

The Casablanca Declaration

The Casablanca Declaration of the Arab Human Rights Movement.

Adopted by the First International Conference of the Arab Human Rights Movement Casablanca, 23–25 April, 1999 . See background note.

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At the invitation of the Cairo Institute for Human Rights Studies, and hosted by the Moroccan Organization for Human Rights, the First International Conference of the Arab Human Rights Movement: Prospects for the Future was held in Casablanca from 23 to 25 April, 1999, to examine the human rights conditions in the Arab world, and the responsibilities, tasks and prospects of the Arab human rights movement.

After extensive discussions, the Conference declared that the only source of reference in this respect is international human rights law and the United Nations instruments and declarations. The Conference also emphasized the universality of human rights.

The International Setting: The Conference examined the international setting and conditions affecting the status of human rights specifically in the Arab world and affirmed the following:

* The call for substantial reforms in the United Nations so as to make it more representative of the regions and peoples of the world, and more

effective in fulfilling its role and in expressing the common interests and responsibilities of humanity.

* The importance of drawing the attention to the grave consequences of using the principles of human rights for the realization of specific foreign policy objectives of some countries. It affirms that the Arab world is still suffering from the opportunistic, political and propagandist use of human rights by some major powers as evidenced by the double-standards employed by such powers, most notably the United States of America.

* Calling upon the UN Security Council to review the international sanctions system and its application methods. The Conference also urges the UN Security Council to decide to immediately and unconditionally end the economic sanctions on Iraq, considering that their devastating effects on the civilian population could be likened to genocide.

* Rejecting the manipulation by some Arab governments of patriotic sentiments and the principle of sovereignty so as to avoid complying with international human rights standards.

* Rejecting any attempt to use civilizational or religious specificity to contest the universality of human rights. Commendable specificity is that which entrenches the dignity and equality of citizens, enriches their culture and promotes their participation in the administration of public affairs.

Peace and the Rights of Peoples and Minorities in the Arab World:
The Conference declares its support for the proposed UN Decade for the Culture of Peace and affirms that acceptable peace is that which is based

on respect for fundamental rights, justice and peoples' inherent dignity. It should also be based upon the provisions of international law, the UN resolutions, and the due respect of human rights -- most notably the right to self-determination.

The rights of the Palestinian people are the proper standard to measure the consistency of international positions towards a just peace and human rights. The Arab human rights movement will apply this standard in its relations with the different international organizations and actors.

The Conference declares its full support for the right of the Palestinian people to self-determination and to establish their independent state on their occupied national soil --with Jerusalem as its capital-- and the right of return for the refugees and to compensation in accordance with UN resolutions. The Conference demands the dismantling of settlements, the elimination of all forms of racial discrimination and human rights violations against the Arabs of Israel, and the elimination of the racist Zionism and the expansionist nature of Israel.

The establishment of a just peace requires the immediate and unconditional withdrawal of Israel from the Golan Heights and South Lebanon in accordance with UN Security Council resolutions.

Meanwhile, the Conference calls upon the contracting parties of the Fourth Geneva Convention on the Protection of Civilian Persons in Times of War to fulfill their legal obligations and to work towards compelling the Israeli occupation forces to apply the provisions of the Convention, considering that these provisions constitute the minimum standards

required for the protection and safety of Palestinian civilians. In this regard, the Conference affirms that it is necessary that the High Contracting Parties comply with the UN General Assembly resolution to hold a special conference of the High Contracting Parties on July 15th, 1999, to examine the measures required for the enforcement of the provisions of the Convention in the occupied territories. The Conference also calls upon international and Arab NGOs to join the international campaign to urge the High Contracting Parties of the Fourth Geneva Convention to work towards enforcing its provisions in the occupied territories.

The Conference values the positions of NGOs and states in support of the rights of the Palestinian people and the position of the European Union among them -- especially the EU's refusal to recognize the Israeli stance on Jerusalem. The Conference also hails the European Commission's recommendation to embargo the goods produced in the Israeli settlements and calls upon all states to adopt similar positions.

The Conference urges the Palestinian National Authority to respect human rights, to establish the separation of powers, to dissolve State Security Courts, and to release political prisoners.

In discussing the issue of minorities in the Arab world, the Conference affirms its commitment to the right to self-determination and its strong condemnation of all acts of oppression, despotism and war that have been and are still being committed against minorities in the Arab world, especially genocide, displacement and enslavement. The Conference affirms that the Arab human rights movement will treat such actions as crimes against humanity.

