



Bahrain Declaration

issued by

The International Conference of Arab Court for Human Rights

We, the representatives of non-government organisations engaged and operating in the field of human rights in the Arab region and representatives of the national human rights institutions, who are meeting in the “International Conference of the Arab Court for Human Rights” organised in the Kingdom of Bahrain during the period 25-26 May 2014 by the National Institution for Human Rights in the Kingdom of Bahrain (NIHR) in collaboration with the Arab Network of National Human Rights Institutions, the National Human Rights Committee in the State of Qatar, and participation of representatives of more than a hundred national human right institutions and non-government organisations as well as several experts and researchers for the purpose of identification of the most important practical steps which have so far been taken to complete and finalise the establishment of the Arab Court for Human Right (ACHR) and presentation of opinions and viewpoints on the draft Statute of the ACHR prepared by the high level committee of legal experts of the Arab League, in addition to evaluation and follow-up on implementation of the recommendations of the Arab Conference on “Development of the Human Rights System in the Arab League” which was held in Doha, State of Qatar, during the period 3 to 4 June 2013.

The conference held key public sessions during which five discussion papers were presented. The conference also presented the experiences of three regional human right courts in addition to four workshops. The participants reached a set of practical recommendations and proposals designed to energise the role of national human right institutions and of the civil society organisations in partaking with the governments in the formulations of the ACHR Statute and to develop the human rights system in the Arab League.





We have reached agreement as follows:

- Welcoming the resolution of the Arab Summit in its 25th session which was held during the period 25 to 26 March 2014 in the State of Kuwait, which directed the high level committee to continue its efforts and work in order to draft the final version of the ACHR Statute, and to present it to the upcoming Arab Ministerial Council meeting. .
- Welcoming the attendance of, and participation by the Arab League, the Arab Parliament, the Office of the United Nations High Commission for Human Rights (OHCHR), and representatives of European, Inter-American and African Human Rights Courts in this conference.
- Reconfirming the recommendations in the final communique of the Arab Conference on “Development of Human Right Systems in the Arab League” which was organised by the National Human Rights Committee in the State of Qatar in collaboration with the Arab Network of National Human Right Institutions, held during the period 3 to 4 June 2013 in Doha, State of Qatar, and the recommendations of the International Seminar on “Growth, Democracy and Development of the Arab Regional System”, which was organised by the Arab Organization for Human Rights in collaboration with the Arab League, the Arab Network of National Human Right Institutions and the United Nations’ Educational, Scientific and Cultural Organization (UNESCO) during 9 to 10 May 2013 in Cairo, the Arab Republic of Egypt.
- Reconfirming support for the initiatives taken by several non-government organizations and for the results of the meetings and workshops designed to enrich and promote the Arab human rights system, the last one of which being the first high level regional conference for protection and promotion of human rights on “Human Rights in the Arab Region: The Challenges and Future Outlook”, which was organised by the Arab League in collaboration with the High Commission on Human Rights during the period 20 to 22 May 2014 in Cairo, the Arab Republic of Egypt.





- Strongly highlighting the need for engaging the civil society organizations in the dialogue and discussion of the Arab League projects in the field of developing the human rights system and the ACHR Statute and the need to make these procedures and projects transparent and public.
- Drawing attention and highlighting the need for the Arab states to respect their international and regional human right obligations and to expand their contractual practice in the field of international human right law and the International Humanitarian law.
- Calling for amendment of the Arab Charter on Human Rights (2004) for consistency with the international human rights standards.
- Reasserting the importance of effective cooperation between the regional human rights courts and exchange of information on the best practices, the lessons learned and forms of new and possible collaboration.

