



Newsletter - August 2011

Welcome to the first bi-annual newsletter from the Arab-European Human Rights Dialogue (AEHRD). The newsletter has been created with the purpose of promoting cooperation and information sharing amongst member National Human Rights Institutions (NHRIs) and externally with relevant UN, EU and Arab League Agencies.

Please share comments and future contributions to the AEHRD Secretariat.

Sincerely,



Jonas Christoffersen
Executive Director
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The AEHRD Secretariat

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The AEHRD Quartet Meeting in Berlin – May 14, 2011



Meeting agenda:

1. Status of the AEHRD including past activities, working groups, former dialogues and review report
2. Analysis on challenges, strengths and weaknesses
3. Future of the AEHRD (what do we want; Arabs and Europeans)
4. Support to NHRIs in countries in transition.

Photograph by Mu'ayyad Mehyar

Landmark Cooperation across the Mediterranean

The Sixth Arab–European Human Rights dialogue on Torture and Rule of Law

The recent developments in the Arab World instigated an open and transparent Arab-European Dialogue meeting in Berlin to address and analyse Torture and Rule of Law in current legislations and in practice with focus on challenges, gaps, priorities and major areas for reform in both regions, especially in countries in transition.

The participants have consensually concluded their dialogue meeting with the Berlin Declaration on Torture and Rule of Law, with an aim to streamline its recommendations into the work of member NHRIs and for the NHRIs to promote the “streamlining” of these recommendations in their respective countries.

Read more about the meeting in [Annex I](#)

Read the Berlin declaration on Torture and Rule of Law in [Annex II](#)



Photograph by Amélie Loitier

Highlights



New AEHRD brochure

The new AEHRD brochure can now be found on the AEHRD website. (Direct link: aehrd.info/file/19.pdf).

100 hard copies were distributed during the Sixth AEHRD Meeting in Berlin.



New publication on Women's Rights and Gender Equality

The new publication from the Fifth AEHRD Dialogue Meeting on Women's Rights and Gender Equality is available on the AEHRD website. (Direct link: aehrd.info/file/72.pdf)

100 hard copies were distributed during the Sixth AEHRD Meeting in Berlin.

Profiles and Major Activities of Member NHRIs

The Arab-European Human Rights Dialogue has 14 member NHRIs from Europe and the Arab World, as well as seven observer member organisations two UN organisations, an EU organisation, and EU think tank, an EU research institute, the league of Arab States and a cross regional human rights network .

On the AEHRD website (www.aehrd.info) you can read about the different organizations, including their history, mandate and mission as well as prioritized human rights issues and main activities.

News flashes

The AEHRD Steering Committee congratulates the **Mauritanian Human Rights Commission** for its A-status accreditation by the ICC of NHRIs in April this year.

The **National Human Rights Council of Morocco** and the **Higher Committee on Human Rights and Fundamental rights in Tunisia** have both encouraged their respective governments to ratify OPCAT which then took effect in May and June respectively this year.

The **Danish Institute for Human Rights** has, in 2011, been mandated by the Danish parliament with two additional mandates: one as the independent mechanism for the purpose of promoting, protecting and monitoring the implementation of the UN Convention on the Rights for Persons with Disabilities, and one as the equality body on gender with the purpose of assisting victims in connection with complaints of gender discrimination, conduct independent surveys, publish reports and make recommendations.

Go to '[About AEHRD](#)' on the AEHRD website and find out more about the work of Arab and European NHRIs.

Human Rights Council adopts a remarkable resolution on NHRIs

The United Nations Human Rights Council passed a landmark resolution on 16 June 2011 that calls on the Secretary General of the United Nations to report to the Human Rights Council on national human rights institutions (NHRIs) and their coordinating body the ICC and to support initiatives for funding to extend their work.

The resolution, presented by Australia and more than 115 additional co-sponsors from all regions of the world, was adopted by consensus by the Human Rights Council.