In this context, the Conference declares its support for the Kurdish people's right to self-determination and calls upon the United Nations to convene a special international conference with the participation of all the concerned parties to reach an integrated and comprehensive solution to the continued suffering of the Kurdish people.

The Conference also calls for an end to the war in Sudan and urges the establishment of peace within the framework of a formula that ensures the establishment of a democratic system of political plurality, participation in public life, and respect for human rights without discrimination between citizens -- including securing the right of the citizens of South Sudan to self-determination.

The General Conditions of Human Rights in the Arab World: Despite the relative relaxation in the human rights situation in a number of Arab countries, the general picture remains gloomy in comparison with the progress realized in other parts of the world. This is exacerbated by the failure of the League of Arab States to provide an effective regional conflict-resolution system and mechanisms for the protection of human rights in the Arab world.

The Conference expresses its alarm at the continued absence of a modern legal structure in a number of Arab countries. This includes the lack of a constitution, a parliament and a modern judicial system, in addition to their persistent rejection of international human rights standards. This applies to Saudi Arabia and a number of Gulf states.

The Conference discussed at length the continuation of acts that completely suppress fundamental rights and freedoms and the persistence of legal systems based upon the codification of cruelty and

violence in Iraq, Libya, Syria, Sudan and Bahrain. This is despite their accession to some of the most fundamental international human rights conventions and agreements. The Conference also discussed the prevalence in these countries of grave and flagrant human rights violations that can not be accurately monitored because of the absence of the minimum requirements for fact-finding.

The conference draws attention to the fact that acts of external aggression and military or economic violence against Iraq and Libya further aggravate the human rights situation there.

The Conference affirms that the acts of violence and armed internal conflicts, as in Somalia and Sudan, constitute in themselves a grave violation of the rights to life, physical integrity, life in peace and all other rights.

While expressing its concern at the situation in Algeria since the cancellation of elections in 1992, the Conference strongly condemns the crimes and massacres committed by armed groups and military militias against tens of thousands of citizens. The Conference also condemns the grave human rights violations committed by the state, specifically the enforced disappearance of thousands of people.

The Conference examined the human rights situation in the other Arab countries, which are characterized by defects in the rule of law and in institutional, legislative and other safeguards for the enjoyment of human rights and fundamental freedoms, in addition to infringements of the principle of the independence of the judiciary. These conditions lead to grave and systematic violations of human rights, especially the crime of torture. The Conference regrets the reversal in some countries, which

had realized some relative improvement in the condition of human rights, such as Tunisia, Egypt, Yemen and Jordan.

The Conference welcomes the relative progress in the general human rights situation in Morocco in the last decade, due to the efforts of the Moroccan and international human rights organizations.

In this respect, the Conference affirms the following:

1- Generating pressure to reform and upgrade the institutions of the League of Arab States and to achieve the legislative and practical reforms necessary for safeguarding human rights and for ensuring the participation in and monitoring of these institutions by Arab citizens.

2- Calling upon the League of Arab States to review all its conventions relating to human rights -- especially the Arab Agreement on Combatting Terrorism -- and also to review the Arab Charter of Human Rights of 1994, with a view to drafting a new Arab convention on human rights, in cooperation with Arab human rights NGOs, so as to make it compatible with international standards. The Conference decided to form a working group to prepare a draft proposal for such a convention.

3- Generating pressure to reform the legislations of Arab countries, especially those contravene the freedoms of opinion, expression, and dissemination of information and the right to knowledge. Working towards ending the state's control of all media, and demanding that Arab governments legalize, in the framework of democratic constitutions and laws, the rights of assembly and peaceful association for all intellectual

and political groups and forces, including the unarmed political Islamic groups.

4- Calling upon all political Islamic groups to renounce violence and to end its practice, and calling upon the intellectual and political community and forces to abstain from practising intellectual terrorism through calling others apostates or traitors or defaming their characters.

5- The need to initiate substantial political reforms in Iraq leading to a democratic system and constitution that would bring about the equality of citizens, abolish political confessionalism, allow for diversity as a basis of national unity according to the principle of equality in citizenship, and enshrine fundamental human rights.

6- Calling for an end to the exceptional situation in Sudan and for convening a comprehensive constitutional conference with the participation of all the political and civil forces so as to ensure the restoration of democracy and peace.