Our Recommendations are as follow:

First: with regard to the views of the national human right institutions and organisations on the Statute of the Arab Court for Human Right:

- Actively seek to develop the ACHR Statute in the light of successful experiences of regional human right courts as well as other international courts, including the judiciary system.
- Review and consideration of all options for issuance of the ACHR Statute, taking into consideration the additional protocols of the Arab Charter on Human Rights.
- Consider and treat the international human right conventions that the member states have ascribed to as one of the legal benchmarks on which the Arab court would rely, besides the Arab Charter on Human Rights and any other agreement in the field of human rights that the disputing states are not party thereto, while reconfirming the content and gist of Article 43 of the Arab Charter on Human Rights.



- The ACHR headquarter State shall provide all facilities for the functioning and procedures of ACHR, allow access to parties and witnesses who seek justice and protect the victims.
- Exhaustion of domestic appeal process should not impact or compromise the right of the persons to have access to ACHR in accordance with the fair hearing as provided for in Article 14 of the International Covenant on Civil and Political Rights and in compliance with the general comment No. 32 of the UN Human Rights Committee.
- Allow individuals and non-government organisations who have legal capacity and the national institutions for human rights to approach the ACHR directly.
- The member states must undertake to refrain from exposing the litigants seeking justice to any form of threats, pressure or revenge for resorting to the court.
- It is mandatory to set up a mechanism for monitoring, follow-up and supervising the execution of the ACHR awards and decisions.
- Diversification of the sources of financial support for the budget of ACHR and shouldering its expenditures must not be limited to the member states. The Arab League should assume part of the budget.

Second: with regard to definition of the relationship between the Arab Court for Human Right and the Arab League's Human Right Mechanisms:

- Welcome the Arab League's approval of amendment of the Arab League Charter to warrant respect for human right principles and development of their functional mechanisms for better service in this field.
- The need to introduce amendments in the Arab Charter on Human Right (2004), especially to provide for vesting the Arab Human Right Committee (established by the Charter) with the power and authority to refer the individual complaints filed with the court, if amicable decision is not forthcoming and in a way that would not compromise the court's jurisdiction to consider the substantive and procedural requirements of the case.



- Work on strengthening and fortifying the functions of the experts committee of the Arab Charter on Human Rights.
- Urge the Arab non-member states to join the Arab Charter on Human Rights.
- Work on promoting the operating mechanisms of the Arab Permanent Human Rights Committee and upgrading it to Human Rights Council within the Arab League.

Third: with respect to the role of the national institutions and the civil society organisations in supporting the functioning of the Arab Human Rights Court:

- Urge the national human right institutions and the civil society organisations to extend legal assistance to the victims in dealing with the court's procedures.
- Call on the Arab Network of the National Human Right Institutions to provide further support and impetus for activation of the recommendations and initiatives of the civil society organisations relative to develop the Arab Human Right System. .

Fourth: with respect to the assessment and follow-up on the recommendations of the Doha Arab Conference on the development of the Human Rights System in the Arab League:

- The conference participants call on the Arab follow-up team for the recommendations of the Doha Conference to sustain its functions and submit periodic reports on its activities to the organisations which participate in this conference.



- Demand the Arab League to facilitate the task of the Arab follow-up team for the recommendations of the Doha Conference, by providing information and consolidating the coordination mechanisms for building proactive dialogue that is conducive to develop a viable regional human rights system.
- Organisation of events for acquaintance with the Arab Human Rights System at national levels.

Based on the above premises:

- 1 - The participants have agreed to submit these recommendations to His Majesty King Hamad bin Isa Al-Khalifa, King of the Kingdom of Bahrain, the Head of the current Arab Summit, the Secretary General of the Arab League and the chairman of the Arab Parliament so that they adopt them through the National Institution for Human Rights in the Kingdom of Bahrain and officially approach these agencies for implementation thereof.
- 2 - The participants recommend the Arab Network of National Human Rights Institutions and the civil society organisations to draw up a practical plan to promote and defend these recommendations.
- 3 - The participants wish to express their thanks to Bahrain, King, government and people, for the heartfelt welcome and hospitality as well as to the National Institution for Human Rights in the Kingdom of Bahrain for the optimal organization and brilliant performance.

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