permissible in accordance with Article 4 of the Charter, which is inconsistent with international law. This, in effect, makes it possible to impose the death penalty on crimes other than the most serious during emergencies.

The vast majority of Arab states still have the death penalty in the law, and the courts impose death sentences. However, the death penalty is not imposed for the same crimes across Arab countries. In some countries, it is imposed for crimes beyond the most serious crimes threshold required by international law (see Article 6 of the ICCPR).⁸⁸ Further, a number of countries have a declared moratorium. In 2014, Algeria, Bahrain, Kuwait, Lebanon, Libya, Morocco, Qatar and Tunisia imposed death sentences, but did not carry out executions. Djibouti is the only Arab country that has abolished the death penalty for all crimes in the law. Algeria, Mauritania, Morocco, and Tunisia retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice as they have not executed anyone during the last 10 years and are believed to have a policy or established practice of not carrying out executions. Despite this positive trend, an alarming and increasing number of death sentences have been imposed in the last few years, in the vast majority of cases after unfair trials and in very large numbers—mainly on the pretext of charges related to combating terrorism.⁸⁹

Voting of Arab states on the UN General Assembly Resolution 69/186,⁹⁰ adopted on 18 December 2014, reflects further inconsistency in the position of Arab states on the death penalty. However, the trend is generally encouraging. The following table shows the changes in Arab states' votes on the resolution.

88 See Mervat Rishmawi and Talib Al-Saqqaf: *"Abolition of the death penalty in the Arab world: Effective strategies and available mechanisms—A procedural toolkit"*, Penal Reform International, available at: [<http://www.penalreform.org/wp-content/uploads/2013/05/MENA-DP-Toolkit.pdf>].

89 See Amnesty International: *"Death sentences and executions in 2014"*, Index number: ACT 50/0001/2015, 31 March 2015.

90 This is the fifth UN General Assembly resolution on a moratorium on the use of the death penalty. The number of votes in favor of resolution 69/186 increased by six, from 111 in 2012 to 117 in 2014. Voting on this resolution is normally every two years.

PROGRESSION OF ARAB STATES' VOTES ON UN RESOLUTION ON MORATORIUM ON THE DEATH PENALTY

Country	2007	2008	2010 ⁹¹	2014	Observations
Algeria	For co-sponsored resolution	For co-sponsored resolution	For co-sponsored resolution	For co-sponsored resolution	Positive
Bahrain	Against	Abstention	Abstention	Abstention	Positive change
Comoros	Against	Against	Abstention	Abstention	Positive change
Djibouti	Abstention	Abstention	Abstention	Abstention	No change
Egypt	Against	Against	Against	Against	No change
Iraq	Against	Against	Against	Against	No change
Jordan	Against	Abstention	Abstention	Abstention	Positive change
Kuwait	Against	Against	Against	Against	No change
Lebanon	Abstention	Abstention	Abstention	Abstention	No change
Libya	Against	Against	Against	Against	No change
Mauritania	Against	Abstention	Abstention	Abstention	Positive change
Morocco	Abstention	Abstention	Abstention	Abstention	No change
Oman	Against	Abstention	Abstention	Against	Negative change
Palestine	-	-	-	-	-
Qatar	Against	Against	Against	Against	No change
Saudi Arabia	Against	Against	Against	Against	No change
Somalia	Absent	Absent	Absent	For	Positive change
Sudan	Against	Against	Against	Against	No change
Syria	Against	Against	Against	Against	No change
Tunisia	Absent	Absent	Absent	For	Positive change
UAE	Abstention	Abstention	Abstention	Abstention	No change
Yemen	Against	Against	Against	Against	No change

91 There was a resolution in 2012 but the voting on it has not been included in this table.

The Arab League's Position on Freedom of Opinion and Expression

Freedom of expression is closely linked to rights to hold opinions, rights to receive and impart information, and to freedom of conscience and religion. Therefore these rights and freedoms have to be considered together.

Article 30(1) of the Arab Charter on Human Rights recognizes that:

Everyone has the right to freedom of thought, conscience and religion and no restrictions may be imposed on the exercise of such freedoms except as provided for by law.⁹²

Article 32 of the Arab Charter on Human Rights provides:

- 1. The present Charter guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries.**
- 2. Such rights and freedoms shall be exercised in conformity with the fundamental values of society and shall be subject only to such limitations as are required to ensure respect for the rights or reputation of others or the protection of national security, public order and public health or morals.⁹³**

Therefore, unlike international law, the Arab Charter on Human Rights allows for imposing restrictions on the right to hold opinions, and restrictions may also be imposed on the freedom to receive and impart information and ideas. Further, as indicated above, restrictions may be imposed on freedom of religion or belief (see 'Brief Review of the Arab Charter on Human Rights', above).

The Arab Convention on the Suppression of Terrorism is also a threat to the protection of freedom of thought and expression (see 'The Arab League's Position on Combating Terrorism', below).

A further attack on freedom of expression came in February 2008, when the Arab League introduced the Arab Satellite Broadcasting Charter: Principles for Regulating Radio and TV Satellite Transmission in the Arab Region. The document imposes a number of restrictions on broadcasting on the pretext of respect for human dignity and individual privacy, as well as prohibition of material that would incite hatred, violence and terrorism. The problem lies in the fact that these are general principles which may be open to subjective interpretation. The Charter

⁹² League of Arab States, Arab Charter on Human Rights, 22 May 2004, reprinted in 12 Int'l Hum. Rts. Rep. 893 (2005), entered into force 15 March 2008, available at: [<https://www1.umn.edu/humanrts/instrree/loas2005.html>].

