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КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА

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**ЭФФЕКТИВНОЕ ФУНКЦИОНИРОВАНИЕ МЕХАНИЗМОВ В ОБЛАСТИ ПРАВ
ЧЕЛОВЕКА: НАЦИОНАЛЬНЫЕ УЧРЕЖДЕНИЯ И РЕГИОНАЛЬНЫЕ
МЕРОПРИЯТИЯ**

**Вербальная нота Постоянного представительства Египта при Отделении
Организации Объединенных Наций и других организациях в Женеве
от 24 марта 2005 года в адрес Управления Верховного комиссара
Организации Объединенных Наций по правам человека**

Постоянное представительство Египта при Отделении Организации Объединенных Наций и других международных организациях в Женеве свидетельствует свое уважение Управлению Верховного комиссара по правам человека и имеет честь препроводить в приложениях к настоящей ноте заключительный доклад, Каирскую декларацию и рекомендации Симпозиума Региональной конференции по национальным правозащитным учреждениям стран Арабского мира, состоявшегося 6-8 марта 2005 года в Каире.

Постоянное представительство хотело бы передать Управлению Верховного комиссара по правам человека просьбу Египетского национального совета по правам человека распространить вышеуказанные приложения* в качестве документа Комиссии в соответствии с решением, принятым Комиссией на ее пятьдесят седьмой сессии (E/2001/23-E/CN.4/2001/167, пункт 22).

* Приложения воспроизводятся в полученном виде только на языке представления и на английском языке.

Annex 1

Final report

Proceedings of the Symposium of the Regional Conference on National Human Rights Institutions in the Arab World (6-8 March 2005)

The Office of the High Commissioner for Human Rights (OHCHR), in cooperation with the National Council for Human Rights in the Arab Republic of Egypt, the United Nations Development Programme (UNDP) and the League of Arab States, organized a regional symposium on national human rights institutions which was graciously hosted by the Arab Republic of Egypt. The symposium was attended by delegations from 17 Arab States, representing national human rights institutions, parliamentary committees which deal with human rights questions and the ministries of justice of States which have yet to establish national human rights institutions. Other participants included representatives of Arab NGOs which are active in this domain (attending as observers), delegations from regional organizations representing different geographical groups (Africa, Asia and Europe) and representatives from a number of international human rights NGOs and specialized agencies of the United Nations.

In the absence of Mr. Boutros Boutros-Ghali, Chairman of the National Council for Human Rights of the Arab Republic of Egypt, Mr. Mohamad Fayek, a member of the Council, was designated as Chairman of the conference.

The symposium began with an opening session at which the following persons delivered statements: Ambassador Moukles Kotb, Secretary-General of the National Council for Human Rights in the Arab Republic of Egypt, speaking on behalf of Mr. Boutros Boutros-Ghali; Mr. Ahmed Fathallah, Deputy Minister for Foreign Affairs, speaking on behalf of Mr. Ahmed Aboul Gheit, Minister for Foreign Affairs of the Arab Republic of Egypt; Ms. Nancy Bakir, Under-Secretary-General of the League of Arab States, speaking on behalf of Mr. Amre Moussa, Secretary-General of the League of Arab States; Mr. Adel Abdellatif, representing UNDP; and Ms. Mehr Khan Williams, Deputy High Commissioner for Human Rights, speaking on behalf of OHCHR. Ms. Williams suggested that the participants send a letter to Mr. Boutros Boutros-Ghali, Chairman of the National Council for Human Rights in the Arab Republic of Egypt, thanking him for the statement which he had addressed to the participants at the opening session and wishing him a speedy recovery so that he could return to his active duties. This suggestion won unanimous approval.

The first session of the symposium began with a presentation on the objectives and methods of work that would be used throughout the remaining sessions of the event. A presentation was given on the conceptual, legal and historical framework within which national human rights institutions function in accordance with the Paris Principles. This was followed by a general debate. The participants then broke up into two working groups: the first discussed the general context within which national human rights organizations operate, while the second focused on the principle of the independence of national human rights institutions and the factors

which contribute to their success. The two working groups then came back together again for a general session on the outcome of their deliberations and the recommendations which each group had produced.

The second day of the symposium began with a review of the experiences of national human rights institutions in certain Arab countries and of the regional experiences of national human rights institutions in Africa (Kenya), Asia (the Republic of Korea) and Europe (France). The participants then split up into four working groups, as described here below.

