

20 March 2012

## **Memorandum on the Development of Joint Arab Action presented by 37 Human Rights Organizations**

**HE Mr. Lakhdar Brahimi**  
**Head of the Committee for the Development**  
**of Joint Arab Action**  
**League of Arab States**

Dear Sir,

The Undersigned human rights organizations and activists welcome the opportunity to provide you with our views and vision regarding the development of the League of Arab States' mode of action and system. We think that this important opportunity should not be missed without effecting a real review in order to guarantee that the League of Arab States (LAS) is moving on the track of genuine reforms at pace with the contemporary era and keeping abreast with the role the League is developing for itself. This role has been apparent in the recent moves made by LAS in a number of Arab States in the context of support for democracy and human rights. This initiative is based also on the statement made by Mr. Nabil Al Arabi, Secretary General of the League of Arab States, on the occasion of the fourth anniversary of the Arab Human Rights Day, where he recognized that the Arab Charter for Human Rights falls short of meeting international human rights standards, and that revising and amending this Charter in conformity with international conventions has become a pressing requirement that can neither be condoned nor overlooked.

We offer our vision below. However, we would like to begin first of all by emphasizing the following benchmarks:

- As you already know, LAS Charter does not refer to human rights, nor to their guarantees and protection as a reference to the League and one of its objectives. Although some amendments have been made to the Charter in 2004 and 2005, the modifications have been restricted to procedural matters relevant to voting and the role of the Summit and Council, in addition to the development of the Arab Parliament. Nevertheless, any earlier discussion regarding the incorporation of human rights into the Charter was deferred until review and development processes of Arab joint action in general have been considered. We stress here that your action toward the explicit recognition of human rights in the League's Charter is definitely an extraordinary opportunity.
- A growing number of human rights NGO's and activists in the region perceive the need to develop a more strategic and practical relationship than ever before with LAS. However, we consider that this relationship requires not only that institutions develop their mode of action with LAS, but also that the latter adopts a new vision regarding its relationship with civil society. We would like to inform you that we are in the process of conducting wide-range dialogues on how to develop common action between human rights NGO's and LAS system.
- It is essential that LAS action for the protection of human rights in Arab countries follows the trends prevailing in the contemporary era and the requirements of the current stage, and fosters a long term vision, taking advantage of the experience acquired through the development of human rights protection mechanisms at the regional and international levels.
- We also observe the importance of the correlation between LAS reform and the development of joint Arab action on the one hand, and obligations of Member States by virtue of their

ratification of international and regional human rights conventions on the other, which makes it imperative to ensure respect for rights and enact measures toward this end not at the national level but also at the regional and international levels.

Based on the aforementioned argument, we would like to articulate the following specific proposals:

### **1. The relationship between LAS and NGO's:**

We believe that one of the main building blocks upon which reform in general should be built is to reform the relationship between LAS and civil society, whereas this relationship takes in a new trend. Indeed, it is inconceivable that LAS takes on a new role in democratic transition, support civil society claims in the same vein and also consult with civil society on some important matters without effecting a real change in the modality of its relationship with civil society, and set forth mechanisms and unambiguous criteria based on transparency, to ensure a permanent relationship with all the League's bodies.

Herein, LAS should amend its procedures in order to create a bona fide consultative status to civil society organizations. This status would guarantee that civil society would be able to deliver its perception to all LAS bodies, including the Summit, Council, various Ministerial Councils, the Economic and Social Council, the Parliament and the International Secretariat. To ensure all this, it is necessary that LAS reconsiders the norms granting consultative status (rather than observer status, as is the case now, which does not provide NGO's with the opportunity to make any interventions or express their views during the meetings). It is also imperative for the new standards to depart from the norms prevailing at present in order to allow active human rights NGO's (or NGO's working in any other field) an opportunity to acquire this status without being subject to the approval of the State in question where the NGO is operating, or stipulating that the said organization should be registered in accordance with domestic law. As you all know, a large number of Arab countries are widely restricting freedom of assembly and association in contravention to the obligations of the said countries pursuant to international law. It is noteworthy that the procedures in question are standard norms for granting consultative status within the United Nations and the African Union.

NGO's should also be allowed to attend official meetings and sessions of LAS bodies, to review the relevant material beforehand, and express their opinion and remarks about them. It is also necessary to devise mechanisms to ensure NGO's are heard on items on the agendas of various meetings.

### **2. Standing Committee on Human Rights:**

As you know, the Standing Committee is composed of representatives of Member States, meeting periodically to discuss the human rights situation in the region. A group of experts, known as the Sub-Committee, assists the Committee in its work. However, the Committee has not to date made any radical decisions that can be characterized as practical and suitable for the human rights situation in a number of Arab States. Hence, it is necessary to embark on a real review of the role and mechanisms of the Committee. LAS Council had already adopted a resolution in March 2011 calling upon the General Secretariat to set forth suggestions on an effective review of the role of both the Standing Committee and its affiliate sub-Committee. However, the General Secretariat did not consult human rights civil society associations before preparing the said suggestions. For this reason, and through you, we emphasize the importance of hearing NGO's opinions regarding the development of this Committee prior to any decision-making in this regard; we express our full readiness to present specific perceptions and suggestions in this connection.

We would like to confirm though that we think that it would be imperative for the Committee to begin by appointing special rapporteurs or thematic working group competent to receive directly any complaints from human rights victims and investigate human rights violations in their respective field of specialization, following the example of the United Nations and the African Union. It should be noted that LAS has not established to date a mechanism allowing citizens or residents of the region to

convey their grievances directly to the League. This process will bestow a more practical character on the Standing Committee action, which would positively benefit the League's action for the protection and promotion of human rights in general.