⁹³ Ibid.

mirrors a number of provisions currently existing in Arab legislation and which have been used consistently to silence critics of the state.

Finally, Arab states have attempted to weaken international standards in relation to freedom of expression, including attempts to weaken the mandate of the UN Special Rapporteur on Freedom of Opinion and Expression. Arab states have repeatedly attempted to include undefined and broad concepts such as “defamation of religion”, and “respect for traditional values” in resolutions that relate to freedom of expression. In 2012, the Council of Ministers of Justice adopted a model law on preventing defamation of religion in Arab states.⁹⁴ CSOs from the region and beyond have played a central role in exposing and combating such negative attempts. Iraq reintroduced the discussion on the need for the Arab League to adopt standards on defamation of religion. This was discussed in the Arab Permanent Committee on Human Rights. Decision on this was postponed.⁹⁵

The Arab League’s Position on the ICC

The International Criminal Court (ICC) has been involved in the Arab region around two main incidents, and the Arab League closely followed and engaged with the ICC on both occasions. As can be seen below, the position of the League vis-à-vis the Court has not been consistent and oscillates between support and resistance depending on the context.

SUDAN

The ICC Prosecutor issued an arrest warrant against the Sudanese President Omar Al-Bashir pursuant to a UN Security Council Resolution referring the case of Darfur to the ICC. The League reacted strongly towards this arrest warrant through many of its bodies, including the Summit, and adopted several resolutions. The resolutions rejected the decision, stressed the unity of Sudan and claimed that the decision of the UN Security Council with regard to Darfur violated the UN Charter, and that the decision of the ICC Prosecutor also violated the principle of state sovereignty. The Arab League stressed that the decision to issue an arrest warrant against a functioning head of state was a dangerous precedent that violated the Vienna Convention on Diplomatic Relations (1961), and principles of international customary law; and requested member states to reconsider their position regarding the ICC. In March 2015, the Council of Ministers of Foreign Affairs requested that the Secretary General of the Arab League coordinate the League and the African Union to stop the ICC proceedings against Al-Bashir under the ambit of supporting peace and development in Sudan.⁹⁶

94 The Council of Ministers of Justice, Decision No. 2967, November 2013.

95 Session 37, Agenda item 8 of the Arab Permanent Committee on Human Rights. The report of this session is included in Resolution 7901, 9 March 2015, of the Council of Ministers of Foreign Affairs.

96 The Council of Ministers of Foreign Affairs, Decision No. 7876, 9 March 2015.

PALESTINE

On 1 April 2015, Palestine became the 123rd state party to the Rome Statute, the ICC's founding treaty. Prior to this, the ICC Prosecutor had opened a preliminary investigation into possible war crimes committed by Israel in Gaza during the last war. Palestine's decision to accede to the Rome Statute was met with strong support from the League, first in an extraordinary meeting of the Council of Ministers of Foreign Affairs, and then again in its regular meeting in March 2015 where it explicitly welcomed the preliminary investigation and resolved to provide legal and financial support to the state of Palestine in pursuing its case in the ICC.⁹⁷ It also decided on the formation of a legal committee within the League to continue the documentation of settlement expansion and occupation activities, with a view to raising them with the ICJ or ICC.⁹⁸ This decision was reaffirmed in its entirety in the Sharm El-Sheikh Summit of 2015.⁹⁹ Other bodies, for example, the Arab Permanent Committee on Human Rights,¹⁰⁰ and the Arab Parliament,¹⁰¹ also indicated their full support for Palestine in seeking out the ICC.

Jordan, Djibouti, and Comoros were the first Arab states to ratify the Rome Statute of the ICC. Tunisia acceded to the Rome Statute on 24 June 2011, following the revolution, and Palestine became a party in 2015. Algeria, Bahrain, Egypt, Kuwait, Morocco, Oman, Syria, United Arab Emirates, and Yemen are also signatories but have not ratified the Statute.

97 The Council of Ministers of Foreign Affairs, Decision No. 7855, 9 March 2015.

98 The Council of Ministers of Foreign Affairs, Decision No. 7858, 9 March 2015.

99 Sharm El-Sheikh Summit, Decision No. 617, 29 March 2015.

100 The Arab Permanent Committee on Human Rights, 37th Session Report and Recommendations, 15-19 February 2015, as adopted in Decision No. 7901 of the Council of Ministers of Foreign Affairs.