The resolution firmly asserted the role national human rights institutions play in protecting human rights nationally and internationally.

The Human Rights Council's resolution welcomed the growing number of States establishing or strengthening national human rights institutions in all regions, and reaffirms the key role of the Office of the High Commissioner for Human Rights (OHCHR) and the International Coordinating Committee of National Human Rights Institutions (ICC).

The resolution welcomed the strengthening of international, regional and cross regional cooperation among NHRIs and the important role of NHRIs with international human rights mechanisms.

The resolution benefited from an exceptionally broad and cross-regional co-sponsorship from States from all regions. The list of co-sponsoring States includes those that have not yet established Paris Principles compliant national human rights institutions. This signifies the Human Rights Council support and recognition of national human rights institutions and their work.

The broad support from States from all regions reaffirms the belief in the broad and strong recognition of the unique role and valuable work of national human rights institutions in the promotion and protection of human rights in all regions.

Upcoming Events



Photograph by Amélie Loitier

Turning the Berlin Declaration's recommendations into action

The Berlin Declaration was produced at the Sixth AEHRD Dialogue Meeting and signed by 14 countries (see Annex II). In August 2011 the AEHRD Secretariat shall provide guidelines to member NHRIs on how to follow up on the Berlin Declaration's recommendations where member NHRIs commit themselves to streamline some of the recommendations into prioritized issues for action in their respective countries.

Next AEHRD Dialogue Meeting

The next AEHRD Dialogue meeting will be organized to take place in the fall of 2012, upon a generous invitation from The Algerian National Consultative Commission for the Promotion and Protection of Human Rights. The theme of the meeting will be on Public Participation and the role of NHRIs, especially in countries in transition.

Working Group on Women's Rights and Gender Equality

In the last working group meeting in Doha, February 2011, it was agreed that all involved NHRIs work on a project to combat violence against women by strengthening the administrative justice system and procedures related to combating violence against women. The involved NHRIs are requested to provide an update to the AEHRD Secretariat on the progress of their projects.

Working Group on Migration

In November 2010 the working group decided to plan a Arab-European Conference on Access to Justice with the purpose of exchanging knowledge and best practices, as well as identifying and addressing gaps and shortcomings with regard to access to justice at the domestic level. As a precursor to the conference, it was agreed that NHRIs would study their domestic systems, and possibly hold their own national activities.

The AEHRD Secretariat requests that involved member institutions send their updates and progress reports as soon as possible.

Creation of a project group to study the role of NHRIs in countries in transition in the Arab World

Following the dialogue meeting in Berlin 2011 it was decided that a project group will be established consisting at a minimum of the AEHRD Quartet plus other experts from relevant observer members in the AEHRD. The project group will publish a study on the role of NHRIs in countries in transition in the Arab World. The ICC of NHRIs and OHCHR's Civil Society, NHRIs, and MENA Units have expressed great interest in participating in the project group.

Annex I

Landmark Cooperation across the Mediterranean The Sixth Arab–European Human Rights dialogue on Torture and Rule of Law Berlin - Germany

The recent development in North Africa and in the Middle East contributed to a successful Arab-European dialogue meeting in Berlin. The opportunity to combat torture and ensure rule of law in countries in transition created an optimistic atmosphere resulting in a constructive declaration signed by 14 countries.

- The change that is happening in the Arab world – many ideas, many conceptions and many institutions will go through a comprehensive reform. And this is here where the role of a National Human Rights Institution (NHRIs) comes in, says **Ms. Elham Ahmed Alshegni**, Director of human rights at the League of Arab states in Cairo.



Photograph by Amélie Loitier

Torture and rule of law was on the agenda when a number of international organizations and representatives from 14 countries were gathered at the sixth Arab-European dialogue meeting in Berlin. The outcome of the meeting was a crystal clear declaration, stating that governments are obliged to combat torture and establish national human right institutions with a strong mandate to monitor human rights conditions. The declaration can be found at the end of this newsletter.

