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On behalf of HM the King, HE Foreign Minister Opens the International Conference of Arab Court for Human Rights

Delegated by His Majesty King Hamad bin Isa Al Khalifa, H.E. the Minister of Foreign Affairs, Sheikh Khalid bin Ahmed bin Mohammed Al Khalifa opened the International Conference of Arab Court for Human Rights (Sunday, 25 May 2014).

The Conference was organized by the National Institution for Human Rights (NIHR) and was attended by H.E Chairman of the Shura Council, Ali bin Saleh Al Saleh, H.E Minister of Justice & Islamic Affairs, Sheikh Khalid bin Ali Al Khalifa, H.E. Secretary General of the League of Arab States, Dr. Nabil Elaraby, H.E Gulf Cooperation Council (GCC) Secretary General, Abdul-Latif bin Rashid Al Zayani, and H.E. Arab Parliament President, Dr. Ahmed Mohammed Al-Jarwan. The Conference was also attended by a number of regional and international bodies such as the Office of the UN High Commissioner for Human rights and similar American, European and African regional courts, as well as a group of experts in international human rights law and international humanitarian law who came to participate in the Conference from various countries from around the world.

On this occasion, the Minister of Foreign Affairs noted that the initiative of HM the King to establish the Arab Court of Human Rights was the product of an insightful look regarding the need to

develop an Arab mechanism in the field of human rights by making use of similar human rights mechanisms whether at the level of individual countries or regional organizations, which could help promote the strength and durability of this initiative.

He indicated that this initiative came in order to keep pace with the aspirations of the Arab peoples of reform, modernization and sustainable development, in addition to strengthening the pillars of the rule of law, justice and equality as well as the respect for human rights and human dignity. The Minister of Foreign Affairs added that the vision of HM the King is both insightful and progressive regarding the Arab reality and its challenges, and the aspirations desired to be achieved in the near future for the benefit of the Arab peoples, noting that this court will be the best home for awareness regarding all legal and human rights of the Arab nation on the land of the Kingdom of Bahrain.

Furthermore, the Minister of Foreign Affairs noted that the royal vision of the establishment of the Court is being crystallized through the creation of a regional mechanism on human rights within the framework of the Arab League similar to regional mechanisms of this sort, and which serves to develop and strengthen the role of the League of Arab States in the field of human rights protection.

HM the King receives Arab League Secretary General

His Majesty King Hamad bin Isa Al Khalifa received at Sakhir Palace 25th May 2013 Arab League Secretary General Dr. Nabil Al Arabi and senior participants in the International Conference on the Arab Human Rights Court.

The conference, which is organised by the National Human Rights Institution (NHRI), under the patronage of HM the King.

HM welcomed the Arab League Secretary General, thanking him for his attendance of the conference and lauding the Arab League's support to the idea of setting up an Arab Human Rights Court to further promote the rights of the Arab people and preserve their dignity.

HM the King praised the large-scale participation in the conference, expressing hope it will come up with positive results. He also hailed the Arab League's support to all initiatives aimed at serving the interests of the Arab nation and achieving the aspirations of the people.

HM commended the Arab League's efforts to foster pan-Arab work and bolster cooperation among the Arab countries in facing current challenges. He stressed



Bahrain's support to all steps taken in this regard and reviewed with the Arab League Secretary General issues on the conference's agenda, wishing all participants every success in achieving forecast goals.

On his part, the Arab League Secretary General lauded the royal initiative in calling for the setting up of the Arab Human Rights Court, describing it as a major civilisational turning point in protecting human rights in the Arab world. He also praised Bahrain's effective role, under the leadership of HM the King, in hosting the conference and backing pan-Arab work.

HRH Premier receives participants in International Conference on Arab Court for Human Rights



His Royal Highness Prime Minister Prince Khalifa bin Salman Al Khalifa said that the consolidation of the pillars of joint Arab action has become imperative in the current phase, since the interests of Arab countries and peoples are now facing threats that cannot be addressed except through joint work, strengthening the ability of Arab countries to face all challenges through an integrated vision.

He stressed the importance of exerting more efforts and bolstering cooperation among Arab countries to meet the present and future expectations of the Arab Nation and achieve more development and progress.

