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FOLLOW-UP TO AND IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION

Note verbale dated 6 December 2007 from the Permanent Mission of the Kingdom of Morocco to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Kingdom of Morocco to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit herewith the full text* of the Final Declaration of the third seminar of Arab national human rights institutions held in Rabat, from 12 to 14 November 2007, on the theme “Role of national institutions in promoting the independence of the judiciary in the Arab region”.

The third seminar of Arab national human rights institutions was organized through close cooperation between the Advisory Council for Human Rights and the Office of the High Commissioner for Human Rights.

The Permanent Mission of the Kingdom of Morocco should be grateful if the Office of the High Commissioner would have this declaration circulated as a document of the Human Rights Council.

* Reproduced in the annexes as received, in the language of submission and in English only.

Annex

Third seminar of national Arab human rights institutions on the “Role of national institutions in promoting the independence of the judiciary in the Arab region”, 12-14 November 2007, Rabat, Morocco

The Rabat Declaration

The Advisory Council for Human Rights, with the support of the Office of the United Nations High Commissioner for Human Rights, held the third seminar of Arab national human rights institutions on the “Role of national institutions in promoting the independence of the judiciary in the Arab region”, from 12 to 14 November 2007, in Rabat, Morocco.

The purpose of this seminar was to support national and regional initiatives aimed at strengthening the role of Arab national human rights institutions and other actors in promoting the rule of law and the independence of the judiciary, in keeping with international human rights standards.

The seminar was attended by representatives of national human rights institutions, judicial authorities of the Arab region, regional organizations, including the League of Arab States, the United Nations, experts on the administration of justice and non-governmental organizations.

Preamble

We, the representatives of national human rights institutions in the Arab region, participants in this seminar:

Recall the universal principles of inalienable and inderogable human rights and the principles of the Charter of the United Nations;

Recall the international human rights mechanisms which guarantee the right to a fair trial in any case before a competent, independent and impartial court, in particular article 10 of the Universal Declaration of Human Rights, article 14 of the International Covenant on Civil and Political Rights, article 37 of the Convention on the Rights of the Child and article 18 of the International Convention on the Protection of the Rights of All Migrant Workers and the Members of Their Families;

Recall the regional human rights mechanisms and the principles and guidelines which guarantee the right to a fair trial before a competent, independent and impartial tribunal, in particular article 7 of the African Charter on Human and People’s Rights, the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa and the provisions on the independence of the judiciary set out in the Arab Charter on Human Rights;

Take note that the protection of the right to a fair trial afforded by international and regional mechanisms and the norms set out in international and regional principles and guidelines also apply to military courts and situations of emergency;

Recognize as important references that assist member States in writing the principle of the independence of the judicial authority into the Constitution or law of the country, the Basic Principles on the Independence of the Judiciary of 1985, the Guidelines on the Role of Prosecutors of 1990 and the Basic Principles of the Role of Lawyers of 1990, which protect the independence and professional impartiality of lawyers and public prosecutors so as to enable them to play their role in preserving the rule of law;

Recall the Bangalore Principles of Judicial Conduct adopted by the Judicial Group on Strengthening Judicial Integrity in 2002 and taken up by the former Commission on Human Rights in 2003 and by the Economic and Social Council in 2006;

Welcome general comment No. 32 adopted by the Human Rights Committee in 2007 on article 14, concerning the right to equality before the courts and to a fair trial;

Reaffirm the importance of compliance by Arab national human rights institutions with the principles on the establishment of national institutions adopted by the United Nations General Assembly in resolution 48/134 of 20 December 1993 (the "Paris Principles") and the need for partnerships between national human rights institutions, Governments and non-governmental organizations to strengthen the administration of justice and the rule of law;

Take note that the third seminar on the role of human rights institutions in promoting the independence of the judiciary discussed challenges and shortcomings in law and practice and the urgent requirements of the independence of the judiciary in the Arab region;

Declare that national human rights institutions in the Arab region agree to develop and enhance cooperation with a view to exchanges of experiences and best practices that encourage national institutions to promote and protect human rights at the national level and to promote the independence of the judiciary;

Also affirm the vital role of the media in raising awareness of human rights, and recognize the progress made by the Arab media in dealing with human rights issues.