Modest expectations prior to the meeting

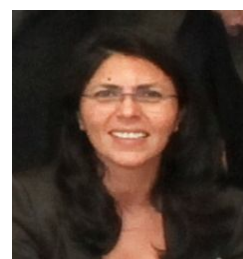
Although the sixth Arab-European dialogue took place in the wake of the 'Arab Spring' the representatives attending brought modest expectations to the round table discussion on torture and rule of law.



- I think I had the same expectations as many of those who attended. I wanted to talk to people with knowledge on this topic after the revolutions began and hear how they felt about the situation and ask if they felt a greater freedom when speaking, says **Mr. Ole Espersen**, Advisor at the Danish Torture and Rehabilitation Center (RTC).

- This is the first time I attend the Arab-European Dialogue. I have had a colleague that has been representing the Arab League since the first conference. I did not expect so much attendance from Arab NHRIs,

says **Ms. Elham Ahmed Al Shegni**, Director of Human Rights at the League of Arab states in Cairo.



High & Effective Attendance Created a Constructive Dialogue

The Arab-European dialogue was established in 2006 and since then organizations and NHRIs have met once a year. The idea to convene an Arab-European dialogue emanated from the need to bring closer different viewpoints regarding human rights related issues on women and children, non-discrimination, the right of access to information, etc. Since the first dialogue in 2006 the dialogue has grown stronger. More organizations have joined and the number of countries represented has increased.

"I was amazed actually. Around 12 NHRIs have been attending. Throughout yesterday's session I realized that NHRIs in the Arab world and in the European countries face the same challenges and difficulties and uncertainties in regard to their work and regarding the follow-up on violations within their area of jurisdiction. I think that it is a golden opportunity for both sides to keep this dialogue going on and to learn from each other", says **Ms. Elham Ahmed Al Shegni**.

The high attendance created a dialogue based on varied experiences and acquired practical knowledge about how to fight torture and ensure rule of law. Several participants expressed great satisfaction with the attendance from countries contributing with experiences and good institutionalized practices.



The benchmark of evaluating the dialogue is to what extent these NHRIs in the Arab region or any other agency in European parts and the NHRIs in the European part attend as well. Because for us what is interesting is to see the good practices of these institutions and we try to take them and implement them if needed, says **Mr. Mohammed Raisouni**, Advisor at the Moroccan National Human Rights Council.

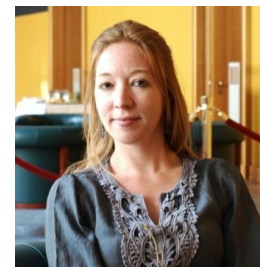
This is my first time. I think it is a good forum for discussion and dialogue. I have participated in several political meetings in Europe, the Mediterranean and I the European Union but it is in some way more political. Here we have the ability to speak more frankly, in a friendly but direct way and that is a good experience I think, says **Mr. Sayed Torbey** Deputy Head of Mission, for the League of Arab States in Bruxelles



Optimism in the wake of the 'Arab Spring'

The recent developments in countries of transition in the Arab World brought optimism to the round table discussions at the Arab-European Dialogue Meeting in Berlin.

"The dialogue takes place in a very specific time right after what you call the 'Arab spring' and especially from the discussions this morning we have heard that there is a lot of movement and a lot of opportunities for strengthening the role of NHRIs in both regions both individually and collectively as a group as human right defenders that have a common goal which is to protect and promote human rights", says **Ms. Katharina Rose**, Representative of ICC of NHRIs -Geneva.





"I think that it is very important to see that we now have an opportunity in the global human right movement in the Middle East and North Africa to really work on the eradication of torture", says **Mr. Gerald Staberock** Deputy Secretary General, World Organization Against Torture.

"The current situation in the Arab world and North Africa not only had an optimistic influence on the dialogue, it also created a commitment to reach an actionable agreement".