- Group 1 discussed the establishment and strengthening of national human rights institutions, including statutory regulation of their work, and their sources of funding.
- Group 2 looked at ways of strengthening the independence of national human rights institutions.
- Group 3 discussed the functions of national human rights institutions.
- Group 4 focused on ways and means of promoting respect for human rights in the Arab region.

The four working groups then reconvened for a general session at which they presented and discussed their respective recommendations on the above-mentioned topics. It was then announced that a committee would be formed to prepare a draft of the working groups' recommendations, together with a statement, to be called the "Cairo Declaration", which would be issued at the conclusion of the symposium.

The morning session of the third day of the symposium was devoted to a presentation on the relationship between national human rights institutions and the United Nations human rights mechanisms and Special Procedures of the Commission on Human Rights, as well as the role of OHCHR. This was followed by a presentation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and a discussion of these topics.

A review session was held to discuss the symposium's recommendations and final declaration, which were then adopted unanimously.

The closing session was held in the afternoon of the third day. The following persons delivered statements: Mr. Ahmed Kamal Abou Al Majd, Vice-Chairman of the National Council for Human Rights, speaking on behalf of the Council; Mr. Ahmed Ihab Gamaledidine, representing the Egyptian Ministry of Foreign Affairs; Mr. Adel Abdellatif, representing UNDP; and, finally, Mr. Frej Fenniche, Acting Regional Representative of OHCHR for the Arab region, speaking on behalf of OHCHR. All the speakers praised the quality and level of participation in the proceedings and the substantive recommendations which had been made, focusing in particular on the Cairo Declaration. The session was closed by Mr. Mohamad Fayek, the conference Chairman, who thanked all the organizers and highlighted the importance of the results that had been achieved and the need for follow-up on the implementation of the symposium's recommendations.

The participants expressed their appreciation and gratitude to the National Council for Human Rights and all the parties which had promoted and participated in the organization of what had been an extremely well-managed event. They conveyed their special thanks to the Arab Republic of Egypt for hosting the symposium and for providing every facility to ensure its success.

The documents of the symposium are attached hereto.

Group 1

**Establishment and strengthening of national human rights
institutions: legislation and budgets**

Chairman: Mr. Mohammed Nomane Jalal

1. Invite those Arab States which have not already done so to take steps to establish national human rights institutions, whether through the enactment of constitutional provisions or parliamentary legislation or through any other decree or decision compatible with their domestic law, ensuring that the law establishing these institutions clearly defines their functions and areas of competence in accordance with international standards relating to human rights monitoring, follow-up and protection and the dissemination of a human rights culture, and ensuring that the membership of these institutions represents the entire spectrum of civil society.
2. Invite international organizations to support the diverse activities and programmes of national human rights institutions in accordance with their respective functions and competences and in a manner that reflects international concern for human rights.
3. Invite the United Nations Commission on Human Rights to develop the Paris Principles to reflect the evolution of human rights concepts worldwide and the role which national institutions play therein.
4. Draw attention to the importance of establishing a budget for national human rights institutions as a separate item in the State budget, and of subjecting budget spending to financial scrutiny in order to guarantee operational transparency and propriety.
5. Emphasize the necessity of ensuring that the members of national human rights institutions enjoy proper legal protection when performing their duties; that they cannot be removed from office during their mandate; and that this protection will continue after they cease to be members of the institution concerned.

Group 2

Strengthening the independence of human rights institutions

Chairman: Mr. Waleed Sadi

A. Invite Arab States to adopt and implement the 1993 Paris Principles as a minimum requirement for the establishment of national committees for the protection and promotion of human rights, to include the following focal areas:

1. Independence
2. Pluralism
3. Operational methods

and invite them to create an effective follow-up mechanism for the implementation of these Principles.

B. Invite Arab national human rights committees to join regional federations of national human rights committees.

C. Invite national committees to pursue technical cooperation with United Nations agencies and the specialized committees of the Office of the High Commissioner for Human Rights.

Group 3

Effective functioning of human rights mechanisms

Chairman: Mr. Abdullah Khalil

Focal area 1: National institutions enjoying consultative status with the Government and the Parliament

1. The need to bring prevailing legislation, draft legislation that has already been tabled and new draft legislation into line with international human rights standards and to provide advice on the application and implementation of international conventions and covenants.
2. The need to respect the views and independence of national institutions, as reflected in the reports submitted by States to treaty bodies.
3. The need to involve national institutions in the formulation of national plans of action for the promotion and protection of human rights.