The Prime Minister also noted that the importance of His Majesty King Hamad bin Isa Al Khalifa's initiative to establish the Arab Court of Human Rights, under the umbrella of the Arab League, stemmed from the increasing challenges facing the region and posing a direct threat to countries' national sovereignty, security and stability.

HRH the Prime Minister made this statement as he was receiving at the Gudaibiya Palace the Secretary-General of Arab League Dr. Nabil Al-Arabi, the GCC Secretary-General Dr. Abdul-Latif bin Rashid Al Zayani, and a number of senior participants in the International

Conference of the Arab Court for Human Rights, hosted by the Kingdom.

During the meeting, HRH the Prime Minister welcomed the participants, and wished them very successful discussions and resolutions that would enhance joint Arab action.

He hailed the establishment of the Arab Court of Human Rights as a major historic event aiming to boost human rights and enhance their protection, stressing that the Court will be a milestone that would reflect the civilizational development witnessed by the Kingdom of Bahrain.

He emphasized that the Arab League should regain its former role and significance as a venue that brings together all Arab countries, and a catalyst towards achieving their prosperous future.

"We should not allow the 'storms' hitting the region to affect our resolve and determination to develop joint Arab action," he stressed.

He called for the need to provide all requirements of success for "our countries and peoples" in order to enhance the Arab Nation's potentials and ensure the protection of its interests, amid the rapidly changing modern world.

He wished the Arab Nation further progress and prosperity, highlighting the importance of stepping up coordinated efforts to preserve the security and stability of Arab countries, and cement the unity and cohesion of their peoples.

Those present lauded the Kingdom's support for joint Arab action and constant keenness on strengthening it, noting that Bahrain's initiative to set the Arab Court of Human Rights represented its commitment to consolidating and protecting human rights.

They praised HRH the Prime Minister's support to the initiative to establish the Court and to all steps aiming to boost human rights in Arab societies. They also hailed the development and progress boom currently witnessed by the Kingdom.

Under the patronage of HM the King, HE Foreign Minister opens International Conference of the Arab Court for Human Rights



Under the patronage of HM King Hamad bin Isa Al Khalifa, King of Bahrain, the 2-day International Conference of the Arab Court for Human Rights hosted by Bahrain was launched at the Ritz-Carlton Hotel.

HE Dr. Abdulaziz Abul, NIHR President, delivered a speech during the opening session of the Conference in which he extended his thanks and appreciation to HRH King Hamad bin Isa Al Khalifa, the King of Bahrain, praising His Majesty's sponsorship of the International Conference of the Arab Court of Human Rights and his initiative to set up an Arab court for human rights at the Arab world level.

Dr. Abul stressed that the initiative of His Majesty the King of Bahrain to establish an Arab court of human rights in the Arab world came as an expression of his wise vision to develop an Arab mechanism in the field of human rights to add a new dimension to the joint Arab action in the field of respect for and protection of human rights in the Arab world.

Dr. Abul noted that the National Institution for Human Rights (NIHR) stresses that the Arab support for the royal initiative is intended to promote the effectiveness and sustainability of that initiative. He indicated that the said initiative came in order to respond to the aspirations of the

regional system of human rights, as well as the promotion of mechanisms for human rights work in the Arab countries.

Dr. Abul stressed that the establishment of an Arab court of human rights is a historically significant shift to strengthen the position of the Arab nation among nations, and it will be a real addition to the respect and protection of human rights to match the European, African and American courts, which preceded us in this area.

Moreover, Dr. Abul hoped that the conference would be an additional asset in the promotion and protection of human rights, and in the promotion of a culture of respect for the rights guaranteed by the heavenly religions, approved by positive constitutions, and confirmed by international conventions and treaties. He also hoped that the conference would come out with a number of recommendations and proposals to be taken into account when approving the statute of the Arab Court of Human Rights by the League of Arab States.

Dr. Abul extended his thanks to the House of Representatives and the Shura Council for their generous support for the International Conference on the Arab Court of Human Rights. He also expressed his appreciation for the supportive partners, led by the Arab League, the Arab Parliament, the National Human Rights Committee (NHRC) in Qatar, the Arab Network of National Human Rights Institutions, and the Conference's organizing committee for their efforts to ensure the success of the Conference.

For his part, HE Dr. Nabil El-Arabi, Secretary-General of the League of Arab States, delivered a speech during the opening session in which he extended his sincerest thanks to Bahrain's King, government and people for hosting and organizing the important International Conference on Arab Court of Human Rights, stressing that the establishment of the Court would be seen as a civilizational move in the field of human rights in the world Arab.

