Dnet Consult Aps

Review of the Arab-European Human Rights Dialogue

Final Report

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List of Abbreviations and Acronyms:

AEHRD: Arab-European Human Rights Dialogue project
ATI: Access to Information
DIHR: Danish Institute for Human Rights
HLM: High-Level Meeting
ICC: International Coordinating Committee of national institutions for the promotion and protection of human rights
NHRI: National Human Rights Institute
SWOT: Strengths, Weaknesses, Opportunities & Threats
WG: Working Group

Executive Summary

The objective of the Arab-European Human Rights Dialogue (AEHRD) is to initiate a dialogue between national human rights institutes (NHRI's) in the Arab and European regions on issues relating to a common understanding and implementation of human rights in the Arab and European Regions on basis of partnership and cooperation.

The Danish ministry of foreign affairs funded a first phase of the project during 2007 and 2008, while a second phase of the project was funded for 2009 and 2010. The purpose of this review is to assess the past performance of the project and give recommendations to a possible third phase of the project.

The review team finds that the dialogue between NHRI's in the two regions has significant support and a strong feeling of ownership from all persons and organizations that were consulted and that AEHRD has indeed established itself as an inter-personal community amongst participants in and organizations of the dialogue. It is the impression of the review team, that a mutual respect and genuine interest in having a dialogue on human rights have been established and that this mutual respect and interest amongst participants is not organized along the lines of the Arab-European dimension. I.e. it is not European NHRI's as such dialoging with Arab NHRI's, but rather a number of NHRIs from the Arab and European regions dialoging with each other.

It is therefore the view of the review team that the planned intention of initiating dialogue on human rights issues within a shared framework and on basis of partnership and cooperation has been met with success.

NHRI's are embedded within an international framework provided by the Paris Principles on Human Rights and may therefore act as a bridge between the international norms on human rights, national governments and civil society. No other national human rights organization has a similar independent international legitimacy, why NHRIs play an important role in the normative socialization[1] process within the international community regarding human rights. Arab NHRIs have specifically pointed to the utility of AEHRD in empowering them vis-à-vis their own national constituencies.

The dialogue may be seen as assisting NHRIs to establish themselves as a sort of third-sector between government and civil society, which contributes to a long-term process of democratization.

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[1] I.e. based on shame, blame and positive incentives.

While the review team acknowledges the significant success of the Dialogue in establishing the dialogue and its rationale of empowering the NHRIs in executing their mandate in their respective countries, the review team has also identified lessons to be learned from the first two phases of the dialogue.

The overall recommendation is that the dialogue should focus on the basic aim of the dialogue (being 'dialogue'!) and put less emphasis on the non-essential implementation of direct impact activities. AEHRD is a small project with a limited funding of 4 million DKK for the second phase. It therefore goes without saying that the project needs to prioritize its activities in order to focus on what it can do and not trying to do everything at once. Networking, exchange of ideas, contributing to improved mutual understanding and providing a facility for processing possible future crises and problems between the two regions is already no small task. Compounding this task with an ambition also to plan and implement direct impact activities within a wide range of subjects has not been wise and has resulted in an unnecessary confusion amongst participants what the dialogue is about. The separate training activity in the field of 'Access to Information' has absorbed a comparative large proportion of financial resources as well as of the time of the secretariat and does not seem to be a cost-effective way of reaching the overall objective of the Dialogue.

While AEHRD has tried to spread its focus too wide, it ought to have focused on its most important objective: facilitating a dialogue. High-level meetings (HLM) could have been better prepared and directed, should have focused more on *violations* of human rights and less on reiterating the commitment to the *norms* of human rights. HLMs should also have involved civil society and political communities in partner countries and ought to have focused more on capacity issues relevant for NHRIs in executing their specific specialized mandate as ICC (International Coordinating Committee – Paris Principles) certified NHRIs such as conducting national enquiries on violations of human rights, processing of complaints, how to account of NHRIs activities to the public etc.

The review team found consensus amongst consulted partner countries for a need for strengthening the dialogue by doing less while doing it better and that the dialogue should be less ambitious on drawing up comprehensive actions plans. At the same time, this should not prevent Dialogue meetings facilitating a more flexible demand-driven cooperation of like-minded countries on specific topics of interest to be managed semi-independently of the Dialogue framework and in-between HLMs.

The review team finally recommends that:

- AEHRD is to be continued and funded for a third phase of 2-3 years

- Within this period the Dialogue should prepare itself after the third phase to become organized on a permanent basis, be anchored within the framework of ICC (or some other regional or international framework) and provide itself with permanent governance structures and identify multi-year funding from international and/or regional organizations. The Secretariat should set aside time for this task in planning its activities for the third phase.
- Dialogue activities should continue to be the result of a combination of a demand coming from partner countries and pro-active initiatives of the secretariat and core partners. The Dialogue should be mindful of the different levels on which partner countries operate in order not to turn the Dialogue into an exclusive club of advanced human rights institutes. Indeed, an important objective of the Dialogue is exactly the ability of more advanced NHRIs (which differs according to subject) to lead the way for less advanced NHRIs.
- Instead of the present two-tier levels of activities (high-level dialogue meetings and working groups) the Dialogue should consider to focus on only one type of meetings which should simply be termed Dialogue Meetings in order to dispel the notion that participating partners could only be represented on a high level. The link between Dialogue Meetings and impact on the ground should be understood more within a process of norm- and best practices socialization, where depth and width of specific follow-up activities are up to inclination and capacity of individual countries, instead of the hierarchically structured direct implementation of activities of the present approach.
- These Dialogue Meetings should be preceded by thorough preparations with regard to mapping and basic analysis of the subject as a start of departure for the dialogue between partners. In relation to the specific subject matter Dialogue Meetings should also deal more with capacity issues; either in general (e.g. the ability of NHRIs to process individual complaints) or in relation to the specific subject matter (e.g. monitoring prisons or exchange of staff between two or more NHRIs). Dialogue Meetings could also be organized to give HR NGO's an opportunity to give their views and input on the matter as well as a session involving politicians in order to provide a link between the more technical and legalistic discussions of NHRIs and the political world. Such sessions would also provide an opportunity for AEHRD to reach out to the media and in turn the broader public.
- It is proposed that AEHRD in addition to the already planned Berlin meeting on torture consider only organizing one Dialogue Meeting during the next phase in addition to focus on preparing an exit-strategy from a project-based process to a semi-permanent basis.