101 Arab Parliament: "*Palestine Joining the ICC*", press release, 1 April 2015.

OTHER INCIDENTS

The lack of consistency in the League's position on the ICC is clear in other incidents. In May 2011, Qatar hosted a conference for the ICC and the Arab League, following recent events in Tunisia and Egypt. The ICC had issued arrest warrants against the previous presidents of Tunisia and Libya, and the Conference issued many statements on the importance of combating impunity and cooperating with the ICC. But at the same time the League also endorsed the Gulf Co-operation Council (GCC)'s proposal, which guaranteed Yemeni President Saleh immunity from prosecution providing he left the country. Then in 2015, both the Council of Ministers of Foreign Affairs¹⁰² and the Summit affirmed its support to the request of Lebanon that the ICC Prosecutor condemn 'terrorism' acts in Iraq, as well as crimes by Israel during the 2014 Gaza conflict.¹⁰³

ARAB LEAGUE MODEL LAWS

The Arab League has a number of model laws, mainly prepared by its legal department and endorsed by its political bodies. One such law is a Model Law on Crimes within the Jurisdiction of the ICC. While some of the provisions are largely consistent with the ICC Rome Statute, others raise concern. For example, Article 3 stipulates that the formulation of what it refers to as "[i]rrelevance of Official Capacity (The person's official rank may not be used as a reason to exempt them from responsibility or mitigate the punishment)" (unofficial translation) is left to national law, pursuant to the legal system of each state. The Model Law also provides that the death penalty may be imposed for crimes within the jurisdiction of the Law, for example in relation to genocide, crimes against humanity, war crimes and crime of aggression (Articles 10-13 of the Model Law). The Rome Statute of the ICC does not allow for the imposition of the death penalty for any crime.

Arab League Standards on Refugees and Non-citizens

One of the main challenges to the way the Arab League deals with human rights is that most of its documents address rights of Arab citizens only, and not all those who are under the jurisdiction of Arab states, as is required in international law. The Arab Charter on Human Rights recognizes many rights to citizens only, as is the case in the right to free and compulsory education, while the CRC and the ICESCR puts an obligation on states to ensure and respect this for all children, not only citizens.

This reflects the challenges that the Arab League faces in relation to dealing with migrants and refugees.

¹⁰² The Council of Ministers of Foreign Affairs, Decision No. 7863, 9 March 2015.

¹⁰³ Sharm El-Sheikh Summit, Decision No. 620, 29 March 2015.

The Arab League has its own refugee convention, the Arab Convention on the Status of Refugees in Arab Countries, adopted in 1994; as well as the Casablanca Protocol on the Treatment of Palestinian Refugees, adopted in 1965. These treaties provide narrower protection than the 1951 UN Convention Relating to the Status of Refugees, for example by having no specific provisions relating to a number of rights, including the right to education and health.

There is no treaty body overseeing the implementation of the Arab Convention on the Status of Refugees—according to Article 15 of the Convention, this is entrusted to the Arab League Secretary General who may request information from states, including on laws, regulations and decisions. The Arab League General Secretariat also includes a department that works on the situation of refugees (see Annex 1 on the structure of the Arab League General Secretariat).

In 2010, the Interim Arab Parliament initiated a revision of the 1994 Arab Refugee Convention.¹⁰⁴ The Arab Parliament adopted a text on 21 March 2012, which it forwarded to the Arab League General Secretariat to enter the cycle of discussion and approval by the relevant League bodies.¹⁰⁵ In June 2012, the Arab Permanent Committee on Human Rights formed a committee of representatives of interested Arab states to study the draft, and continue the redrafting process with the General Secretariat and the Office of the UN High Commissioner for Refugees (UNHCR), the results of which were to be presented to the Permanent Committee for discussion at future sessions.¹⁰⁶ Accordingly, states were asked to comment on the draft through the Arab League’s Human Rights Department. This process has not been open to civil society.

Since then, the Arab League has been engaged in a process of redrafting the Convention in close collaboration with UNHCR.¹⁰⁷

Arab League Standards on Children’s Rights

The main Arab League treaty covering children’s rights is the Charter of the Rights of the Arab Child (1983). It is important to note that the title refers to the rights of the Arab child, rather than being an Arab charter for the rights of all children in Arab countries.

The Charter of the Rights of the Arab Child has been widely criticized for being inconsistent with international law, particularly the CRC. The Committee of Experts of

¹⁰⁴ See Decision of the Interim Arab Parliament No. 166, 19 March 2010.

¹⁰⁵ See Decision of the Arab Parliament No. 356, 21 June 2012. The text adopted by the Parliament, dated July 2009, is appended to the Decision.

¹⁰⁶ See Decision of the Arab Permanent Committee on Human Rights No. 33, 14 June 2012.

¹⁰⁷ “MENA Oral Update for the 56th Meeting of the UNHCR Standing Committee” (5–7 March 2013), delivered by the Director of the Bureau of Middle East and North Africa, Yacoub El-Hillo.

the Arab Permanent Committee on Human Rights looked into updating the treaty in 2009. However, the Arab League General Secretariat recommended instead that states should strengthen their reports to the UN CRC Committee on their implementation of the Convention and Protocols, since at that time all Arab states, except Somalia and Palestine, were parties to the CRC. Both Somalia and Palestine have now ratified it.

At the 2012 Summit, the Arab League adopted the Marrakech Declaration, which affirmed commitment to principles contained in the CRC and its Protocols and adopted tools for advancing the rights of children accordingly. There was no mention of updating the Charter of the Rights of the Arab Child and so it seems this idea has been abandoned.

Seven articles in the Arab Charter on Human Rights discuss various children's social and economic rights. Article 10 protects children from labor and sexual exploitation, including slavery, as well as banning the exploitation of children in armed conflict. The legal rights of children in conflict with the law are included in Article 17, which places an obligation on states to provide a legal system intended for children, that protects the child's dignity and supports the child's ability to be a productive member of society. Article 29 refers to a child's right to nationality; specifically the article provides that states must take measures deemed appropriate in accordance with national law to enable the child to acquire the mother's nationality. A child's religion is discussed in Article 30, stating that the parents and/or guardian have the right to provide moral and religious education to the child. Article 33 outlines protection from domestic violence, stating that the state shall ensure the protection of the family through the prohibition of violence against children in the family unit.