Dr. El-Arabi said that the conference came to complement the initiative of His Majesty King Hamad bin Isa Al Khalifa, King



Arab peoples as regards the strengthening of the pillars of the rule of law, justice and equality as well as the respect for human rights and human dignity so as to achieve a bright future and decent life for the peoples of the Arab nation.

He added that NIHR commends the efforts of Arab countries to set up the Arab Court of Human Rights represented by the League of Arab States, which adopted the idea at its 40th ordinary meeting held in Cairo last September. The Kingdom of Bahrain was selected to be the headquarters of the Arab Court of Human Rights. This is considered a real asset to the Arab nation towards the promotion and protection of human rights, and development of the human rights field and Arab



of Bahrain, calling for the establishment of the Arab Court of Human Rights, which was welcomed by the Council of the League of Arab States at the summit in its resolution No. 573.

He also congratulated the Kingdom of Bahrain on the selection of Manama as the Capital of Arab Youth for 2015.

In his speech, Dr. El-Arabi clarified the meaning and importance of the establishment of the Arab Court of Human Rights, noting that he would not address all the issues, crises and changes experienced by the Arab region in the present time due to the specificity of the conference, and in order to highlight the great achievement reached in this regard.

Dr. El-Arabi said, "We have taken positive steps in this respect. A high-level committee of legal experts from the Member States was formed to prepare the draft statute of the Court. The said committee held five meetings, which were culminated by submitting the draft statute to the Council of League of Arab States at the LAS Summit held in March in Kuwait. The draft statute was approved in principle by the Council and the high-level committee will continue its efforts to finalize the drafting of the statute and present it to the upcoming meeting of LAS Ministerial Council."

He further pointed out that the committee has recently convened on 14-15 of the current month, and completely finalized the draft statute and it is planned to be presented to the LAS Council at the earliest opportunity for approval so as to commence the establishment of the Arab Court, which Bahrain had graciously offered to host it. That offer was approved under the LAS Summit's resolution in its regular session (No. 24) in Doha last year.

Dr. El-Arabi added that it should be noted here that the Arab region is currently witnessing an unprecedented interest in human rights issues in recognition of their importance and role in moving from the ranks of developing countries to the ranks of developed countries, but this will not be achieved except through the advancement of man himself as he will be the one to lead this progress. He also noted that due to the massive boom in the means of communication, media and the Internet, it has become difficult to cover up human rights violations by some persons, institutions or systems in the presence of many organizations and institutions, which monitor and expose such violations in order to bring the perpetrators thereof to account and hold them legally responsible regardless of their positions.

HE Dr. Abdullatif bin Rashid Al Zayani, Secretary General of the GCC, Participated at the International Conference on the Arab Court of Human Rights, which was held in Bahrain in 25 to 26 May 2014, under the patronage of His Majesty King Hamad bin Isa Al Khalifa, King of Bahrain. The conference was inaugurated by His Excellency Sheikh Khalid bin Ahmed bin Mohammed Al Khalifa, Minister of Foreign Affairs Deputy patron of the conference.



Dr. Al Zayani gave a speech in which he extended sincere thanks and appreciation to his majesty King Hamad bin Isa Al Khalifa, King of Bahrain on the patronage of the International Conference on the Arab Court of Human Rights, which came to add a new dimension to the joint Arab action in the promotion and protection of human rights, and to confirm the keenness of the Kingdom of Bahrain and its wise leadership to promote Bahrain's position regionally and internationally.

Dr. Al Zayani said that the decision of the Arab League Council to approve the establishment of the Arab Court of Human Rights, which was adopted at the 24th Summit on March 26, 2013, will remain an immortal history in the

memory of the march of Arab efforts aiming to support human rights. The Adoption came in response to the initiative of His Majesty King Hamad bin Isa Al Khalifa out of his confidence in the need to complete the Arab institutions dealing with Arabs human rights protection and delivering justice in the Arab homelands.

Dr. Al Zayani asserted the righteous status and prestigious confidence enjoyed by the GCC states in the field of human rights protection, which emerged through the approval of the Arab League on the 1st September 2013 on the choice of the Gulf capital, Manama as the headquarters for that court and a judicial beacon light for the protection of human rights.