- A limited sum should be set aside in the third phase to allow the secretariat to provide consultancy input to e.g. produce mapping and analysis papers in relation to Dialogue Meetings and for the new ad hoc groups replacing existing WGs.
- The ambitions of the Dialogue should not go beyond the demand and ability of partner countries to take active part. Funding on a similar level as at present is therefore recommended for the third phase.

2. Introduction

The objective of the Arab-European Human Rights Dialogue (AEHRD) is to initiate a dialogue between national human rights institutes (NHRI's) in the Arab and European region on issues of common interest. The Danish ministry of foreign affairs funded a first phase of the project during 2007 and 2008, while a second phase of the project was funded for 2009 and 2010. The purpose of this review is to assess the past performance of the project in order to give guidance to a possible third phase of the project. [2]

The review team[3] has perused the relevant documents pertaining to the project and visited Rabat, Berlin and Amman during 12 – 24 November to meet with the secretariat of the Dialogue (the Moroccan, Jordanian and Danish national human rights institutes) and the German national human rights institute, who is a participating partner of the dialogue. The team also held meetings with the Danish national human rights institute and was accompanied during part of its review mission by the coordinator of the project, Mu'ayyad Mehyar from the Danish Institute for Human Rights (DIHR). The review team has also more briefly consulted with representatives of other NHRI's (in Palestine and Sweden) and with a number of human rights NGO's in the visited countries.

Findings and recommendations of this report are the collective result of the review team. The main text is written by Søren Schmidt, while Maha Aon has written annexes 1, 2, 4 and 5 on project impact, time-line, AEHRD process and a proposed result-based matrix for phase 3, while Håkan Hydén has written annex 3 on the content of AEHRD. The findings and recommendations in this report are the sole responsibility of the members of the review team and represent no other person or entity.

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[2] See Annex 5 for the full Terms of Reference of the review

[3] Human and Social Rights Expert Maha Aon, Professor Håkan Hyden and Dr. Søren Schmidt (team leader)

The report is structured into five chapters discussing in turn: the objectives of AEHRD, process, content, impact and finally governance, funding, project management and reporting of the project.

It is well-known that there exist a certain trade-off between clarity and nuances. The main text is written with the intention of being clear and concise, while nuances, details and more elaborate assessments are to be found in the annexes.

The team would like to use this occasion to thank Dr. El Haïba of the Consultative Council for Human Rights in Morocco, Dr. Touq of the National Centre for Human Rights in Jordan, Dr. Jonas Christoffersen of the Danish Institute for Human Rights and Frauke Seidensticker of the German Institute for Human Rights as well as their staff for their warm welcome of the team and for giving their time so generously for discussions with the team. A final thank goes to AEHRD coordinator Mu'ayyad Mehyar who greatly facilitated the work of the review.

3. Objectives of AEHRD

Findings

The participants of AEHRD are National Human Rights Institutes (NHRI) and as implied by its name, Arab-European Human Rights Dialogue, its objective is to foster dialogue between these institutes from the two regions on Human Rights issues.

NHRI's are embedded within an international framework provided by the Paris Principles on Human Rights and subject to a certification process with the International Coordinating Committee of the Paris Declaration (ICC), which ensures that NHRIs comply with the recommendations of the Paris Principles with regard to their scope of work[4], status and capacities.[5]

This allows NHRI's to insert themselves as semi-independent institutions and may therefore be seen as adding to political plurality and enhancing the liberal political public space. Within their respective political systems, NHRIs may be seen as a sort of third-sector between government and civil society and thus contributing to a long-term process of democratization.

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[4] Such as conducting national enquiries on violations of human rights and processing individual complaints.
[5] See annex 3 for more details on the nature of NHRI's.

No other national human rights organization has a similar independent international legitimacy, while at same time being an institutionalized actor within their respective national political systems. This places restrictions on NHRIs while at the same time gives them an important role in the normative socialization process between the international community and national societies regarding human rights.

The objective of fostering dialogue on human rights within the Arab and European regions may therefore be understood as contributing to the strengthening of NHRIs insertion into the international community and in this way helping them better perform their tasks within their national contexts.

To which degree has this taken place?

The review team found that the idea of a dialogue between NHRI's in the two regions has significant support from all persons and organizations that were consulted.[6] Arab NHRIs specifically pointed to the utility of AEHRD in empowering them vis-à-vis their own national constituencies. International human rights often function as a mobilizing tool in national contexts and it seems that the dialogue has served this purpose for Arab participants in relation to e.g. women's rights.

The review team found that AEHRD has indeed established itself as an inter-personal community during its now four years of existence; not least amongst the leaders of the core participant organizations. It is the impression of the review team, that a mutual respect and genuine interest in having a dialogue on human rights have been established and that this mutual respect and interest amongst participants is not organized along the lines of the Arab-European dimension. I.e. it is not European NHRI's as such dialoging with Arab NHRI's, but rather a number of NHRIs from the Arab and European regions dialoging with each other.[7]

While the review team acknowledges the significant success of the Dialogue in establishing the 'idea of a dialogue' and its rationale of empowering the NHRIs in executing their mandate in the respective countries, the review team has also found that there exist an ambiguity amongst participants whether the objective of AEHRD in addition to fostering dialogue, facilitating networks, being a forum for exchange of ideas and experiences, also is to provide a framework for coordination of national activities and for executing specific activities. The splitting up of activities into respectively the high-level political encounters of the High-Level Meetings and

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[6] It is to be noted thought, that none of the Human Rights NGO's that were consulted by the Review Team, had heard about the Dialogue and therefore did not have any views on whether it was beneficial or not for the promotion of human rights. All pointed to the need to find a way to involve civil society organizations in the dialogue.