In 2010, the Arab League General Secretariat issued a comparative report that analyzed the UN recommendations to the League on preventing violence against children. The report was prepared by the Department of Women, Family and Childhood, as the Technical Secretariat of the Arab Childhood Committee (ACC), which is the body responsible for delivering the Second Arab Plan of Action for Childhood (2004–2015) and for ensuring that the objectives established in the Arab Family Strategy are met. Child-related plans, strategies, programs and projects all fall under the management of the Arab Childhood Committee.

The Arab Childhood Committee has also been granted the power to implement international and Arab treaties related to child rights that have been ratified by Arab states. All reports and recommendations in respect of child rights are based on findings by the Arab Childhood Committee. Some of its critical activities include submitting regular reports on the status and condition of Arab children and on member states' programs and activities regarding children's rights, as well as considering amendments that might be introduced to member states.

The Arab Childhood Committee also plans activities such as regional conferences, seminars, symposiums, workshops, and training on topics related to family and child issues. For example, the Arab Childhood Committee coordinates the Arab Child Forum held on Arab Children's Day.

The Arab League's Position on Women's Rights

Women's rights in the Arab region is a topic much debated in the region and by the international community, human rights bodies, and CSOs.

Article 3 of the Arab Charter on Human Rights states the following on equality between men and women:

Men and women are equal in respect of human dignity, rights and obligations within the framework of the positive discrimination established in favour of women by the Islamic Shariah, other divine laws and by applicable laws and legal instruments. Accordingly, each State party pledges to take all the requisite measures to guarantee equal opportunities and effective equality between men and women in the enjoyment of all the rights set out in this Charter.¹⁰⁸

A critical aspect of the Article is that it structures the equality of men and women in terms of Islam, as well as giving the state the power to regulate this relationship through state laws.

Article 7 prohibits the enforcement of the death penalty against pregnant or breastfeeding women. Article 29 recognizes the right of the child to obtain the nationality of the mother. Article 33 regulates women's rights to marry according to the conditions and principles of marriage, and necessitates the consent of both parties. It also recognizes women's right to protection from familial violence. Article 34 provides for the protection of women during work, and prohibits discrimination based on gender.

On 23 February 2014, UN Women Deputy Executive Director Lakshmi Puri gave a speech to the Arab League in Cairo, Egypt, summarizing the current socio-political status of women throughout the Arab region. She stressed that while progress has been uneven both within and between countries at the global level, this is particularly evident in Arab states. She noted that women's participation in the labor force in Arab countries is the lowest in the world, and that gains in gender parity in education have not translated into more jobs for women. She highlighted the level of women's political participation as another area of concern. Though she acknowledged that there had been progress in recent years, particularly in some

¹⁰⁸ League of Arab States, Arab Charter on Human Rights, 22 May 2004, reprinted in 12 Int'l Hum. Rts. Rep. 893 (2005), entered into force 15 March 2008, available at: [<https://www1.umn.edu/humanrts/instreet/loas2005.html>].

countries, with a regional average of female parliamentarians at just above 12 per cent, the region remains far behind the already low global average of 20 per cent.¹⁰⁹

International treaties, including CEDAW, in relation to the rights of women have attracted wide reservations from Arab states. An examination of these shows that despite common perceptions, there is no unified and consistent approach among Arab states towards women's rights (see 'The Arab League's Position on the Universality of Human Rights', above, for further discussion on reservations to CEDAW). The family status laws in Arab countries, which diverge hugely in how they approach women's rights, is further evidence of this.

However, at the same time, a number of initiatives by the Arab League in the last few years, especially by the Women, Family and Childhood Department of the General Secretariat and the Arab Women Organization, seem to be aiming to lead the Arab League into a unified position on some issues.

In 2012, the General Secretariat, with the Arab Women Organization and UN Women developed and adopted the Arab Regional Strategy "Protecting Arab Women: Peace and Security". The Strategy is grounded in international and regional human rights and humanitarian law, especially those that relate specifically to peace and security. It approaches the issue of security from the perspective of human security and focuses on the obligations to protect women from all forms of gender-based violence during times of peace and conflict, as well as the enjoyment of all her rights without discrimination. The Strategy makes clear reference to UN Security Council Resolution 1325 and its pillars (participation, prevention, protection, and relief and recovery), as well as related subsequent Security Council Resolutions.¹¹⁰

In 2015, the "Arab Regional Synthesis Report on the Implementation of the Beijing Platform for Action—Twenty Years Later" was prepared by the General Secretariat (Department of Women, Family and Childhood), UN ESCWA, and UN Women, and was presented to the special session of the UN Commission on the Status of Women, on the occasion of the global review of progress made in the implementation of the Beijing Platform for Action—20 years after its adoption.¹¹¹

109 For the full text of the speech, see "Opening remarks by Lakshmi Puri on the MDGs, post-2015 development agenda, gender equality and the empowerment of women and girls in the Arab region, Speech by UN Women Deputy Executive Director Lakshmi Puri, delivered at the League of Arab States, in Cairo, 23 February 2014", 24 February 2014, available at: [<http://www.unwomen.org/en/news/stories/2014/2/opening-remarks-by-lakshmi-puri-at-the-league-of-arab-states#sthash.zv5QdbHx.dpuf>].