He added that the trends and aspirations of their Majesties and Highnesses the leaders of the GCC states to the advancement of human rights, the devotion of their concepts and the actions to protect them have crystallized in many international, regional and national levels. They have been able, this way, to progress and attain many achievements out of the leaders belief that the progress in human rights reflects on the positive development of the countries in all fields. Achieving that, the leaders were committed to the rules of Islam and the dignified humanitarian principles side by side with what has been confirmed by international and regional conventions and deeds.

Concluding his speech, Dr. Al-Zayani praised the establishment of the Arab Court of Human Rights and the initiation of direct work entrusted to it, assuring that it will form an important stage in the recent and future rights life on the regional and international levels, due to its devotion of credibility and transparency of the Arab countries in dealing with the human rights issues.



Dr. El-Arabi also stressed that the establishment of this court is important to catch up with the latest developments, and that citizens in the Arab region should be given the opportunity to access the Arab Court of Human Rights after they have used all national avenues of redress.

In the conclusion of his speech, Dr. El-Arabi expressed his hope to see an Arab court of human rights with strong foundations and independence to make it easier for individuals who claim a violation against their rights guaranteed under the Arab Charter on Human Rights to seek justice when there is no chance of effective redress at the national level. He wished the conference success.

For his part, the Chairman of the Arab Parliament, Mr. Ahmed bin Mohammed Al Jarwan extended his deepest thanks and appreciation to His Majesty the King and people of the Kingdom of Bahrain for hosting the events of this important conference. He said that Bahrain has played a pioneer role in supporting the development and activation of the principles of human rights in the whole world and the Arab and Islamic world.



He added that HM the King of Bahrain was the first to raise the idea of establishing the Arab Court of Human Rights in a time when the Arab world needed to complete the system of human rights mechanisms, i.e. an Arab court of human rights similar to those regional and international courts, to be concerned with looking into people's complaints relating to violations of human rights. Al-Jarwan stressed that the agreement by the Arab leaders at the Doha Summit in March 2013 to establish of the Arab Court of Human Rights came in response to the aspirations of the Arab peoples yearning for such a court, which would be a resort to which those affected by the violations of human rights would turn. He said, "We in the Arab Parliament, as representatives of the will of the Arab people, firmly support the establishment of the court to meet the aspirations of the peoples, and to complement the system of human rights justice in the Arab world."

Al-Jarwan also stressed that the current situation in the Arab world, the massive challenges facing the Arab region, such as the Zionist occupation of Arab territories and its continuous violation of Arab human rights, as well as the rapid changes in the conflicts and disputes in the region, and the major economic and development challenges faced by many Arab



countries and the consequent prejudice to human rights call us to consider the importance of humanitarian and human rights action that opens the door wide to community-based and sustainable economic development desired by our Arab peoples. He added that the Arab Parliament will spare no effort to harness all the expertise of its members and its important role to support the work of this court, and implement the proposals and recommendations that will be introduced by the conference on the role of the Arab Parliament in support of the Arab Court of Human Rights.

For his part, Mr. Faraj Fneish, Head of Middle East and North Africa Department at the UN High Commission for Human Rights (UNHCR) said, "In the beginning, I would like to convey to you the greetings of Ms. Navi Pillay, UN High Commissioner for Human Rights, and her wishes of success to you in your work. She regrets being unable to personally

participate in this meeting and has entrusted me to convey to you and to the leadership of Bahrain, and His Excellency the Secretary-General of the League of Arab States her support to the efforts exerted to establish the Arab Court of Human Rights; this new mechanism which will inevitably strengthen the Arab regional system for the protection of human rights."

Mr. Fneish added that the High Commissioner for Human Rights welcomes the decision of the Arab League to establish the Arab Court of Human Rights, and hopes that this court would be a fundamental building block for the protection of human rights in Arab countries. In light of the current consultations about the court, "including this conference organized by the National Institution for Human Rights in Bahrain, in cooperation with the Arab Network of National Human Rights Institutions," we would like to emphasize a number of relevant key issues, namely:

- It is important that the process of discussing the Court's draft statute is participatory and transparent, and that civil society organizations, trade unions and associations of judges, lawyers and experts should be allowed to offer their suggestions and feedback, which should be taken into account.