[7] See annex 5 for a timeline of the project with dates for all High-Level Meetings, Working Group meetings etc.

the more hands-on Working Groups (WG) have supported this latter more ambitious interpretation of the objective of AEHRD rather than the former more restricted interpretation.

Given the limited resources of AEHRD, the quite large differences with regard to capacities of the participating AEHRDs and differences of opinion of what the AEHRD should and could be used for, this ambitious interpretation of AEHRD has not been a success. The result is that there exists ambiguousness of what the objective of the working groups is, wariness of whether the HLMs are organized in the right way and what the future direction and purpose of the dialogue as such should be.

Recommendations

The review team recommends that the dialogue focus on its basic aim of the dialogue (being 'dialogue'!) and put less emphasis on the non-essential implementation of direct impact activities. AEHRD is a small project with a limited funding of 4 million DKK for the second phase. It therefore goes without saying that the project needs to prioritize its activities in order to focus on what it can do and not trying to do what it cannot do. Networking, exchange of ideas, contributing to improved mutual understanding and providing a facility for processing possible future crises and problems between the two regions is already no small task. Compounding this task with an ambition also to plan and implement direct impact activities within a wide range of subjects has been unhelpful and has created unnecessary confusion amongst participants about what the dialogue is about.

It is important that the objective of HLMs is clear to all participants and the existing ambiguity is not helpful. High-level meetings could also have focused more on *violations* of human rights and less on reiterating the commitment to the *norms* of human rights and could have focused more on capacity issues relevant for NHRIs in executing their specific specialized mandate.

A refocusing on the objective of 'dialogue' ought however not to exclude using the dialogue meetings also to identify specific issues of common concern and interest between like-minded countries. The recommendation of the review team is however to understand such activities rather as spin-off activities, which must be undertaken separately by interested and concerned parties themselves and not as integrated activities of the Dialogue itself.[8] This will also ensure that such activities are demand-driven, that participants participate actively and not only come to listen, and finally that they will be terminated when this demand does not exist any longer.

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[8] E.g. if some countries would like to benefit from learning from other countries on organizing prison visits.

4. Process

This section looks into how the dialogue has been organized in terms of high-level meetings and working groups. It also includes a brief assessment of the AEHRD website. The sections build largely on annex 1, where more details may be found.

a. HLM

Findings

The above debate on whether the objective of AEHRD is to provide a framework for dialogue, networking, discussion, inspiration etc. or as a tool for implementing specific actions in partner countries is also reflected in the way AEHRD has tried to deal with both objectives.

There seems to be consensus that HLMs have been successful in pursuing the first objective; i.e. facilitating a dialogue. While Arab partners have in particular valued the exposure and discussions on specific human rights issues as a sort of live capacity building exercise[9], European partners seem rather to have cherished the exposure of different mindsets and assumptions for thinking about human rights and in that way have gained a better understanding of a human rights context different from their own.

As for the other objective, that of facilitating direct actions in partner countries, HLMs have been less successful. Recommendations on actions to be taken by partner countries have often been vague and too ambitious; have not included an assessment of what it would require to implement these recommendations in terms of manpower and money, have not properly justified while reporting mechanism were largely absent. Such unrealistic expectations of what the HLMs might be used for runs the risk of demotivating participants and contribute to conference fatigue. The fact that participants to the 4th HLM were asked to report on the traction that HLM recommendations had on their daily work and none had replied to this invitation by the 5th HLM, is an indication of the above adumbrated problems.

Recommendations

In line with our recommendations on overall objectives of the dialogue, we recommend that HLMs are in the future to be seen as the main activity of the dialogue and being an end in itself of the dialogue and not as a means to reach other objectives. This also has the result that HLM's should be understood as dialogue meetings as such and not necessarily as a meeting of high level officials. We find that if dialogue meetings are prepared well enough and are better able to reach out to civil society/NGOs and to the political world, dialogue meetings ought not to have any problems in attracting participations from both high-level as well as expert staff.

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[9] Being particularly valuable to NHRIs which have not yet been accredited by ICC.

More specifically, it is recommended that

- NHRIs that are not yet accredited by ICC, should still be invited to dialogue meetings
- NGOs should be invited to a separate session of the dialogue meeting and be given a chance to provide their views on the subject of the dialogue meeting. Human Rights NGOs are crucial partners of NHRIs and their participation in such a separate session could generate a more lively and challenging debate
- Likewise, dialogue meetings could invite politicians to discuss the political aspects of the chosen issue of the dialogue meeting in a separate session. Such involvement of politicians needs of course to be carefully prepared and moderated in order not to unduly politicize the dialogue meeting. But it is also important to raise awareness of the relationship between human rights and politics and such a session could be a bridge to the wider public, as media should be expected to be interested in such political debates.

b. Working Groups

Findings

According to the persons interviewed by the review team, Working Groups (WGs) –like HLMs - contributed to networking. However, WGs were planned to be the implementation arm of AEHRD and were composed with a long-term view of their role. This has not been achieved. Until November 2010 the four existing groups have only met once.[10]

There are several reasons for this. First, the ambitious intentions with the WGs were not commensurate with available resources and motivations of AEHRD partners. Second, WGs were not given sufficiently precise and realistic directions for their work. Third, a necessary assessment of what other actors in the field were doing in order for working groups to avoid duplicating work of these other actors, was not undertaken. Fourth, sufficient project funds were not allocated to allow a sufficient number of meetings. Fifth, the key role of facilitator/coordinator was not filled for any of the groups. This meant that no one was assigned the responsibility of follow-up on implementation and internal communication between WG group members.[11] Sixth, AEHRD did not have means to fund activities decided upon by the WGs, while participants deemed it unrealistic that NHRIs themselves would allocate resources and change their work plans in order to accommodate activities decided by the working groups.