110 See UN Women, Arab Women Organization, and League of Arab States: "*Regional Strategy Protection of Arab Women Peace and Security*", 2012, available at: [<http://www.lasportal.org/ar/Sectors/Dep/Pages/DepVersionsDetails.aspx?ReqID=99&RID=22&SID=6>].

111 See UN ESCWA, UN Women, and League of Arab States: "*Synopsis—Arab Regional Synthesis Report on the Implementation of the Beijing Platform for Action—Twenty Years Later*", 2015, available at: [<http://www.lasportal.org/ar/Sectors/Dep/Pages/DepVersionsDetails.aspx?ReqID=98&RID=22&SID=6>].

In February 2014, the Arab League (Department of Women, Family and Childhood), having convened a meeting for civil society, adopted what is known as the Cairo Declaration at a high-level meeting. This Declaration deals with the post-2015 development agenda (which builds on the millennium development goals). Importantly, the Cairo Declaration supports the call by UN Women to have a stand-alone goal on this agenda to achieve gender equality, women's rights and women's empowerment. Further, the Declaration and UN Women also call for the integration of gender equality concerns throughout the other priority areas and goals of the post-2015 development agenda.¹¹²

The Arab League's Position on Combating Terrorism

The Arab Convention on the Suppression of Terrorism was adopted by the Councils of Ministers of Justice and the Interior in 1998 and has since been ratified by 16 member states. The Convention includes many problematic provisions, including a widely criticized broad definition of terrorism:

Any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardize a national resources.¹¹³

Therefore, not only an act itself, but also the threat of an act, which may comprise an act of freedom of expression consistent with international law, may be considered an act of terror.

The Convention, while allowing arrest and detention, does not require that due process and fair trial guarantees must be respected. It also allows for the imposition of the death penalty in cases that are not strictly limited to 'most serious crimes' as is required by international law.

The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has expressed concern over Egyptian legislation, which includes a broad definition of terrorism similar to that in the Arab Convention and runs the risk of including acts that do not comprise a sufficient relation to violent terrorist crimes. Of particular concern to the Special

¹¹² See Women, Family and Childhood Department: *"High Level Meeting on the Millennium Development Goals (MDGs) for Women and Girls, Gender Equality and the Empowerment of Women in the Arab Region—the Post-2015 Development Agenda for Women—'Opportunities and Challenges'"*, 23 February 2014, available at: [<http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/58/csw58-declaration-cairo-en%20pdf.ashx>].

¹¹³ League of Arab States, *The Arab Convention on the Suppression of Terrorism*, 22 April 1998, UNODC translation available at: [https://www.unodc.org/tldb/pdf/conv_arab_terrorism.en.pdf].

Rapporteur is that a number of crimes that are not the most serious could be subject to the death penalty. The Special Rapporteur also expressed concern over the impact of the legislation on restricting freedom of expression, as well as human rights defenders and critics of the state.¹¹⁴

The Council of Arab Ministers of the Interior has been entrusted with monitoring the implementation of this Convention. It is worth noting that their meetings are generally not accessible to CSOs and their documentation and resolutions are not available on the Arab League's website.

In 2006 the Council of Arab Ministers of the Interior adopted a program of training and cooperation to combat terrorism based largely on the Arab Convention. The Arab Bureau of Criminal Policing, an Arab League body, is mandated to collect regular information and reports from states about their implementation of the treaty and their efforts in this regard.