- The statute should clearly stipulate that the Court's references will be all the obligations of the concerned State Party, including the international conventions on human rights it has ratified or acceded thereto, and that the Court's jurisdiction shall not be limited to the Arab Charter and other Arab conventions in the field of human rights.

- Judicial jurisdiction should not be limited to government complaints only, but it should expand to accept individual complaints, either directly or through non-governmental organizations with consultative capacity. This should not be limited to only the citizens or nationals of the State concerned, but it should be a right granted to any individual who claims that his rights have been violated by the State Party concerned.

- Equality between men and women as regards the process of selecting judges should be respected. The statute should provide various guarantees of fair trial and independence of the judiciary in accordance with international standards. It should also provide that the concerned countries, especially the host country, should ensure for victims and witnesses the necessary protection and facilities required to gain access to the court.

- The Court's statute should include the commitment of States Parties to implement the temporary preventive and precautionary decisions issued by the Court, in addition to their commitment to implement the Court's final judgments and approve the guaranteeing mechanisms in this regard.

Mr. Fneish believed that the quest to establish the Arab Court of Human Rights should be accompanied, on the part of



Arab States, by bold steps to respect human rights at the national level, including the ratification of international conventions and consistency between national legislation and international standards. This is in addition to ensuring the independence of the judiciary, recognizing the right of people to freedom of expression, conscience and assembly, and the role of non-governmental organizations, as well as releasing prisoners of conscience, and promoting accountability and no impunity.

At the conclusion of his speech, Mr. Fneish reiterated the support of the High Commissioner for Human Rights to the idea of establishing the Arab Court of Human Rights, expressing full readiness to cooperate with the Arab League and provide the technical support required by the Arab Court, including the provision of the expertise of treaty committees, i.e. “quasi-judicial” committees that have accumulated over tens of years considerable experience in the field of judicial jurisprudence that committees have



reflected part thereof in their comments and feedback as well as in their views on individual complaints.

For his part, the Chairman of the Arab Network of National Human Rights Institutions, Dr. Mohammed Al-Sabbar, delivered a speech in which he stressed that his participation on behalf of the Network in the International Symposium on the draft statute of the Arab Court of Human Rights is considered a participation and contribution within the framework of the Network’s exercise of its powers stipulated in Article 3 of its Memorandum of Incorporation and Articles 5 and 6 of its Articles of Incorporation.

He said that the great attention paid by the Network to the construction of a regional system to protect human rights and promote them in the Arab countries falls under the Network’s strategic objective to protect, promote and develop human rights in the Arab region. Dr. Al-Sabbar also stressed that the relentless pursuit by the Network to produce the statute of an Arab court for human rights to be similar to those regional courts, integrate with the institutions of the

national judiciary, and strengthen the regional system for the protection of human rights, is but one of the Network’s core functions, i.e. the exchange and coordination of views and attitudes of national institutions on the regional and international levels on all issues related to human rights.

Dr. Al-Sabbar added that the Arab Network of National Human Rights Institutions highly appreciates the initiative of His Majesty King Hamad bin Isa Al Khalifa, King of Bahrain, aimed to establish an Arab court of human rights, being considered as a key building block in the construction of a regional system of human rights, and an institution which will substantially develop mechanisms of judicial remedies in a manner that complements the national judiciary. The said Arab court is also considered a key mechanism in the regional system of human rights at the level of the LAS States Parties, and it will enable the provision of advanced protection of human rights at the regional level, similar to the other regional systems of human rights (e.g. European, African and American courts) and in integration with the international mechanisms of human rights protection.

He stated that the Network equally appreciates the Kingdom of Bahrain’s offer to host the seat of the Court. Dr. Al-Sabbar stressed that the Network will make all its capabilities available to the Kingdom, where appropriate, in order to contribute to making this great project of human rights come to the surface.

Dr. Al-Sabbar pointed out that, based on the decision of the LAS Council at the level of the summit, the process of drafting and preparing the draft statute of the Arab Court of Human Rights commenced. A committee of legal experts from the Member States of the League of Arab States was formed to provide expertise on the Court’s draft statute. In March of this year, and on the occasion of the 25th Ordinary Summit of the League of Arab States, held in Kuwait, the Summit decided to approve in principle the draft statute of the Arab Court of Human Rights and assign a high-level committee to decide on matters related to the draft statute and submit the final version thereof to the meeting of the Arab foreign ministers for approval.