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[10] A second meeting of two of the working groups took place immediately after the departure of the review team from Amman and has not been included in this review.

[11] This resulted e.g. in a questionnaire being distributed to the 14 members of the Working Group on Counter-terrorism. Only 5 responded and their responses were never distributed.

Seventh, in most instances WGs continued the same type of general discussion that had taken place at HLMs. Eighth, the time span of one year between meetings was much too long.

The planned workshop on access to information was transformed by AEHRD into training workshops in order to raise the awareness of NHRI's on the issue before actual working group activities were to be initiated. According to the material available to the review team, it is not clear how these workshops link to each other and to which degree progress has been ensured. Considering that these workshops have been a considerable workload of the coordinator as well as having cost three times as much all other working groups in 2009, it does not seem to be a cost-effective way of reaching the overall objective of the Dialogue.

Recommendations

Instead of being semi-permanents groups with the intentions of overseeing national-level activities, it is recommended that existing WGs are evaluated and that only WGs which are deemed viable are transformed into ad hoc groups of like- minded NHRIs wishing to exchange experience at a more detailed level or to develop joint activities. Future concrete activities between Dialogue Meetings are recommended to be organized along similar lines.

Although the AEHRD secretariat should use its good offices to facilitate the establishment and work of such groups, we don't find that the dialogue secretariat should provide administrative support to these groups. These groups should instead be organized by the interested parties themselves, which will also ensure that when there is not any longer a genuine demand for these groups, they will cease to exist.

In order to facilitate these new types of WGs, it is recommended that some limited funds of the AEHRD within the range of 100. – 200.000 DKK is set aside for facilitating and catalyzing their work through funding e.g. travel expenditure of needy participators and to undertake small studies. However, the core funding of the working group should be borne by the members of the working group themselves.

C. website

A website may serve as a useful repository for key documents but may also be used as an inter-active communication platform with outreach to the general public.

The existing website does not seem to have been much used in the latter sense[12] and considering the limited resources of AEHRD and its purpose being in relation to NHRIs rather

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[12] The German NHRI claimed e.g. never to have consulted the site.

than in relation to the general public, it is recommended that the website is downgraded to the former more limited purpose.

5. Content

This section deals with the way human rights have been dealt with by the dialogue and builds largely on annex 3, where more details and further discussion may be found.

Findings

Human rights may in substance be considered as a respect and concern for the dignity of the individual person. As law may be understood as 'frozen politics' it is also easy to see that concern for human rights is not only a legal issue, but also has a political aspect. Likewise, cultural norms and social practices play an important role. Finally, protection mechanisms (i.e. compliance and enforcement mechanisms, including the Rule of Law) are an important issue without which any legal or social norm is empty. In conclusion, a human right is a multi-dimensional legal, political, social, cultural and compliance/enforcement-related issue.

The prevailing focus of AEHRD to human rights issues have been a rather legalistic approach, which is natural considering that NHRIs arise from international legal norms and conventions. However, it is also important to bear in mind that evidence shows that a narrow legal transplantation of international norms does not have the intended effect. The review team therefore finds that AEHRD would gain from putting more emphasis on the other above mentioned aspects and on how they relate to the practical ability of NHRIs successfully to improve the respects of human rights.

Confirming, reconfirming and detailing the norms of human rights has a value in itself and may be viewed as a sort of 'performance act' and as such used as a mobilizing tool e.g. in relation to needed ratification of the convention on migration or giving priority to women's rights. However, norms on human rights must also be confronted with the violations of these norms and such real life problems of human rights should be discussed with civil society, human rights academics, political actors and also include a discussion on the actual means which are available to citizens to make use of their claimed human rights.

As the participants of AEHRD are NHRIs, it is important that the discussion in relation to the above more extended approach to human rights emphasizes the practical role and problems of

NHRIs in dealing with these issues. The discussion ought neither to be wishful thinking of legal norms or academic discussion of human rights in general, but rather a hands-on practical discussion of how NHRIs may go about their work in relation to real life issues of human rights.

Recommendations

The review team recommends that AEHRD in the future put more emphasis on the aspects discussed above. This could be done by work, which precedes the dialogue meetings, such as

- overviews of prevailing violations of the human rights norms within the subject area within the two regions
- Identification of issues and problems which are crucial for advancing the situation within these areas as well as in relation to how NHRIs deal with them
- Provide practical examples of best practices on how NHRIs may deal with these issues

Dialogue meetings could also be complemented with well prepared and moderated sessions involving civil society organizations and political actors in relation to the discussed topic in order to embed discussions in a wider social and political context[13]. Such sessions with political actors could also serve as linkage to dialogue meeting discussion on political and media strategies for advocacy of human rights.

6. Impact

Findings

We have listed the outcomes of AEHRD as relayed to us by interviewees during the review In annex 1. It has however not been possible to identify definite causal links between AEHRD and these rather general outcomes and therefore not possible to document any direct effect of AEHRD on concrete, practical follow-up actions in partner countries, regardless of whether they exist or not. However, as noted previously, the impact of AEHRD ought not to be seen in terms of concrete follow-up actions, but as socialization of human rights norms within the two regions, which is inherently difficult, if not impossible, to document. What is clear though, is that all of the interviewed found the dialogue to be useful and that it had benefitted them in several ways in their work. Among the mentioned effects were: as leverage on the national scene, as information, as creating a network which could be useful in future, as inspiration to

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[13] And to 'spice up' the main sessions of dialogue meetings.

their own work, as a model to be replicated, as an incentive to become a fully certified ICC NHRI, as bringing focus to selected human rights issues.