Focal area 2: Improving human rights awareness and human rights education

4. Support national institutions with regard to the formulation of promotional strategies, the assembling, publication and production of informational materials and the provision of job-related training for political groupings and occupational groups (judges, lawyers, public prosecutors and law-enforcement officers).
5. The right to address public opinion directly and to disseminate suggestions and recommendations through the media without any revision or censorship by any party.
6. The establishment of performance indicators and standards for national institutions.

Focal area 3:

7. The need to vest national human rights institutions with competence for investigating allegations about human rights violations (based on complaints or initiated by the institutions themselves).
8. The need to allocate appropriate resources to enable national institutions to refer complaints to a competent court and to allow them to defend victims.
9. The need to ensure that the authorities cooperate with national human rights institutions by providing them with the information which they request concerning the matters referred to them.
10. The need to provide alternative mechanisms to resolve disputes through:
 - Arbitration;
 - Amicable settlement;

– Mediation.

11. The need to establish mechanisms to document human rights violations.

Group 4

Ways and means of promoting and protecting human rights in the Arab region

Chairman: Mr. Mohsen Awadh

The Working Group produced the following recommendations:

1. Education:

The importance of focusing on the need to provide children with a sound education at an early age, which is easier than when they are older, since it is not enough merely to incorporate human rights concepts into constitutions and laws and to establish human rights institutions.

The need to introduce human rights concepts into schools, universities, the media, etc.; to convey these concepts through educational material tailored to the different stages of education; to establish in educational curricula numerous mechanisms for the dissemination of a human rights culture; and to ensure that these concepts are taught as separate subjects in educational curricula and at specialized and private colleges that are not intended for ordinary citizens - i.e. police academies, public administration institutes, etc.

2. The media:

The importance of enlisting the media, including the audio-visual and print media, in efforts to raise awareness of human rights with a view to disseminating knowledge about the culture of human rights and its connection with democracy, which gains strength from the promotion of these concepts.

3. Training:

(a) Set up and run human rights awareness campaigns and workshops;

(b) Mobilize the necessary political will to teach our societies about the culture of human rights and ensure consistency between that political will and practices on the ground;

(c) Consider human rights as a campaigning issue and transform human rights work from an individual into an institutional function.

4. The participants emphasized the importance of religious and moral principles, particularly those of the Islamic religion, as a basis for dealing with human rights in the Arab world.

5. Invite Governments to accede to, and comply with, international human rights treaties and conventions and to pass laws that are consistent with international human rights standards.

6. Stress the importance of complying with the principle of complementarity between national institutions and civil society organizations, of ensuring that they accept one another, and of establishing an Arab coordinating body comprising national human rights institutions and

NGOs to reach, through ongoing meetings and information exchanges, a better mutual understanding on the promotion and protection of human rights in member States.

7. Launch a dialogue between national human rights institutions and different State bodies in particular, and establish joint programmes run by these institutions and civil society organizations.
8. Organize a conference on the promotion of human rights concepts to be timed to coincide with this year's anniversary of the Universal Declaration of Human Rights.
9. Stress the importance of enacting laws which criminalize grave violations of human rights.
10. Ask the League of Arab States to urge the Governments of Arab States to support human rights associations and to allocate part of the proceeds which they receive from religious endowments to these associations in order to accord them greater financial autonomy.
11. Call upon Arab Governments to speed up ratification of the Arab Charter on Human Rights as approved by the Arab Summit.
12. Support the establishment of a regional human rights centre in the State of Qatar to support and promote human rights in the Arab world.
13. Stress the need for follow-up to ensure that these recommendations are implemented.

Annex 2

The Cairo Declaration

Issued by the Symposium of the Regional Conference on National Human Rights Institutions in the Arab World (6-8 March 2005)

In the light of growing Arab concern for human rights issues, as confirmation of the commitment to the Charter of the United Nations, the Universal Declaration of Human Rights and human rights principles, in pursuance of the efforts made in the Arab region, at both the governmental and non-governmental levels, with a view to promoting respect for, and the protection of, human rights, and at the invitation of the National Council for Human Rights in the Arab Republic of Egypt, the Office of the High Commissioner for Human Rights and the United Nations Development Programme in cooperation with the League of Arab States, a symposium on national human rights institutions in the Arab world was held in Cairo from 6 to 8 March 2005.

The symposium was attended by delegations from 17 Arab States, representing national human rights institutions, parliamentary committees that deal with human rights, and the ministries of justice of States which have yet to establish national institutions. Other participants included: representatives of NGOs which are active in this field (attending as observers), delegations from regional organizations representing different geographical groups (Africa, Asia and Europe) and representatives of a number of international human rights NGOs and of specialized agencies of the United Nations.