Dr. Al-Sabbar stated, “After the Network has reviewed the discussions on the draft statute and studied the preliminary documents produced by the member institutions of the Network or by international non-governmental organizations, such as the International Federation for Human Rights (FIDH) and the International Commission of Jurists (ICJ), it has turned out that the process of formulating the draft statute of the Arab Court of Human Rights poses a number of legal and methodological challenges, particularly from the perspective of approximating the draft statute to the statutes of similar regional courts.

He said that the forefront of these challenges is the one

related to the issue of deciding on the scenarios of the relation between the draft statute of the Arab Court of Human Rights and the Arab Charter on Human Rights, a challenge that can be addressed from multiple entries: diversity, if not contrast, of the conventional practice by the States Parties to the League of Arab States. Also, another level of the challenge is associated with the status of the ratification of the Arab Charter on Human Rights, which has been ratified so far by only 20 of the States Parties to the League of Arab States. A third level of the challenge is related to the need to update the Arab Charter on Human Rights itself to make it analogous to similar regional charters on human rights, which often tend to devote guarantees for rights either identically or superiorly to those provided in the international conventions on human rights. Those conventions also carry a link with the regional courts of human rights through the stipulation of the general principles related to their jurisdiction, formation and organization. Accordingly, it becomes clear that these normative challenges pose the referential base problem for the Arab Court of Human Rights.

Dr. Al-Sabbar said that among the challenges that can be contemplated is how to implement the interpretative requirement referred to in Article 43 of the Arab Charter on Human Rights on the future judicial work of the Arab Court of Human Rights. The said Article 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 force 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."

He noted that there are other challenges, such as how



to enable the court to consider the possibility of formally receiving cases, which is the approach currently followed by comparative experiences of the regional courts of human rights. Another challenge is how to re-formulate the mechanism for implementing the decisions of the Arab Court of Human Rights proposed in the court's draft statute in the light of similar mechanisms stipulated in the regional courts of human rights, and whether it is possible to assign the implementation monitoring to the Council of Arab Ministers of Justice to ensure that the national mechanisms for implementing decisions in the States Parties shall implement the decisions of the Arab Court of Human Rights.

Al-Sabbar said that the Arab Network of National Human Rights Institutions expect this symposium to come out with practical and procedural proposals regarding these legal, methodological and other challenges. Also, the Network expects that this international symposium will be a key station in the building of a plan for the establishment of an Arab court of human rights, which will undoubtedly represent a fundamental pillar in a regional system for human rights protection to meet the aspirations of the peoples and residents of the States Parties to the League of Arab States, and emulate similar regional courts of human rights.

Arab Human Rights Committee (Charter Committee)

In the Arab summit held in Tunisia in 2004, the Council of the Arab League approved, according to Resolution No. 270 dp (16), on summit level the Arab Charter of Human Rights, after a long journey since the nineties until it has been accredited in this summit.

The Arab Charter of Human Rights is considered a quantum leap, on the level of the Arab region, in terms of addressing human rights in the context of the Arab league members states parties in the Charter on one hand, on the other hand the present Charter, consisting of (53) articles created the Committee under Article (45) which is called "the Arab Human Rights Committee", composed of seven members elected by the States Parties to the Charter by secret ballot conducted by experienced and competent experts in this field who work in their own personal capacity and do not represent their countries, they work in their personal capacity with impartiality and integrity, the membership of this committee extends for four years.

Regarding the role of the Committee, it specializes in studying the reports submitted by States parties to the Charter, pursuant to the provisions of Article (48) of the Charter, which requires the State party to the Charter to reflect the measures taken with regard to the realization of the rights and freedoms set forth in the Arab Charter on human rights, where the committee will hold sessions to discuss reports submitted by the states, in the presence of the State concerned, which responds to inquiries

and clarifications of the Committee on the report being reviewed. In light of this discussion, the Committee issues its observations and recommendations to the State.

At the end of each year the Committee prepares a report containing its activities, observations and recommendations resulting from the study and discussion of the reports submitted by States parties to the Charter, which will then be submitted to the Secretary-General of the League of Arab States, who forwards it to the Council of the League of Arab States.