Recommendations

As already mentioned, the review team finds the existing more general impact sufficient to justify AEHRD. This is what AEHRD can do, and therefore should do. There is therefore not any reason for AEHRD to try to do, what it in fact cannot do; i.e. serve as a framework for direct implementation of concrete specific national activities. However, there is also room - as adumbrated above - to strengthen the impact of AEHRD by further improving and strengthening dialogue meetings and their follow-up.

7. Governance, Funding, Project Management and Reporting

Governance

In order for AEHRD to institutionalize itself as a permanent activity rather than on a project basis, AEHRD will need to provide itself with governance structures; i.e. rules which lay down procedures for how to manage the dialogue. As of now, actual governance has emerged from the history of the project.

The review team recommends that the secretariat draft a proposal for permanent governance structures to be tabled for either the upcoming Dialogue Meeting in Berlin or the subsequent meeting. Institutionalization should e.g. address: membership eligibility, composition of the secretariat, how to decide topic and venue of Dialogue Meetings and relationship to other regional and international bodies and funding.

ICC could be the most suitable institutional framework for the dialogue to insert itself into. The Euro-Mediterranean Partnership[14] or the Alliance of Civilizations are other options.

In order to strengthen the management of the dialogue and to strengthen the European participation in the process, it is recommended that one more European country is invited to join the Secretariat.[15]

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[14] An enquiry has already been made to the EU, but was reportedly unsuccessful because it was a condition from the EU that AEHRD had a legal status in order to receive funding. The Review Team feels confident that a practical solution could be found to this obstacle.
[15] Germany has already been approached in this regard.

Emphasis on the institutionalization of AEHRD should be made to ensure a permanent framework for the process, rather than in order to strengthen the organizational secretariat vis-à-vis participating partners. The review team finds it important to keep the dialogue as a flexible, demand-driven process and not as a process which is tightly managed from above.

AEHRD will cease to be a project when it becomes properly institutionalized and embedded into a regional or international framework. It will therefore be natural that a regional or international organization provides funding for the general expenditure of the dialogue. It is therefore recommended that present funding from the Danish Ministry of Foreign Affairs is terminated after the next third phase of AEHRD and redirected into funding of more specialized specific activities; such as e.g. hosting a future Dialogue Meeting.

Funding

It is recommended that the existing level of funding is extended into a final third phase of 2-3 years.

Part of these funds should be set aside to allow the secretariat to provide consultancy input to e.g. produce mapping and analysis papers for Dialogue Meetings and to facilitate spin-off activities from Dialogue Meetings.

Project Management

The overall management of AEHRD is with a Steering Committee composed of the Executive Directors of the three National Human Rights Institutes, the so-called 'troika'. The Steering Committee only met independently once when they also met with the European Union. The AEHRD will benefit from more strategic direction and overall leadership from the Steering Committee. The Steering Committee does not have to physically meet on a regular basis, but could hold a quarterly electronic conference taking the busy schedules of its members into consideration.

Administratively, AEHRD is managed by a Secretariat composed of one full-time staff based in the Danish Institute for Human Rights (DIHR) who liaises with the Head of Cooperation and External Relations at the Moroccan Advisory Council for Human Rights and the Head of Public an International Relations Officer at the Jordanian National Centre for Human Rights. This Secretariat was formed for the second phase of the project and has met physically twice during

the last two years (July 2009 in Amman and March 2010 in Doha). For all intent and purposes, the bulk of administration is conducted by the full time DIHR staff member who consults with colleagues in the Jordanian and Moroccan NHRIs.

The review team finds it important to strengthen the Secretariat by developing the existing de facto one-person administration into a genuine team effort. Teams tend to improve strategic and creative thinking. It is therefore recommended that DIHR in their future management of the project develops its administrative management into a genuine team-effort.

Reporting

Each HLM was followed by a report which was shared with all participants. The reports transmit the proceedings of the meetings verbatim and may therefore be considered as 'minutes' rather than analytical reports of the proceedings. Reports were produced with significant delays.[16]

The review team recommends that future reports are produced as analytical report rather than as minutes and with significant shorter delays.

8. Conclusion

We have attempted in this report to highlight the critical issues of AEHRD and to make suggestions for how these issues could be addressed in the future. This might give the reader the impression of an overall critical assessment of AEHRD. That will be a misunderstanding. AEHRD has indeed been successful. The impression of the review team is that the dialogue is not seen by participants as a 'project'. On the contrary, partner countries clearly find that the dialogue is useful to them and want it to continue. Reflecting this overall sense of ownership, the interlocutors of the review team have also been very open and realistic about what the dialogue may in fact achieve and constructively discussed ways and means for how the dialogue might be improved.

It was thus the impression of the review team, that there is a sort of consensus amongst partners that

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[16] The report from the 5th HLM in Doha (March 2010) has e.g. not yet been prepared at the time of this review (end November 2010).

- The dialogue should be institutionalized as a permanent process and at the end of the next Danish financed phase should be embedded and funded within an international or regional framework
- That workings groups had not functioned optimally and that there was a need to rethink the role of the working groups
- That High-level Meetings need to be revitalized
- That the dialogue should be a demand-driven process and function as a network and not become a club of advanced NHRIs managed by a strong secretariat
- Partners want the dialogue to continue as a flexible forum for exchange, network and socialization with regard to human rights in the two regions. Partners are also mindful of the fact that this type of process is in danger of contributing to the so-called 'conference fatigue'[17] and therefore needs to be even more carefully prepared and focused

It is in the light of the above overall consensus amongst partners, that the more detailed recommendations of the report should be seen. And true to the fact that the dialogue belongs and should belong to the partners themselves, we rest confident that they in the end will decide themselves what is needed to further improve the dialogue.

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[17] Resulting e.g. in high turn-over of delegates to events as they develop over time. According to some interviewees, this has been the case for AEHRD.