Recommendations

We make the following recommendations:

1. The League of Arab States, which has not yet done so, should undertake to establish national human rights institutions in accordance with the Paris Principles and should strengthen their independence and effectiveness, in law and in practice, and provide them with adequate funding.
2. The Arab States should strengthen national legal institutions which protect and promote human rights, as well as the rule of law and the effective administration of justice.
3. Arab States which have not already done so should ratify international human rights treaties, including optional protocols, in particular the first Optional Protocol to the International Covenant on Civil and Political Rights, and the Arab Charter on Human Rights, should withdraw reservations which are contrary to the spirit of those treaties and should accept the competence of United Nations human rights treaty bodies for considering communications from individuals.

4. Efforts should be stepped up to guarantee the consistency of national laws with international human rights standards and to follow up on the implementation of recommendations by treaty bodies and special procedures, as well as the observations of the Human Rights Council;

5. Constitutional, legislative and practical measures should be strengthened so as to guarantee the independence of the judiciary and the proper and impartial conduct of court proceedings, in keeping with international standards and respect for the rights of the parties.

6. The independence of the judiciary should be strengthened during the adoption of national plans of action on human rights, and mechanisms for implementation should be established through partnerships between national human rights institutions, Governments and non-governmental organizations that operate in the human rights domain.

7. Arab national institutions should contribute to the formulation of national strategies that include activities to raise awareness among the parties concerned of respect for the independence of the judiciary.

8. Encouragement of and participation in monitoring of arbitrary detention and conditions of detention and the observation of trials as measures that may be used to assess the competence, independence and impartiality of courts.

9. Arab national institutions should participate in joint research and analysis with a view to devising indicators and standards for monitoring of arbitrary detention, inhumane conditions of detention and unfair trials.

10. Arab national institutions should provide legal assistance to victims of unfair trials, in accordance with international standards and subject to the limits of the law, and should ensure access to complaints mechanisms that guarantee every person the availability of a remedy against violations during court proceedings.

11. Arab national institutions should promote public awareness programmes on the rule of law and administration of justice, through the media, and encourage interaction with the media.

12. The League of Arab States should streamline the procedures for granting Arab national human rights institutions and Arab non-governmental organizations observer status in the Arab Standing Committee on Human Rights, and should promote these institutions and organizations and their participation in the Committee's work.

Lastly, the participants in the seminar

Express their gratitude to the Kingdom of Morocco and the Advisory Council for Human Rights for organizing and hosting the third seminar of national human rights institutions in the Arab region on the subject of the independence of the judiciary in the Arab region, and to the Office of the United Nations High Commissioner for Human Rights for its support and cooperation;

Commend Morocco for its experience in transitional justice and consider it a pioneer with regard to truth and reconciliation commissions;

Agree to hold the fourth seminar on the subject of common challenges confronting national human rights institutions in the Arab region, the adoption of appropriate mechanisms to strengthen their capacities and independence, in keeping with the Paris Principles, and the opening of a debate on the Principles, and also welcome the invitation from the Algerian National Advisory Committee for the Advancement and Protection of Human Rights to hold the fourth seminar in the capital Algiers;

Request the Advisory Council for Human Rights and the host State to transmit the recommendations of this seminar, as an official document, to the Human Rights Council of the United Nations.

Rabat, 11 November 2007

Names of Arab national human rights institutions participating in the seminar

The Advisory Committee for the Advancement and Protection of Human Rights, Algeria

The National Council for Human Rights, Egypt

The National Committee for Human Rights, Qatar

The Advisory Council for Human Rights, Morocco

The Palestinian Independent Commission on Citizens' Rights

The National Committee on Human Rights, Mauritania

The Human Rights Commission, the Kingdom of Saudi Arabia

The Higher Council on Human Rights and Fundamental Freedoms, Tunisia.