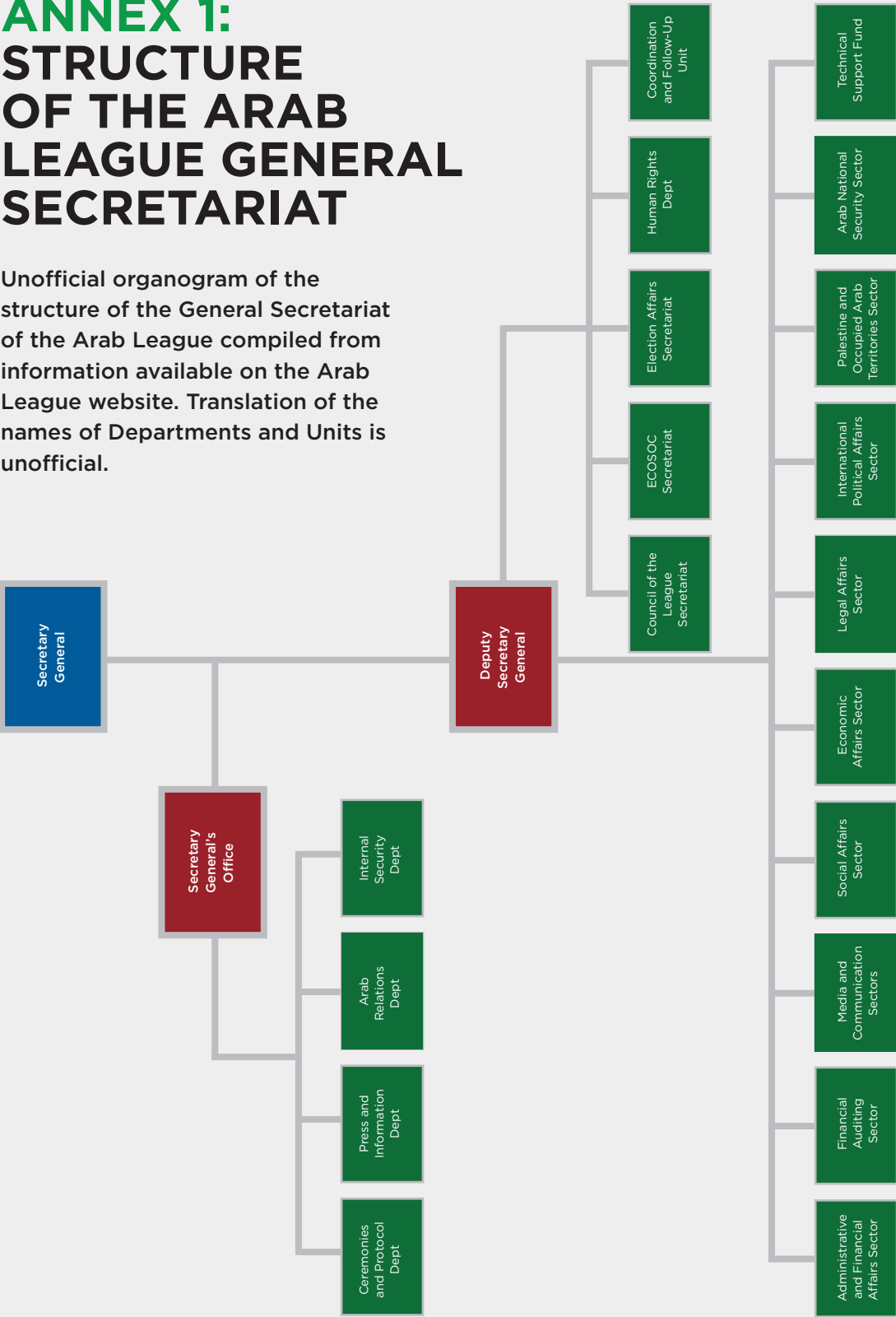
In March 2015, the League Summit adopted a resolution affirming the principle of creating a unified Arab force to protect Arab national security.¹¹⁵ States participate in this force voluntarily. The force is to act quickly in case of a threat to the security of any Arab country. Details of its composition, mandate, and methods of work have been left to be developed by a committee of chiefs of staff from various Arab countries. The main purpose of this force is said to be for the protection of Arab countries from the threat of terrorism.

¹¹⁴ See "Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism", A/HRC/13/37/Add.2, 14 October 2009, para. 11.

¹¹⁵ Sharm El-Sheikh Summit, Decision No. 628, 29 March 2015.

ANNEX 1: STRUCTURE OF THE ARAB LEAGUE GENERAL SECRETARIAT

Unofficial organogram of the structure of the General Secretariat of the Arab League compiled from information available on the Arab League website. Translation of the names of Departments and Units is unofficial.



Personnel Affairs and Human Resources	Financial Auditing	Crisis and Monitoring	Culture	Intellectual property and competition	Treaties and Conventions	Africa and Arab-African Relations	Palestinian Affairs	National Security studies and research	Operations
Training and Work Methods Development	Administrative Auditing	Technical Secretariat of Ministerial Council of Media	Education and Scientific Research	Transportation and Tourism	Legal Affairs	Europe and Arab-European Relations	Arab Occupied Territories	Arab Peace and Security Council Affairs	Administrative and Financial
Finance and Budget	Inspection	Information, Documentation and Translation	Health and Humanitarian Aid	Economic Relations	Secretariat of the Administrative Court and Investment Court	Americas	Israel Affairs	Disarmament and Regional Security	Research and Studies
Communication and Social Media		Communication and Social Media	Population Policies, Migration and Arab Expatriates	Arab Economic Integration		Asia, Australia and Arab-Asian Cooperation		Military Affairs	
General Services and Procurement		IT	Youth and Sports	Arab Organizations and Unions		International Organizations			
Conferences and Headquarters affairs		Centers and Missions	Development and Social Policies	Statistics and Database		Coordination and Follow-Up Unit, International Political Affairs Sector			
		Civil Society Organizations	Women, Family and Childhood	Development of Communication and Information technology					
		Media	Field and Social Surveys and Studies	Environment, Housing, Financial Resources and Sustainable Development					
		Coordination and Follow-Up Unit, Communication and Media Sector	Coordination and Follow-Up Unit, Social Affairs Sector	Energy					
			Dialogue of Civilization	Coordination and Follow-Up Unit, Economic Affairs Sector					

ANNEX 2: CONTACTS AT THE ARAB LEAGUE GENERAL SECRETARIAT

Contact list is compiled from the website of the Arab League

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Mr. Abdel Hamid Hamza	Director of Security Department			
DEPUTY SECRETARY GENERAL				
Ambassador Ahmed Benhelli	Deputy Secretary General			
Mr. Alla Eldin Alzohayeri	Director of Election Affairs Secretariat			
Ms.Aisha Afify	Director of ECOSOC Secretariat			
Ms. Samiha Fahmy	Director of League Council Secretariat			
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Ms. Maha Bekheet	Intellectual and Competitive rights Department			
Mr. Mohamed AlNasour	Director of Arab Economic Integration Department			
Ms. Dina Kamel	Head of Coordination & Follow-up Unit in Economic Affairs Sector			