To avoid often occurring ambiguity, distinction must be made between the Arab Human Rights Committee (AHRC), and the Permanent Arab Committee for Human Rights (PACHR), as the AHRC termed the Charter Committee, which is the Arab Charter on Human Rights, is - as mentioned above - an independent Committee created by the Arab Charter on human Rights of independent experts, while the PACHR is a government committee with the membership of all Member States of the League of Arab States, holding a number of meetings each year according to a specific schedule to review a range of topics listed on its agenda by the General Secretariat of the League of Arab States, as well as items proposed by the Member States.

Mohammed Goumaa Fuzai'a

A member of the Arab Human Rights Committee (Charter Committee)

NIHR signs a MoU with the Arab Organization for Human Rights

The National Institution for Human Rights (NIHR) signed a memorandum of understanding (MoU) with the Arab Organization for Human Rights (AOHR) on the sidelines of the International Conference on Arab Court of Human Rights, which was launched in the Kingdom of Bahrain.

NIHR Secretary-General Dr. Ahmed Farhan sealed the deal with his AOHR counterpart Mr. Ala'a Shalabi.

Dr. Farhan stated that the MoU aims to exchange expertise, hold workshops, coordinate training programmes and events in the field of human rights promotion and protection, and take joint stances with respect to the powers of both AOHR and NIHR.



NIHR signs a MoU with the Penal Reform International

The National Institution for Human Rights (NIHR) signed a memorandum of understanding with the Penal Reform International (PRI) on the sidelines of the International Conference of Arab Court for Human Rights meetings.

Dr Ahmed Abdulla Farhan, NIHR Secretary General signed the MOU with Mrs Tagreed Jabr, The PRI Regional Director.

"The MOU aims to exchange expertise, hold workshops, and coordinate training programmes in the field of promoting and protecting human rights" said the Secretary General.



NIHR signs a MoU with Jordan Ombudsmen Bureau



The National Institution for Human Rights (NIHR) signed a memorandum of understanding with Jordan Ombudsmen Bureau (JOB) on the sidelines of the International Conference of Arab Court for Human Rights meetings, that was held in 25-26 May 2014.

Dr Ahmed Abdulla Farhan, NIHR Secretary- General signed the MOU with Mr Alaa Al Armouty, Chairman of JOB. Mr Al Armouty said that that under the memorandum parties agreed to exchange visits and consultations and the exchange of publications and literature studies and arranging and organizing training courses, workshops and holding joint conferences.

NIHR signs a MoU with the Independent Commission for Human Rights in Palestine

The National Institution for Human Rights (NIHR) signed a memorandum of understanding with the Independent Commission for Human Rights in Palestine (ICHR) on the sidelines of the International Conference of Arab Court for Human Rights meetings, held in 25 May 2014.

Dr Ahmed Abdulla Farhan, NIHR Secretary- General signed the MOU with Ms Randa Al Sanyoora, ICHR Executive Director.

Dr Farhan said that the MOU will focus on exchanging consultations and publications, and held joint training courses, workshops and conferences aiming to promote Human Rights in the region.



NIHR signs a MoU with Asian Pacific Forum (APF)



The National Institution for Human Rights (NIHR) signed a memorandum of understanding with Asian Pacific Forum (APF) on the sidelines of the International Conference of Arab Court for Human Rights meetings.

Dr Ahmed Abdulla Farhan, NIHR Secretary-General signed the MOU with Mr Kieren Fitzpatrick, APF Director.

Dr Farhan said that the MOU aims to enhance the cooperation with International Human Rights Organizations, and exchange experiences. He added that this MOU with APF will focus on translating some of APF Publications and resources into Arabic language.

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 rights 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 Rights (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 rights courts in addition to four workshops. The participants reached a set of practical recommendations and proposals designed to energise the role of national human rights 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 Rights 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 Rights 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 Rights 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 rights obligations and to expand their contractual practice in the field of international human rights 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 rights 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 rights 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 rights 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 Rights and the Arab League's Human Rights Mechanisms:

- Welcome the Arab League's approval of amendment of the Arab League Charter to warrant respect for human rights principles and development of their functional mechanisms for better service in this field.
- The need to introduce amendments in the Arab Charter on Human Rights (2004), especially to provide for vesting the Arab Human Rights 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 Charted 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 Rights sInstitutions to provide further support and impetus for activation of the recommendations and initiatives of the civil society organisations relative to develop the Arab Human Rights 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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