The participants emphasized the central importance of human rights and of guaranteeing their promotion and protection. They also affirmed the special importance of the role played by national human rights institutions in the Arab world and called on Arab States which had not already done so to establish national institutions, at the earliest possible opportunity, in order to complete the Arab machinery which exists in this domain. At the same time, they stressed the importance of inter-Arab cooperation on human rights and called upon Arab Governments to speed up the completion of the procedures for the ratification of the Arab Charter on Human Rights, to establish mechanisms for its implementation, and to ratify international human rights instruments.

The participants highlighted the importance of taking adequate steps to safeguard the independence of national human rights institutions so that they are able to discharge their functions, and of ensuring that these institutions formulate comprehensive plans of action to deal with all aspects of human rights, drawing on other regional experiences and in cooperation with civil society organizations, the United Nations treaty bodies, the Commission on Human Rights and the Office of the High Commissioner for Human Rights in Geneva.

In view of the importance of the matters dealt with by the symposium and of the need to establish additional mechanisms for the promotion of human rights, the participants decided to submit this Declaration and these recommendations to the upcoming Arab Summit in Algiers, in the hope that they will capture the attention of the Arab leaders. They also expressed the wish

that the symposium's Declaration, final report and recommendations should be disseminated more widely and asked the host State to request that they be circulated as an official document of the Commission on Human Rights at its sixty-first session.

Cairo, 8 March 2005

Annex 3

Recommendations of the Symposium of the Regional Conference on National Human Rights Institutions in the Arab World (6-8 March 2005)

In light of the discussions which took place in the symposium and the working groups, the participants have made the following recommendations:

1. Call upon Arab States which have not already done so to ratify international human rights instruments and to complete the procedures for the ratification of the Arab Charter on Human Rights and the establishment of a mechanism for its implementation.
2. Invite Arab States which have not already done so to establish national human rights mechanisms, in conformity with United Nations General Assembly resolution 46/124 of 17 December 1991.
3. Call upon Arab States to respect the independence of national human rights institutions and to enable them to discharge their functions in accordance with the laws by which they were established, and call upon these institutions to bring their statutes and rules of procedure into line with the aforementioned General Assembly resolution in order to guarantee pluralism and the representation of all sectors of society, including the participation of women.
4. Stress the need to involve national human rights institutions in the formulation of plans of action outlining the actions and priorities which the State can pursue to strengthen human rights protection and respect for human rights.
5. Stress the need to create adequate frameworks to strengthen and develop ongoing and effective coordination between national human rights institutions and NGOs on the basis of shared objectives.
6. Support the recommendations made by the Arab Standing Committee on Human Rights at its nineteenth session held in Cairo from 7 to 9 February 2005, particularly with regard to human rights education and related inter-Arab conventions; include a fixed item on human rights in the agenda of the Council of the League of Arab States (at the level of the Summit or the ministerial meeting); and stress the need to boost the role of the Arab Standing Committee on Human Rights.
7. Welcome the initiative by which the State of Qatar has offered to host a United Nations human rights centre for South-West Asia and the Arab region, and invite national human rights institutions and other parties to cooperate with the centre once it is established.
8. Commend the Office of the High Commissioner for Human Rights and the United Nations Development Programme for the work that they have done in Arab countries and invite them to intensify their activities in the region, including by lending support to the activities and programmes of national human rights institutions.

9. Allow national human rights institutions to research and investigate allegations about human rights violations on the basis of the complaints which they receive or at their own initiative.
10. Support the role of national human rights institutions in providing advice and making recommendations to State authorities and bodies about all matters relating to political, civil, economic, social and cultural rights.
11. Invite Arab national human rights institutions to step up cooperation with the United Nations treaty bodies, the Commission on Human Rights and the Office of the High Commissioner for Human Rights.
12. Invite Arab national, and international, human rights institutions to give priority to the realization of the human rights and fundamental freedoms of the Palestinian people and to the legitimate right of the Palestinian people to self-determination in accordance with human rights conventions and United Nations resolutions, and to call for the release of the prisoners being held in Israeli jails.
13. Invite Arab national, and international, human rights institutions to show solidarity with the Iraqi people by opposing any violations of their human rights.
14. Invite Arab States to formulate a strategy to deal with all laws and practices that incite hatred or discrimination, including against Arabs and Muslims.
15. Stress the need for national human rights institutions to comply with all international human rights standards and to respect religious, historical and cultural norms, values and principles.
16. Invite the Office of the High Commissioner for Human Rights to help organize periodic meetings like this symposium with a view to promoting human rights in the Arab world and strengthening ties among national institutions, and welcome the proposal made by Mr. Boutros Boutros-Ghali, Chairman of the National Council for Human Rights in the Arab Republic of Egypt, for the holding of a conference on the dissemination of a human rights culture to be hosted by a national human rights institution in the Arab region.