7- Calling for the consolidation of the political reforms begun in 1989 in Algeria so as to prepare the ground for ending violence and laying down arms; releasing those detained without trial; retrying those who had been tried under exceptional laws; revealing the fate of the "disappeared"; and bringing those responsible for the crimes of disappearance, torture and killing to justice. The Conference stresses the need for governments to respond to just and legitimate initiatives for opening a serious dialogue to establish peace and broaden public freedoms.

Responsibilities of the Arab Human Rights Movement:

1- Promoting the struggle for democracy and basing the general strategy of the movement on such a task. The Conference affirms that the aims of preserving the non-partisan nature of the movement and ensuring its independence from political parties do not exclude working towards a constant dialogue between human rights organizations and all political parties. Such a dialogue should aim at cooperation to consolidate democratic transformation and respect for human rights, and to draft a code of minimum standards for the respect of human rights and democracy that takes into consideration the specific political and social context of every single country.

2- Determining the common priorities of the Arab human rights movement in the realms of advocacy and protection. These include the following:

- * Putting a final end to the practice of torture, and pursuing its perpetrators and bringing them to justice.

- * Annulling martial and emergency laws, and affirming the need to respect freedoms of expression, assembly and association.

- * Ending administrative and preventive detention and releasing all prisoners of conscience and those detained without charge or trial.

- * Opposing exceptional courts, campaigning for laws and safeguards which guarantee the independence of the judiciary from any administrative manipulation or intervention.

* Introducing necessary reforms to the basic laws, revoking exceptional laws, and putting an end to arbitrary and extra-judicial executions or those resulting from unfair trials.

3- Struggling for the realization of economic and social rights, considering that human rights are integrated, indivisible and are not exchangeable. In this respect the Conference affirms:

* Securing citizens' right to participation, including guaranteeing public oversight of the public revenues of the state, is the backbone of the application of the right to development.

4- Struggling for entrenching the values of human rights in the Arab and Islamic culture. This includes the following:

* Urging those Arab governments that did not ratify international human rights instruments to do so immediately and without reservations, and urging those that ratified them to lift their reservations, and to comply to the provisions of such instruments regarding the mechanisms of protection.

* Urging academics, researchers and religious scholars to shed light on the roots of human rights in the Arab culture, to exhibit the contribution of the Islamic civilization in establishing the values of human rights, and to dismantle the artificial contradictions between some human rights principles and some obsolete fundamentalist interpretations. Calling upon all Arab intellectuals and politicians to refrain from entangling Islam in a confrontation with human rights, and to consider those rights provided by international human rights law as a minimum to

build upon and not to seek to reduce or call for their violation in the name of specificity or any other pretext.

5– Struggling for the recognition of women's rights as an integral part of the human rights system. This includes the affirmation of the following:

- * Women's enjoyment of human rights is an integrated and comprehensive process that should encompass all facets of life within and outside the family.

- * Real equality between women and men goes beyond legal equality to encompass changing the conceptions and confronting the stereotypes about women. Thus, it requires not only a comprehensive review of laws, foremost of which are personal status codes, but also the review and upgrading of educational curricula as well as the critical monitoring of the media discourse.

- * In this respect, the Conference stresses the necessity of engaging women's and human rights NGOs in the process of reviewing current legislations and in upgrading civil and criminal laws, with a view to resolutely confronting all forms of violence and discrimination against women.

- * The Conference also calls upon the Arab governments that did not ratify the Convention on the Elimination of All Forms of Discrimination Against Women to do so expeditiously, and those that ratified it to lift their reservations.

* It also calls upon women and human rights NGOs to work to refute these reservations, to challenge the culture of discrimination, and to adopt courageous stances in exposing the practice of hiding behind religion to legitimize the subordination of women. These NGOs should also give special attention to the continued monitoring of the compliance by Arab governments to their international commitments concerning women's enjoyment of their rights.

* The necessity of considering the possibility of allocating a quota for women in parliaments, representative institutions and public bodies as a temporary measure. This should stand until appropriate frameworks for women's voluntary activity take shape and until the awareness of the necessity of equality and the elimination of all forms of discrimination increases.

6- Confronting the violations of the rights of the child in the Arab world, specially those emanating from economic sanctions, the aggravation of armed conflicts in some countries, and the increase in the phenomena of street children and child labor. In this respect the Conference calls for the following:

* Criminalizing the engagement of children in armed conflicts, and supporting efforts aimed at raising the minimum age of military conscription to 18 years.