Annex 1: Project Impact

Some outcomes of the AEHRD as noted by interviewees

Morocco:

- **Review of the penal code:** The Moroccan Advisory Council on Human Rights said they decided to review the Moroccan penal code following dialogue meetings.

- **Initiation of the Ibero-Arab dialogue:** The Moroccan Advisory Council on Human Rights said they were inspired by the AEHRD to initiate dialogue with counterparts from Latin countries. They hope to develop a framework of cooperation and embark on a dialogue process to increase cooperation and networking between the two regions.

Qatar:

- **Upgrade on the accreditation of the Qatar National Human Rights Committee:** Thanks to the AEHRD network, the Qatari National Human Rights Committee connected with the Moroccan Advisory Council on Human Rights who provided them with technical and advisory support enabling them to upgrade their ICC accreditation from a B status to an A status in March 2009. The Arab world now has five accredited national human rights institutions (Morocco, Egypt, Palestine, Jordan and Qatar).

Saudi Arabia

- **Drafting of law on Access to Information:** Although Saudi Arabia does not have an accredited human rights institution, it nevertheless participated in Dialogue meetings, including training on access to information. As a direct result of these discussions, the Saudi representatives worked with in-country colleagues to draft a law on access to information which is currently being discussed in Saudi Arabia.

Jordan

- Establishment of **Women's Rights Unit at the Jordanian National Center for Human Rights**. This was a direct implementation of recommendation six of the fifth High-Level Meeting held in Doha in March 2010. The overall aim of the Unit is to strengthen how the Center deals with women's rights and to ensure human rights are integrated into activities and discussions on women's rights. The Women's Unit is responsible for ensuring women-related human rights issues are addressed appropriately by the Center. This includes spreading awareness on the link between women's rights and human rights, following up on complaints related to women and children, representing the centre on fora discussing women and children's rights, and so on.

- A number of **laws related to women's rights were drafted and passed** following the fifth High-Level meeting in Doha. While the interviewees noted that the laws would have been considered regardless of the AEHRD, they stressed that the Dialogue process provided them with extra support, motivation and momentum to finalize the process. The concerned laws are the law on violence against women, the law on anti-trafficking, and the personal status law.

- Jordan selected the **theme for its annual national commemoration of the global event 16 Days of Activism against gender-based violence** based on the discussions fifth High-Level meeting in Doha. It selected the theme of women in law which featured strongly in the AEHRD meeting.

General Effects

- The **AEHRD provided the only opportunity for inter-regional dialogue** in the world. The example was cited by the ICC as a good practice. Only continental and thematic (such as business and human rights) groupings of NHRIs exist in the world. An inter-regional dialogue allows NHRIs to exchange experience and concerns across the regions, an opportunity they would not have had through existing channels.

- The working groups enabled participating NHRIs to **outline the key human rights issues they should address in relation to migration and women's rights**. It also allowed the counterterrorism group to outline the key data they are interested in collecting in order to determine their programmatic comparative advantage.

- **Communication channels between NHRIs in the Arab and European countries have**

been opened. Thanks to the project, NHRIs in both regions now have each other's contact points, as well as an overview of each other's' work. This allows bilateral cooperation as needed including joint research and technical support. The German Institute for Human Rights noted that this was particularly valuable to them because they had very limited contact with the region before the dialogue. The Moroccan Advisory Council on Human Rights noted that this channel was particularly valuable to them for capacity building opportunities. And the Jordanian one found it useful to get ideas for its work at the national level.

Annex 2: Note on AEHRD Process

This paper deals with the <u>process</u> of the Arab European Human Rights Dialogue (AEHRD) project. The first part deals with the structure of the project and the second part deals with the outputs (High Level Meetings, Working Groups, and the AEHRD website). The paper documents the structure and outputs and offers an analysis of their performance. The recommendations are in line with the overall recommendations outlined in the Review Report.

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List of Acronyms

AEHRD: Arab-European Human Rights Dialogue project

ATI: Access to Information

DIHR: Danish Institute for Human Rights

HLM: High-Level Meeting

ICC: International Coordinating Committee of national institutions for the promotion and protection of

human rights

NHRI: National Human Rights Institute

SWOT: Strengths, Weaknesses, Opportunities & Threats

WG: Working Group

AEHRD Structure

1. Overview

The AEHRD is administered by a Secretariat composed of one full-time staff based in the Danish Institute for Human Rights (DIHR) who liaises with the Head of Cooperation and External Relations at the Moroccan Advisory Council for Human Rights, and the Head of Public an International Relations Officer at the Jordanian National Centre for Human Rights. This Secretariat was formed for the second phase of the project and has met physically twice in the two-year life of the project (July 2009 in Amman and March 2010 in Doha). The Secretariat members rely on electronic communication. For all purposes, the bulk of administration is conducted by the full time DIHR staff member.

The Secretariat is supposed to be supported by a Steering Committee composed of the Executive Directors of the three National Human Rights Institutes (NHRIs), the so-called 'troika'. The Steering Committee only met independently once when they also met with the European Union. There is no mention of the Steering Committee in the AEHRD project proposal.

2. Analysis

The Steering Committee does not actually exist as a physical entity. The Executive Directors of the three NHRIs met once. They do not communicate jointly in a structured or regular manner. The Secretariat is composed, de-facto, of one person who consults with colleagues in the Jordanian and Moroccan NHRIs.

The AEHRD would strongly benefit from strategic direction and overall leadership. An active Steering Committee can play a vital role in filling this space. It does not have to physically meet on a regular basis, but could hold a quarterly electronic conference and make such arrangements that take into consideration the busy schedules of its members (for example by organizing meetings on the fringe of the HLMs).

The initial plan of the AEHRD was to ensure the equal representation of both European and Arab areas in the governing structure. As such, it is recommended that a fourth NHRI is included in the 'troika' and the Review Report suggests this be the Germen Institute for Human Rights given their experience and potential interest.