SOCIAL AFFAIRS SECTOR

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Mr. Ibrahim ElSouri	Director of Administrative Auditing Department			
Mr. Saeed Bazaraa	Director of Inspection Department			

TECHNICAL SUPPORT FUND

	Department of Operations Department			
	Department of Financial and Administrative Department			
	Department of Researches and Studies			

ANNEX 3: INTER-ARAB CONVENTIONS AND TREATIES RELATED TO HUMAN RIGHTS¹

No.	Treaty	Approved by Council of Ministers of Foreign Affairs or other competent ministerial council	Date entered into force	Countries ratifying or acceding
1	Cultural treaty	Council of Ministers of Foreign Affairs, 27 November 1945	2 March 1957	Syria, Egypt (2)
2	Convention on citizenship for Arab residents of Arab states other than their native countries	Council of Ministers of Foreign Affairs, 23 September 1952	5 January 1956	<i>Ratifying:</i> Jordan, Saudi Arabia, Iraq, Egypt (4) <i>Signing:</i> Syria, Lebanon (2)
3	Citizenship convention	Council of Ministers of Foreign Affairs, 5 April 1994	Did not enter into force	<i>Ratifying:</i> Jordan, Egypt (2) <i>Signing:</i> Iraq (1)
4	Charter on Arab cultural unity	Council of Ministers of Foreign Affairs, 21 May 1964	5 September 1964	All states with the exception of Comoros (21)
5	Arab convention on levels of work	Council of Ministers of Foreign Affairs, 18 March 1967		Jordan, Sudan, Syria, Iraq, Lebanon, Libya, Egypt, Morocco (8)
6	Arab labor charter	Council of Ministers of Foreign Affairs, 13 February 1965	4 December 1969	Jordan, UAE, Bahrain, Tunisia, Algeria, Saudi Arabia, Sudan, Syria, Somalia, Iraq, Palestine, Qatar, Kuwait, Lebanon, Libya, Egypt, Morocco, Mauritania, Yemen (19)
7	Convention on labor force movement	Council of Ministers of Foreign Affairs, 7 March 1968	1 February 1970	Jordan, Sudan, Syria, Iraq, Palestine, Libya, Egypt, Morocco (8)
8	Arab convention on labor force movement (amended)	Arab Labor Conference, 13 March 1975	1976	Jordan, Syria, Somalia, Iraq, Palestine, Egypt, Yemen (7)
9	Arab charter on social work	Council of Ministers of Foreign Affairs, 16 September 1971	16 September 1971	
10	Charter on national economic work	Arab summit conference, 25–27 November 1980	In force	<i>Signing:</i> Jordan, UAE, Bahrain, Tunisia, Djibouti, Saudi Arabia, Sudan, Somalia, Oman, Qatar, Kuwait, Lebanon, Morocco, Mauritania (14) <i>Acceding:</i> Palestine, Yemen (2)

¹ Unofficial translation of published ratification schedule on Ratifications of Arab Treaties related to Human Rights from the Arab League website. There is no indication of when this material was last updated. See: <http://goo.gl/gu6RnF>

No.	Treaty	Approved by Council of Ministers of Foreign Affairs or other competent ministerial council	Date entered into force	Countries ratifying or acceding
11	Charter on the rights of the Arab child	Council of Arab Social Ministers, 6 December 1983		Jordan, Syria, Iraq, Palestine, Libya, Egypt, Yemen (7)
12	Convention on Arab cooperation in the regulation and operation of aid operations	Council of Ministers of Foreign Affairs, 22 September 1987	24 September 1990	Jordan, Tunisia, Saudi Arabia, Iraq, Oman, Palestine, Qatar, Kuwait, Libya, Egypt, Morocco (11)
13	Arab convention on the regulation of the status of refugees in Arab states	Council of Ministers of Foreign Affairs, 27 March 1994	Did not enter into force	
14	Arab charter on human rights	Council of Ministers of Foreign Affairs, 23 May 2004	16 March 2008	Jordan, UAE, Bahrain, Algeria, Saudi Arabia, Sudan, Syria, Iraq, Palestine, Qatar, Kuwait, Lebanon, Libya, Yemen (14) ²
15	Arab convention on combating terrorism	Councils of Arab Justice and Interior Ministers, 22 April 1998	7 May 1999	Jordan, UAE, Bahrain, Tunisia, Algeria, Djibouti, Saudi Arabia, Sudan, Syria, Oman, Palestine, Lebanon, Libya, Egypt, Morocco, Yemen (16)

2 Status of ratification updated by author as of January 2015.

No.	State	Cultural convention	Convention on citizenship for residents	Citizenship convention	Charter on Arab cultural unity	Arab convention on levels of work	Arab labor charter	Convention on labor force movement	Convention on labor force movement (amended)	Arab convention on social work	Arab convention on national economic work
1	Jordan		X	X	X	X	X	X	X		X
2	UAE				X		X				X
3	Bahrain				X		X				X
4	Tunisia				X		X				X
5	Algeria				X		X				
6	Djibouti				X						X
7	Saudi Arabia		X		X		X				X
8	Sudan				X	X	X	X	X		X
9	Syria	X			X	X	X	X	X		
10	Somalia				X		X				X
11	Iraq		X		X	X	X	X	X		
12	Oman				X						X
13	Palestine				X		X	X	X		X
14	Qatar				X		X				X
15	Comoros										
16	Kuwait				X		X				X
17	Lebanon				X	X	X				X
18	Libya				X	X	X	X	X		
19	Egypt	X	X	X	X	X	X	X	X		
20	Morocco				X	X	X	X	X		X
21	Mauritania				X		X				X
22	Yemen				X		X				X