* Prohibiting the employment of children in occupations that may harm their health, security or morals.

* Prohibiting the implementation of capital punishment in crimes committed by children under 18 years of age; this is until the abolition of capital punishment entirely.

* Prohibiting the confinement of children in the detention places of adults.

7- Disseminating human rights education and culture on the basis that the first line of defense of human rights is citizens' awareness of their rights and their readiness to defend them. In this respect, the Conference has decided on the following:

* The need to overcome all obstacles preventing access to the fora provided by the media and the educational institutions to disseminate the message of human rights. It is necessary to try by all means to convince governments to facilitate the work of human rights education institutions, to add the subject of human rights to the educational curricula, and to uproot all that contravenes the values of human rights from the current curricula.

* Consolidating cooperation with the fora of artistic creativity and other non-governmental organizations in the realm of disseminating the culture of human rights, and focusing on some intermediary strata that could be able to play a vital role in this sphere, such as teachers, media personnel, judges and lawyers. In addition, it is necessary to design suitable plans to activate the role of preachers in mosques and churches in this respect.

8- With respect to upgrading and advancing the capabilities of the Arab human rights movement, the Conference draws attention to the

signs of substantial developments in international criminal justice manifested by the opening for ratification of the Convention on the International Criminal Court, and also the possibility of bringing to justice the torturer Pinochet. The Conference affirms that such developments open the door to the possibility of trying war criminals and perpetrators of crimes against humanity. This necessitates that human rights defenders develop new methodologies and tools to collect and document information that could be used as evidence before such trials.

9- Protecting human rights defenders and their rights to receive information, hold meetings, contact all the concerned sides, and make use of local and international law to defend human rights. In this respect, the Conference:

- * Absolutely condemns all the reservations made by 13 Arab states to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

- * Affirms that the conduct of any Arab government toward human rights defenders will be the determinant by which, negatively or positively, the Arab human rights movement will deal with it;

- * Stresses that it is necessary for human rights defenders to commit themselves to the professional standards and political neutrality, which require defending the victims of human rights violations regardless of their political or ideological affiliations. It is also necessary that human rights defenders apply the rules of democratic review established in the structures of civil associations and exercise complete transparency regarding their financing sources and expenditures. The Conference

considers that the commitment to these principles is consistent with the very essence of the task of defending human rights. This calls for the founding of a body to represent civil society in overseeing the performance of human rights NGOs and their commitment to these standards.

10- Coordination between the Arab human rights NGOs: The Conference affirms that the minimum standard required for the fulfillment of these responsibilities and recommendations necessitates the elevation of bilateral and collective cooperation between Arab human rights NGOs to the highest level. Given the lack of national and regional coordination mechanisms and structures on the local and regional levels, the Conference considers these tasks of utmost importance. There is an urgent need for reviewing the present structure of relations between its components on the local, regional and international levels, taking into consideration the quantitative and qualitative developments of the human rights movement in the South. The movement should strive to found a new international mechanism based on continuous and dynamic consultation to promote the relationships of partnership and parity among its components. This is to help further the effectiveness of the movement on the international, regional and local levels.

BACKGROUND NOTE:

The First International Conference of the Arab Human Rights Movement: "Prospects for the Future", took place in Casablanca, Morocco, between April 23–25, 1999. It was organised by the Cairo Institute For Human Rights Studies (CIHRS) with the collaboration of the Moroccan Organisation for Human Rights.

There were many participants from North African countries among the 100 representatives from human rights groups from across the Arab world. It is significant that the conference took place in Morocco, a country which has seen considerable improvements in human rights conditions in recent years and where civil society organisations have found new space for their social development activities.

This is in stark contrast to some neighbouring countries. In late May, for example, several international human rights organizations joined Egyptian groups in condemning a law passed on May 27 by the Egyptian Parliament, which imposes some very restrictive conditions on civil society organizations.

The Casablanca Declaration provides a useful analysis of the human rights situation in the Arab world, as well as recommendations for human rights organizations and NGOs. For more information please contact: Bahey El Din Hassan Director, Cairo Institute for Human Rights Studies (CIHRS) PO Box 117 Maglis El Shaab, Cairo, Egypt Tel: (202) 3551112 / 3543715 / Fax: (202) 3554200 E-mail cihrs@idsc.gov.eg