We also think it is necessary to set general standards for the participation of state representatives in the Standing Committee, so that it would be composed of persons well-versed in human rights and in regional and international standards. As you already know, the Human Rights Division is the LAS body charged with supporting the Committee in its work within the General Secretariat. However, this Division has not so far mobilized sufficient staff (its total staff amounts to few persons). Therefore, it would be necessary to increase the Division's resources on the one hand, and ensure the recruitment of a highly qualified and experienced staff in the field of human rights on the other. Furthermore, a long-term strategy should be designed promptly, which includes the best and most effective means to ensure NGO participation.

### **3. Arab Human Rights Committee:**

The Arab Human Rights Committee is the body responsible for supervising the implementation of the Charter by all States Party – by virtue of the Arab Charter for Human Rights.

The Arab Charter refers neither to the role of NGO's in nor to their relationship with the Committee, including the submission of reports on the human rights situation in States Party by NGO's to the Committee. It should be noted that several international conventions do not refer to the role of NGO's either, but the Committees in charge with supervising the implementation of these conventions interpret the provisions of the conventions in such a way as to grant an extensive role to NGO's as auxiliaries to these committees. By contrast, the Arab Human Rights Committee, which supervises the implementation of the Charter, has not spelt out so far its relationship with NGO's. Therefore, it is essential that the reform process guarantees the development of a positive relationship between NGO's on the one hand and the Committee on the other, and that a long-term strategy is set forth including the best means to ensure the participation of NGO's. This participation should make certain that NGO's duly review state reports, possibly provide the Committee with information and reports to assist the Committee in reviewing State reports, and attend Committee sessions, provided such review sessions of state reports are public. It is also imperative that the Committee elucidates this relationship and procedures in a separate and public document.

An independent secretariat other than the Secretariat of the Human Rights Division is assigned to support the Committee in its work, so as to ensure the Committee's independence. Nevertheless, the secretariat does not have sufficient staff. Hence, it is necessary to prop up the resources of the secretariat on the one hand, and ensure the recruitment of a highly experienced staff in the field of human rights.

It is also indispensable to make all the documents relevant to the Committee's work public and easily accessible through a web page. Even though the committee does have an independent page on LAS website, it does not post any documents, including the mechanisms of action, guidelines for reporting, state reports, concluding remarks, annual reports, or any other similar documents. It is thus vital to move swiftly in this direction to ensure the Committee's transparency and competence.

### **4. Arab Parliament**

As you already know, LAS Council has approved the rules of procedures for the Parliament in 2011. We consider the incorporation of this body into the League of Arab States an opportunity for further progress toward more practical and effective action. We envisage that this Parliament can play a major role in the promotion and protection of human rights.

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 LAS to ensure their compatibility with human rights standards.

No provision in the rules of procedures explains the role of NGO's in the work of the Parliament. Thus, this role should be expounded, through mechanisms ensuring transparency, positive and effective relations, including the possibility for NGO's to attend parliament hearings, present interventions and obtain information.

#### **5. Access to Information:**

As explained above, civil society runs through hardships to obtain information on LAS action. Resolutions, reports and other material are often unavailable, and even when they are accessible through the webpage, they are posted so much behind schedule that they hinder any effective relationship between LAS and different actors, including NGO's.

We hope that you find our suggestions useful and that you take them into consideration when drafting reports and recommendations. We believe the aforementioned suggestions will be central to the development of the League's action toward further effective protection of human rights.

May you accept the renewed assurances of our highest consideration

### **Undersigned Organizations**

#### **Regional Organizations:**

1. Cairo Institute for Human Rights Studies
2. Arab NGO Network for Development (ANND)
3. Arab Network for Human Rights Information
4. Arab Penal Reform Organization

#### **Egypt:**

5. Center for Trade Union and Workers' Services (CTUWS)
6. Human Rights Association for the Assistance of Prisoners
7. Group for Human Rights Legal Aid
8. Egyptian Center for Economic and Social Studies
9. Center for Adequate Communication Methods for Development (ACT)
10. Egyptian Initiative for Personal Rights
11. New Woman Foundation
12. NAZRA for Feminist Studies
13. Egyptian Association for Community Participation Enhancement
14. Association for Freedom of Thought and Expression
15. Egyptian Foundation for the Advancement of Childhood Conditions (EFACC)

#### **Bahrain:**

16. Bahrain Youth Society for Human Rights (BYSHR)
17. Bahrain Center for Human Rights
18. Bahrain Association for Human Rights
19. Bahrain Women's Union
20. Bahrain Workers' Union
21. Bahrain Sociologists Society
22. Bahrain Transparency Society
23. Awal Women's Society
24. Al Nahda Bahrain Women Society

**Morocco and Western Sahara:**

- 25. Moroccan Organization for Human Rights
- 26. Moroccan Instance for Human Rights
- 27. The Sahraoui Association for Victims of Grave Human Rights Violations Committed by the Moroccan State

**Saudi Arabia:**

- 28. Human Rights First Society in Saudi

**Sudan:**

- 29. Journalists for Human Rights (JHR), Sudan
- 30. Al-Khatim Adlan Center for Enlightenment and Human Development, Sudan

**Tunisia:**

- 31. Committee for the Respect of Freedom and Human Rights in Tunisia
- 32. Tunisian League for Human Rights

**Libya:**

- 33. Lawyers for Justice in Libya

**Lebanon:**

- 34. Palestinian Organization for Human Rights – Lebanon
- 35. Amel Association, Lebanon
- 36. The Foundation for Human and Humanitarian Rights – Lebanon

**Yemen:**

- 37. Yemeni Organization for the Defense of Democratic Rights and Freedoms