"The Arab Spring came at a high price. Many people lost their lives and we cannot let them down. We are the independent institutions that can protect and promote the rights of people, but we cannot do it alone. We are dedicated to the rule of law and we believe that human rights and democracy are a common concern of humankind. We therefore politely, and from the bottom of our hearts, urge governments in Europe and the Arab world to join our efforts", says **Mr. Jonas Christoffersen**, Executive Director, The Danish institute for Human Rights.



Landmark Cooperation across the Mediterranean

The meeting was concluded by a strong declaration showing willingness to strengthen the cooperation between the countries participating in the dialogue.

"Trust and mutual respect have been built up over the years although it was not always easy. Today we are close partners ready to undertake common commitments: We have committed ourselves to a historic cooperation. We have committed ourselves to intensifying our work to prevent torture and put an end to the too widespread impunity for acts of torture. And we have committed ourselves to strengthen our efforts to secure the rule of law", says Dr. Jonas Christoffersen.

He added, "Never before have human rights institutions of independent states committed themselves to cooperate in the efforts to push their respective Governments and Parliaments to secure respect for international human rights in the respective countries. We have committed ourselves to strengthen our efforts to secure respect for international human rights in the respective countries".

A strategy for countries in transition towards democracy

The 14 countries from the Arab world and Europe which signed the declaration have different pre-conditions and historical and cultural background but succeeded nevertheless in reaching consensus about the framework in the fight against torture. The four national human rights institutions from Germany, Morocco, Jordan and Denmark coordinating the Arab-European dialogue are now working on developing a strategy on how to enforce human rights in countries in transition.

"A holistic reform that addresses the issue of prevention that breaks the circle of impunity and it also has to reach out to a broader public on the unacceptability of torture under any circumstances. A meeting like this can serve as a sort of reflection point for in this cause NHRIs from Europe and the Arab World have agreed on strategies for achieving that", says Mr. Gerald Staberock Deputy Secretary General, World Organization Against Torture.

The next step is to use the declaration to promote the human right agenda in e.g. Egypt and Tunisia. By working together with a common understanding of what has to be done, the declaration can be used as a benchmark for progress and used to put pressure on governments to adhere to the human rights conventions and establishing national human rights institutions.

"The momentum of the Arab Spring cannot be lost and we need to move fast. We have already agreed to launch a mission to support our colleagues in the Algerian Human Rights Commission. The Algerian Commission is dedicated to secure its independence and strengthen the effectiveness of its work. We have further agreed to launch missions to the human rights commissions in Tunisia and Egypt. And there is much more work to be done, but we cannot do this work without support from the EU and UN, to focus on the role of national human rights institutions", says **Mr. Jonas Christoffersen** Executive Director at the Danish institute for Human Rights.

From a dialogue on the right to disagree to an actionable dialogue

There was explicit consensus among the participants that the dialogue should continue.

"This dialogue should continue in spite of any challenges or difficulties that we are going to encounter because we are badly in need of this dialogue for our people and it is true, that if this dialogue stops it would only be stopped by those who do not have the will to enrich the dialogue. So for us it is very useful and a very interesting process. Maybe we differ in terms of impact with the Europeans, but we need it, says **Mr. Mohammed Essabbar**, Secretary General of the Moroccan National Human Rights Council.

"I Think dialogue is a very important feature of these meetings but equally important will be to have at each meeting a really clear set of practical recommendations that trigger action domestically, individually and collectively through the coordination and cooperation among NHRIs", says **Ms. Katharina Rose**, ICC Geneva representative.

The meeting in Berlin was the sixth Arab-European dialogue meeting. The first dialogue was established in the aftermath of the controversial 'cartoon crises.

"The AEHRD offers to build the capacity of National Human Rights Institutions through improved research and preparation of the Dialogue Meetings, through project groups, actions, networks, training and seminars and not least through follow-up activities", says **Mr. Michael Windfuhr**, Deputy Director of the German Institute for Human Rights.