No.	State	Convention on the rights of the Arab child	Convention on regulation of aid operations	Convention on status of refugees	Arab convention on human rights	Arab convention on combating terrorism
1	Jordan	X	X		X	X
2	UAE				X	X
3	Bahrain				X	X
4	Tunisia		X			X
5	Algeria				X	X
6	Djibouti					X
7	Saudi Arabia		X		X	X
8	Sudan				X	X
9	Syria	X			X	X
10	Somalia					
11	Iraq	X	X		X	
12	Oman		X			X
13	Palestine	X	X		X	X
14	Qatar		X		X	
15	Comoros					
16	Kuwait		X		X	
17	Lebanon				X	X
18	Libya	X	X		X	X
19	Egypt	X	X			X
20	Morocco		X			X
21	Mauritania					
22	Yemen	X			X	X

COUNTRY	CONVENTION			
	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS 1966 (ICCPR)			INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 1966
	International Covenant on Civil and Political Rights 1966	Optional Protocol to the International Covenant on Civil and Political Rights	Second Optional Protocol (Abolition of the Death Penalty)	International Covenant on Economic, Social and Cultural Rights 1966
ENTRY TO FORCE	1976	1976	1991	1976
JORDAN	1975			1975
UAE				
BAHRAIN	2006			2007
TUNISIA	1969	2011		1969
ALGERIA	1989	1989		1989
DJIBOUTI	2002	2002	2002	2002
SAUDI ARABIA				
SUDAN	1986			1986
SYRIA	1969			1969
SOMALIA	1990	1990		1990
IRAQ	1971			1971
OMAN				
PALESTINE	2014			2014
QATAR				
COMOROS				
KUWAIT	1996			
LEBANON	1972			
LIBYA	1970	1989		
EGYPT	1982			
MOROCCO	1979			
MAURITANIA	2004			
YEMEN	1987			

TREATY ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 1966 (ICESCR)	CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT 1984 (CAT)		INTERNATIONAL CONVENTION ON ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION 1965 (ICERD)	INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE 2006 (CPED)
	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment 1984		
2013		2006	1969	2010
		1991	1974	
		2012	1974	
		1998	1990	
		1988	2011	1967
		1989	1972	2011
		2002	2011	
		1997	1997	
			1977	
		2004	1969	
		1990	1975	
		2011	1970	2010
			2003	
		2014	2014	
		2000	1976	
			2004	
		1996	1968	
		2000	2008	1971
		1989	1968	
		1986	1967	
		1993	2014	1970
		2004	2012	1988
		1991	1972	2012

COUNTRY	CONVENTION			
	CONVENTION ON THE RIGHTS OF THE CHILD (CRC)			
	Convention on the Rights of the Child 1989	Optional Protocol on involvement of child in Armed conflicts 2000	Optional Protocol on Sale of children, child prostitution and child pornography 2000	Optional Protocol on a communication procedures 2014
ENTRY TO FORCE	1990	2002	2002	
JORDAN	1991	2007	2006	
UAE	1997			
BAHRAIN	1992	2004	2004	
TUNISIA	1992	2003	2002	
ALGERIA	1993	2009	2006	
DJIBOUTI	1990	2011	2011	
SAUDI ARABIA	1996	2011	2010	
SUDAN	1990	2005	2004	
SYRIA	1993	2003	2003	
SOMALIA ³				
IRAQ	1994	2008	2008	
OMAN	1996	2004	2004	
PALESTINE	2014	2014		
QATAR	1995	2002	2001	
COMOROS	1993		2007	
KUWAIT	1991	2004	2004	
LEBANON	1991		2004	
LIBYA	1993	2004	2004	
EGYPT	1990	2007	2002	
MOROCCO	1993	2002	2001	
MAURITANIA	1991		2007	
YEMEN	1991	2007	2004	

³ Somalia announced its ratification of the Convention on the Rights of the Child in January 2015. The ratification process will be finalized once the Government of Somalia deposits the instruments of ratification at UN headquarters in New York.

CONVENTION ON ELIMINATING ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)		CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITY (CRPD)		INTERNATIONAL CONVENTION ON PROTECTION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES 1990 (ICMW)
Convention on Eliminating of All Forms of Discrimination against Women 1979	Optional Protocol to the Convention on the Elimination of Discrimination against Women 1999	Convention on the rights of person' with disability 2006	Optional Protocol to the Convention on the Rights of Persons with Disabilities 2006	
1981	2000	2008	2008	2003
1992		2008		
2004		2010		
2002		2011		
1985	2008	2008	2008	
1996		2009		2005
1998		2012	2012	
2000		2008	2008	
		2009	2009	
2003		2009	2009	2005
1986		2013		
2006		2009		
2014		2014		
2009		2008		
1994				
1994		2013		
1997				
1989	2004			2004
1981		2008		1993
1993		2009	2009	1993
2001		2012	2012	2007
1984		2009	2009	