Given the large workload of preparing properly for the various meetings of the AEHRD (see rest of the paper), it is also important to strengthen the Secretariat by increasing the time commitment of all its members, and including a member from a European NHRI, both of which would entail more funding.

3. Recommendations regarding AEHRD structure for phase III

1. Activate the Steering Committee so that it meets quarterly or half-yearly in electronic form (e.g. video or teleconference) to take stock of the direction of the project and provide strategic direction and leadership guidance.

2. Strengthen both the Steering Committee and Secretariat by inviting a European NHRI to join both.

The High Level Meetings

1. Overview

The High Level Meetings (HLMs) form the cornerstone of this project. A total of five HLMs have been held since the initiation of this project in 2007, and the sixth one is planned for May 2011.

No	Date	Theme	Location	Participation	Report available?	Recommendations
1	04.07	Terrorism & Human Rights	Amman, Jordan	7 European countries (Denmark, Sweden, Norway, Germany, Greece, Ireland, France) 9 Arab countries (Palestine, Egypt, Jordan, Morocco, Mauritania, Algeria, Qatar, Tunisia, Saudi Arabia)	Yes	Only 2 specific recommendations relating to AEHRD and technical work to be conducted (define terrorism, explore its root causes & agree on practical steps for NHRIs to take)
2	10.07	Discrimination	Copenhagen Denmark	7 European countries (Denmark, Sweden, Norway, Finland, Greece, Netherlands, France) 9 Arab countries (Palestine, Egypt, Jordan, Morocco, Algeria, Qatar, Tunisia, Saudi Arabia, Yemen)	Yes	5 recommendations for NHRIs to act on including working with governments to ratify agreements & conducting research
3	05.08	Migration	Rabat, Morocco	7 European countries (Denmark, Sweden, Norway, Germany, Ireland, France, Greece) 9 Arab countries (Palestine, Egypt, Jordan, Morocco, Algeria, Qatar, Tunisia, Saudi Arabia, Mauritania)	Brief summary & list of participants	11 recommendations outlining the general role of NHRIs in relation to migration
4	04.09	Migrant Workers' Human Rights	The Hague, Netherlands	7 European countries (Denmark, Sweden, Norway, Germany, Ireland, France, Greece) 9 Arab countries (Palestine, Egypt, Jordan, Morocco, Algeria, Tunisia, Mauritania, Qatar, Saudi Arabia)	Yes	23 recommendations which are mainly general principles & considerations for NHRIs
5	03.10	Women's Rights & Gender Equality	Qatar, Doha	6 European countries (Denmark, Sweden, Germany, Ireland, France, Greece) 8 Arab countries (Palestine, Egypt, Jordan, Morocco, Algeria, Tunisia, Mauritania, Saudi Arabia)	No	14 recommendations including general principles & specific actions such as assigning gender focal points in NHRIs
6	05.11	Torture & the Rule of Law	Berlin, Germany			

2. HLM Structure

2.1 Standard Agenda

The HLMs are two-day meetings attended by Arab and European NHRIs and observers from relevant international and regional organizations. Each meeting focuses on a theme agreed to at the previous HLM and is structured as follows:

- Welcome speeches by the AEHRD troika
- Keynote speeches on the theme
- Presentations on the situation of the theme in Europe and the Arab world
- Country presentations on the status of the theme from selected countries in both regions
- Discussion groups on thematic questions
- Thematic presentations by experts
- Update on AEHRD project (lately this has included Working Group reports)
- Adoption of HLM recommendations around the theme
- Agreement on topic of next HLM

2.2 Participation

Participation in the HLMs has been consistent. A total of seven European countries and nine Arab countries have consistently participated in all the HLMs with the exception of Norway missing the fifth HLM (in Qatar on women) and Germany, Mauritania and Ireland missing the second one (in Denmark on discrimination). In addition, Yemen, Finland and the Netherlands attended the second HLM (in Denmark on discrimination). This solid consistency is an excellent indicator of continuity and is in the interest of progress within the dialogue proceedings.

It's to be noted that six of the seven European participants are accredited NHRIs while only five of the nine Arab participants are accredited NHRIs. This fact has implications on the priorities, agendas and outputs of the HLMs. European NHRIs that we met said their interest in the dialogue is exposure to the Arab NHRIs and the opportunities for networking and potential collaboration. The Arab NHRIs added to those expectations the issue of capacity development of accredited NHRIs and support to other countries to seek accreditation. However, there may seem to be discrepancies in terms of expectations in relation to political discourse around the human rights issues. The German colleagues felt that they were not in a position to actively engage on this noting that they do not represent the government. While, the Jordanian colleagues said: "human rights is all about politics" and noted that it was inevitable and necessary to address those issues. A compromise was suggested by one interviewee to set aside a session at the HLM to discuss the political issues and invite political figures relevant to the HLM issue. In this way the political implications are discussed with the appropriate participants.

3. HLM Outputs

3.1 Recommendations

Every HLM produces a list of recommendations at the conclusion of the meeting. The recommendations produced during the first two HLMs tended to be short and specific, while the rest

(HLMs 3, 4 and 5) tended to be longer and include mainly general principles in addition to some specific activities. HLMs 1 and 2 each had two and five recommendations respectively. While, HLMs 3, 4 and 5 had 11, 23 and 14 recommendations respectively. And while the latter HLMs did include some specific recommendations, most of them were very general. For example, the first recommendation from the 4th HLM in the Hague on the issue of Migrant Workers' Human Rights is as general as: "NHRIs should actively encourage the development of a right-based approach to migrant workers human rights...Human rights should become an integral part of any migration-related policy". However, the fourth recommendation from the same meeting outlines a more specific activity: "NHRIs should review labour laws and labour contracts in their respective countries".