"Today, the dialogue has undergone a positive development that has brought to life an actionable consensus as the declaration reflects. Now the dialogue is not only a meeting on the right to disagree. The dialogue is drawing the outlines on how to enforce human rights initiatives through NHRIs by building their capacities to monitor governments' compliance to human rights law and give advice on regional and national laws and legislations" concludes **Mr. Muhyieddeen Touq**, Commissioner General of the National Centre for Human Rights in Jordan.

Interviews were conducted by Ask Hesby Krogh, DIHR.

Annex II

Berlin Declaration on Torture and Rule of Law

The undersigned National Human Rights Institutions (NHRIs) participating in the Sixth High Level Meeting of the Arab-European Human Rights dialogue on Torture and Rule of Law, held in Berlin on 11th to 13th May 2011 have adopted the following

Preamble

Thanking the participants, in particular the host organization; The German Institute for Human Rights, and the German Federal Ministry of Foreign Affairs, and OHCHR, ICC of NHRIs, CPT at the Council of Europe, APT, OMCT, RCT Denmark, and the League of Arab States; and the effective participation from of 13 NHRIs' representatives from Europe and the Arab World including Jordan, Morocco, Egypt, Qatar, Tunisia, Algeria, Mauritania, Palestine, Sweden, Norway, Greece and Denmark, and as a participating observer ; the Saudi Human Rights Commission.

Bearing in mind the recent developments in the Arab World and the fruitful dialogue between the Arab and European national human rights institutions and the common desire to progress the dialogue to foster a common understanding of human rights among NHRIs in the Arab-European region and strengthen their capacity to promote and protect human rights in particular in countries of transition;

Recognizing the global prevalence of torture, which is more widely practiced than usually recognized, and that of common interest to both Europe and the Arab World;

Recalling the universal condemnation and prohibition of torture, cruel, inhuman and degrading treatment or punishment;

Recalling further the full body of international law, instruments and mechanisms;

Expressing deep concern about the continued prevalence of such acts and the conviction to urgently addressing the challenge in all its dimensions;

Recalling that torture, cruel, inhuman or degrading treatment is not subject to derogation and that a declared state of emergency and fighting terrorism can in no circumstances justify torture, cruel, inhuman or degrading treatment or punishment;

Emphasising the necessity of securing a coherent and holistic campaign and approach against torture, cruel, inhuman or degrading treatment comprising, inter alia, policies, regulations, implementation, monitoring and evaluation in the field of torture and other areas of human rights;

Reiterating the crucial role of NHRIs in promoting the prevention of and protection from torture, cruel, inhuman and degrading treatment as well as broader human rights issues and transitional justice as emphasized in the Rabat Declaration of the 7th Conference of the African National Human Rights Institutions meeting in Rabat, Morocco, from 3rd to 5th November 2009 and the Nairobi Declaration of the 9th International Conference for National Human Rights Institutions held in Nairobi, Kenya, from 21 to 24 October 2008;

Participants agree on the following:

General Policies and National Human Rights Institutions

All States should officially condemn torture, cruel, inhuman and degrading treatment or punishment and adopt an official zero-tolerance policy with a view to end impunity for serious human rights violations as well as to actively promote a deeply embedded societal culture of respect for human rights and fundamental freedoms, including by supporting and undertaking public awareness campaigns and human rights education of all relevant actors and at all levels;

All States should secure the establishment and maintenance of fully independent, adequately funded and well functioning NHRIs in full compliance with the UN Paris Principles empowered and capacitated to effectively contribute to the prevention of and protection from torture including by facilitating necessary legal and societal reform in cooperation with all relevant international and national actors, hereunder human rights defenders, civil society organisation and the media;

National Human Rights Institutions should endeavour to play a decisive role in combating torture and commit themselves to focus on the protection from and prevention of torture and the respect for the rule of law;