The participants also decided to submit the text of the Cairo Declaration and the symposium's recommendations to the Arab Summit in Algiers in the hope that they will capture the attention of Arab leaders. They also asked for the Declaration, the recommendations and the final report to be distributed more widely and requested that the host State submit them for circulation as an official document of the Commission on Human Rights at its sixty-first session.

List of Participants

Chairperson

Mr. Mohamad Fayek, Arab Organization for Human Rights

Speakers

Ms. Mehr Khan Williams, Deputy High Commissioner, United Nations Office of the High Commissioner for Human Rights (OHCHR)

Mr. Ahmed Fathallah, Deputy Foreign Minister of the Arab Republic of Egypt

Mr. Ahmed Kamal Abou Al Majd, Vice-President of the National Council for Human Rights, Egypt

Mr. Ahmed Ihab Gamaledline, Head of the Human Rights Department, Ministry of Foreign Affairs, Egypt

Mr. Mohamed Nomane Jalal, National Council for Human Rights, Egypt

Mrs. Nancy Bakir, Under-Secretary-General, League of Arab States

Mr. Moukles Kotb, Secretary-General of the National Council for Human Rights in Egypt

Mr. Adel Abdellatif, Regional Coordinator, Programme on Governance in the Arab Region, UNDP

Mr. Mohamed Aujjar, Member of Parliament, Former Minister of Human Rights, Morocco

Mr. Mohsen Awadh, Arab Organization for Human Rights

Mr. Frej Fenniche, Arab Region Coordinator, Acting Regional Representative, OHCHR

Mr. Khelef Khalifa, Commissioner, Kenya National Human Rights Commission

Mr. Abdullah Khalil, Lawyer, Arab Republic of Egypt

Mr. Nohyun Kwak, Secretary-General, National Human Rights Commission of Korea

Ms. Birgit Lindsaens, Deputy Executive Director, Danish Institute for Human Rights

Mr. Orest Nowosad, Coordinator, National Institutions Unit, OHCHR

Dr. Waleed Sadi, Commissioner General, Jordanian National Centre for Human Rights, Member of the United Nations Committee on Economic, Social, Cultural Rights

Mrs. Catherine Teigten-Colly, Commission Nationale Consultative des Droits de l'Homme, France

Governments

Algeria, Djibouti, Egypt, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Saudi Arabia, Sudan, Syria, United Arab Emirates, Yemen.

United Nations bodies, programmes and specialized agencies

United Nations Office of the High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF), International Labour Organization (ILO).

Regional organizations

European Commission, League of Arab States.

National institutions

Advisory Council for Human Rights (Morocco), Danish Institute for Human Rights (Denmark), High Committee for Human Rights and Civil Liberties (Tunisia), Kenyan Institution for Human Rights (Kenya), National Human Rights Commission (Korea), The Palestinian Independent Commission for Citizens' Rights (Palestine), National Committee for Human Rights (Algeria), National Committee for Human Rights (Qatar), National Centre for Human Rights (Jordan), National Council for Human Rights (Egypt), National Society for Human Rights (Saudi Arabia).

NGOs with ECOSOC status

Arab Organization for Human Rights, International Federation for Human Rights, International Commission of Jurists, Yemen Human Rights Information, Documentation and Training Centre, Arab Institute for Human Rights, Arab Organization for Human Rights, Cairo Institute for Human Rights Studies, Arab Centre for Independence of the Judiciary and Legal Profession (Egypt), Centre of Arab Women for Training and Research (Tunisia), Palestinian Centre for Human Rights (Palestine), Arab Council for Childhood & Development (Egypt).

NGOs without ECOSOC status

Arab Libyan Committee for Human Rights (Libya), Arab Organization for Women (Egypt), Bahrain Association for Human Rights (Bahrain), Federation of Arab Journalists (Egypt), Lebanese Association for Human Rights (Lebanon), Moroccan Organization for Human Rights (Morocco), Yemen Organization for Defence of Human Rights & Democratic Freedoms (Yemen).
