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CONSEIL DES DROITS DE L'HOMME
Sixième session
Point 3 de l'ordre du jour

**PROMOTION ET PROTECTION DE TOUS LES DROITS DE L'HOMME,
CIVILS, POLITIQUES, ÉCONOMIQUES, SOCIAUX ET CULTURELS,
Y COMPRIS LE DROIT AU DÉVELOPPEMENT**

Informations présentées par l'Institut danois des droits de l'homme, l'Institut allemand des droits de l'homme, la Commission nationale grecque des droits de l'homme, la Commission consultative nationale française pour les droits de l'homme et le Centre norvégien pour les droits de l'homme*

Note du secrétariat

Le secrétariat du Conseil des droits de l'homme a reçu la communication ci-après au sujet du premier dialogue arabo-européen des institutions nationales de défense des droits de l'homme, qui s'est tenu à Amman les 18 et 19 avril 2007**. Cette communication est reproduite ci-après conformément à la résolution 5/1 du Conseil des droits de l'homme, article 7 b), qui dispose que «la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques convenues par la Commission des droits de l'homme, y compris la résolution 2005/74 du 20 avril 2005».

* Toutes les institutions nationales de défense des droits de l'homme présentant des informations disposent du statut A auprès du Comité international de coordination des institutions nationales pour la promotion et la protection des droits de l'homme.

** Reproduite en annexe telle qu'elle a été reçue, dans la langue originale seulement.

ANNEXE

First Arab - Euro Regional Conference for National Institutions for the Promotion and Protection of Human Rights, Amman (18-19 April 2007)

Conclusions and Recommendations

The first Arab - Euro Regional Conference for National Institutions for the Promotion and Protection of Human Rights held in Amman was devoted to the theme of protecting human rights while countering terrorism. The conference was organized by the National Center for Human Rights of Jordan and the Danish Institute for Human Rights. A list of participants of the conference is enclosed.

The conference was enriched by stimulating presentations by key note speakers from NIs, OHCHR and independent experts followed by constructive discussions and deliberations.

The first Arab - Euro Regional Conference adopted the following:

Recalling the international bill of human rights and other international human rights instruments, freely ratified by states, to promote and protect human rights and fundamental freedoms, particularly the International Covenant on Civil and Political Rights, the Convention against Torture and its Optional Protocol, the International Convention for the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights underlining the legally binding obligations they impose on state parties and the contribution they make to international peace, security and development.

Recalling that the protection and promotion of human rights and the adoption of effective counter-terrorism measures are complementary and mutually reinforcing objectives that must be pursued together as part of the states' responsibility to protect.

Welcoming guidance and jurisprudence on the protection and promotion of human rights provided for in human rights treaty bodies and special procedures while countering terrorism.

Reaffirming the principles and recommendations of the Seoul Declaration of 2004 adopted by the Seventh International Conference for NIs.

Stressing that international human rights instruments contain provisions for the protection and promotion of human rights of each individual, and at the same time oblige states to provide safety and security for their population.

Underlining that non-derogable human rights are absolute and inalienable and that any anti-terrorism measures that have an impact on derogable human rights, must be necessary, proportionate and be in conformity with international law and national legislation, including ensuring legal safeguards.

Emphasizing that states are obliged to ensure that anti-terrorist measures comply with international human rights standards and that National Institutions are mandated to advise their governments on compliance with these standards.

Stressing the need for non-violent conflict resolution and open, transparent and participatory processes in order to respond to terrorism.

Urge governments, politicians and media to avoid describing the fight against terrorism in discriminatory ethnic stereotypes and instead address the root causes and real challenges with regard to preventing terrorism.

Encouraging National Institutions to give priority to interaction with governments and other stakeholders regarding anti-terror legislation, its implementation as well as protection of human rights defenders *and urging* governments to pay due attention to advice of NIs and CSO.

Calling for the use and application of national, regional and international human rights standards and mechanisms, in combating terrorism and in this respect strengthening collaboration with international and regional organizations such as the UN, including the OHCHR, the Council of Europe, EU, the Islamic Conference and the Arab League and other institutions.

Declaring that there is a need for further collaboration, sharing of information and best practices, including the development of specific tools, among NIs in the Arab - Euro regions.

Way forward

NIs should focus on the respect for rule of law and effective administration of justice in line with international human rights treaties. They should carefully study both legislation and procedures and their compliance with international standards making full use of international human rights mechanisms including the United Nations human rights treaty bodies and the special procedures.

NIs should demand from the state that counter terrorism legislation is neither enacted in haste nor without public scrutiny. NIs should focus on and take steps to prevent violations of human rights, in particular non-derogable rights.

1. An Arab - Euro working group (WG) should be established consisting of representatives from two Arab NIs and two European NIs. A technical advisor of the OHCHR will be requested to be actively involved:
 - (a) Exploring possible definitions of terrorism in order to ensure the principle of legality and precise legal definition of terrorism. In its deliberations, the WG shall look into ways of distinguishing between “terrorism” and “the right of self-determination and legitimate resistance” and take into account work already prepared in this respect.
 - (b) Developing practical steps and tools that NIs can implement with regard to human rights responses to counter-terrorism measures.

The WG should in particular consider entering into a dialogue with governments and politicians, professional groups such as the police, intelligence service, prosecutors, courts and defense lawyers, civil society and the media.

2. When working on this topic, NIs should explore the root causes of terrorism in their national context and monitor human rights violations in connection with implementation of anti-terrorism measures in order to prepare for an Arab - Euro strategy for protection of human rights in the implementation of counter terrorism measures.

ANNEXE

List of participants

**The First Arab-European Dialogue For National Human Rights Institutions
Terrorism and Human Rights
18th-19th of April 2007**

European Participants:

Danish Institute for Human Rights

Greek National Commission for Human Rights

Norwegian Center for Human Rights

National Consultative Commission of Human Rights of France

The German Institute for Human Rights

Irish Human Rights Commission

Arab Participants:

National Center for Human Rights Jordan

National Council for Human Rights Egypt

Human Rights Advisory Council Morocco

Palestinian Independent Commission for Citizens' Rights

Human Rights Commission, Kingdom of Saudi Arabia

National Human Rights Committee Qatar

National Human Rights Commission of Algeria

Higher Committee on Human Rights and Fundamental Freedoms Tunisia

The National Society for Human Rights Saudi Arabia

Ministry of Human Rights Yemen

United Nations:

OHCHR

Observers:

European Union

UNDP