The Arab-European Human Rights Dialogue Quartet - composed in alphabetical order of the Danish Institute for Human Rights, the German Institute for Human Rights, the Jordanian National Centre for Human Rights and the Moroccan National Human Rights Council – is delegated the task of further examining and seeking funds to support activities aimed at (i) encouraging and assisting the establishment of NHRIs in countries that have not yet done so, (ii) to generally strengthening existing NHRIs on the basis of adequate analysis of the gaps in the mandates, funding and functioning of NHRIs, (iii) specifically strengthening NHRIs' work in preventing torture and building democratic institutions, including in countries of transition;

International Human Rights Obligations

All States should sign and ratify, without reservations, as well as implement and enforce relevant international human rights instruments with specific reference to torture, including the UN Convention against Torture (CAT) and its Optional Protocol (OCPAT), the UN Convention on Enforced Disappearances (CED), the UN Covenant on Civil and Political Rights (ICCPR) and the UN Convention on the Rights of Persons With Disabilities (CRPD) as well as relevant regional instruments such as the African Charter on Human and Peoples Rights (ACHPR), the Arab Charter on Human Rights (ACHR) or the European Convention on Human Rights (ECHR);

All States should accede to the individual complaints mechanisms available at the international level, including the jurisdiction of the Committees established under the CAT, ICCPR, CRPD, the Convention on the rights of the Child (CRC) and the Convention on the Elimination of Discrimination against Women (CEDAW), as well as the Courts established under the under the ACHPR and ECHR; additionally all states are encouraged to ratify new individual complaint mechanism such as the one for the ICESCR.

All States should fully cooperate with international human rights mechanisms, including the UN Treaty Bodies (UN Committee Against Torture, UN Sub-committee on the Prevention of Torture (SPT)), the Human Rights Council (Universal Periodic Review and Special Procedures), and the International Committee of the Red Cross (ICRC) as well as regional actors such as the Council of Europe Committee for the Prevention of Torture, just as States are invited to accede to the Second Optional Protocol to the European Convention against Torture, which is open also to non-European states;

National legislation, Institutions and National Action Plans

All States should ensure full coherence between international obligations and national legislation and practice, including by incorporating international obligations into the constitutions and national laws and ensure that torture is an offence punishable under national law in accordance with the CAT, subject to extradition and universal jurisdiction and not subject to statutory limitation;

All States should establish and maintain effective and independent, national preventive mechanisms in accordance with international standards, including one or more independent, national preventive mechanism according to standards of the OPCAT, and support its activities by sufficient funding and by allowing unannounced visits to all places of detention with access to all detainees;

All States should develop and implement in accordance with the 1993 Vienna Declaration national action plans against torture and secure sufficient funding to put an end to impunity, including to follow-up on recommendations from international institutions, where relevant with international support, and focus on human rights education for all relevant actors, including clear instructions to officials that acts of torture are a crime and that an order to perform acts of torture is illegal and must be disobeyed;

The Rule of Law and Individual Remedies

All States should institute necessary legal and institutional reforms of relevant institutions and sectors, including the military, security forces, police, prisons, psychiatric institutions, judiciary etc. and in particular, where relevant, demilitarise prisons and other institutions by putting them under the jurisdiction of ministries of justice or other civilian authority to put an end to impunity and secure that evidence extracted by means of torture is never relied on in legal proceedings;

All States should secure full legal protection of all individuals and, at the outset of detention, prompt information of rights, effective access without intimidation to a person of one's confidence, to a lawyer and to an independent medical doctor as well as equal access to judicial protection and other relevant individual remedies, including restitution, fair and adequate financial compensation and appropriate medical care and not least rehabilitation;

All States should conduct effective, independent, prompt, transparent and impartial investigations into all allegations of torture with a view to bringing perpetrators to justice and to end impunity and secure public accountability of and public confidence in the authorities' adherence to the rule of law.

Berlin, 13th May 2011