It is not clear in most cases how the recommendations are to be implemented or reported on. Reports were not collected from NHRIs on the extent of their implementation of the recommendations. Given the nature of the recommendations, it is clear that to be implemented each NHRI must either create new activities in its plan or revisit its existing activities to incorporate the recommendations. In many cases, this also entails that each NHRI interpret the general recommendations into specific actions that it must then decide whether or not it needs to include in its workplan.

The fourth HLM (The Hague) included a specific recommendation on this issue. It specifically noted that NHRIs should "prepare a written report on how they follow-up on [these] recommendations...to be submitted ahead of the next dialogue meeting". They further agreed to have a permanent agenda item in all future meetings "on how they mainstreamed the dialogue meetings' recommendations into national action plans and work". This is a significant shift from previous HLM procedures. Previous to this statement, recommendations were simply broad statements and no follow-up was noted. This recommendation indicates an agreement by NHRIs that the recommendations should have some form of traction on their daily work, and that a continuum of follow-up should take place. However, by the following HLM (5th in Doha), no reports had been submitted to the Secretariat. But, a session was set aside at the meeting to discuss progress of NHRIs on adopting the recommendations. The poor reporting may be due to many reasons, including:

- There was no agreement on the mechanisms through which follow-up would take place
- Most of the recommendations are broad political statements rather than action-oriented rendering them difficult to implement
- There are too many recommendations (23 at the 4th HLM)
- NHRIs face different constraints ranging from limited funding or political limitations in their national context

In questioning interviewees about this, it was noted that these political statements are considered in and of themselves an achievement of the dialogue. Given that the majority of Arab NHRIs at the HLMs are not accredited, what may seem as normative statement, did in fact require much discussion and debate. Some interviewees saw this as a positive aspect of the dialogue because it allowed participants exposure to organizations that work within different mindsets. It is as if the dialogue itself is a capacity building activity that engages partners in the principles of human rights.

3.2 Reports

Each HLM was followed by a report that was shared with all participants. The reports transmit, verbatim, the proceedings of the meetings and as such, can be considered as 'minutes' rather than analytical reports of the proceedings. The report from the 3rd HLM in Rabat (2008) was not available to the review team, only a summary of the working group discussions and list of participants. And the report from the 5th HLM in Doha (March 2010) had not yet been prepared at the time of this review (end November 2010). This raises the question of how useful the reports are to participating countries if they are receiving them more than eight months after the event. It is natural that recommendations would not be implemented if they are neither communicated nor followed up on.

4. Overall Comment

It is difficult to measure the success of the HLMs since none of them had pre-set objectives or goals either in the reports or on the agendas. However, we noted that the HLMs are seen by the interviewees as an excellent opportunity to communicate, network, and to learn about the status of human rights as they relate to the HLM theme in the two regions. Participants seem to find the presentations made in the meetings to be informative and interesting. HLMs also presented a space for open discussions leading to the expression of political commitment. However, it is not clear what follow-up is expected to take place in between HLMs. Interviewees had different expectations. Some believed that the meeting in and of itself was the goal as one interviewee put it: "the dialogue is the process itself". Others believed that the HLMs are only valuable if action takes place in between the HLMs as the Executive Director of the DIHR put it in the closing session of the first HLM: "the Dialogue depends on the ability of the participants to implement the recommendations endorsed by this dialogue". Whether the dialogue itself is the objective or concrete follow-up by NHRIs is expected, it is clear that common pre-stated objectives should be agreed, that the HLMs should be designed to meet those objectives, and that follow-up should be conducted to measure the extent to which these objectives have been met.

5. Recommendations regarding HLMs for Phase III

1. HLM recommendations should **distinguish between general political statements and actions that require specific follow-up**. Specific follow-up actions should focus on the NHRI niche and include information on how they will be followed up on (reporting frequency and format). However, this must remain voluntary but participants must indicate at the HLM if they will opt-out of implementing the recommendation to facilitate the task of the Secretariat in following-up.

2. HLM agendas should set aside time to present and discuss recommendations from the previous HLM. **Reports should be collected well ahead of the HLM** and a summative report produced and shared with participants a month or so before the HLM.

3. A **pre-agreed set of themes** should be agreed for all HLMs to take place within Phase III. This set should be 'demand-driven' and correspond to the expectations of the Arab and European NHRIs. The theme could be inspired by the strategic plan of the International Coordinating Committee of national institutions for the promotion and protection of human

rights (ICC). Some suggested themes include the relationship between NHRIs and its two main partners: civil society and government or the position of NHRIs vis-à-vis global human rights instruments.

4. Preparations for the HLM meeting should be much more detailed and be completed well ahead of the HLM. A **situation assessment of the NHRI position and role within the HLM theme** should be conducted in both regions and shared with participants ahead of the HLMs. Funding should be set aside for this within the HLM budget. Participants should be asked (by phone or in writing) to express *their* specific interests within that theme and this should be taken into consideration when the agenda is set by the Secretariat.

5. **Non-accredited human rights organizations should continue to be invited and to participate actively** in the HLM proceedings. They should be consulted on HLM themes and their interests within the theme, as well as contacted for reporting on the recommendations should they wish not to opt-out of its implementation. The aim of this is to encourage the spread of human rights discourse within the Arab region and to enrich the Arab European dialogue with views form a variety of partners working in different contexts.

6. The **media should continue to be engaged** with the view of profiling human rights issues in both regions, and exerting pressure on national partners to strengthen their engagement on human rights.

7. HLM meetings should be **better managed** in terms of time-keeping, reporting and facilitation.

8. **Relevant regional and global organizations should continue to be invited** to HLMs. This includes the Arab League and the European Union. Technical partners (such as UN organizations, non-governmental organizations and academia) should be invited to HLMs featuring related themes.

9. The Steering Committee should consider **setting aside a session at the HLMs to discuss the political aspect of the topic** and to invite relevant European and Arab politicians to this session rather than mix political issues throughout the HLM.

1. Summary of Facts

1.1 Structure of Working Groups

The Working Groups were created at the fourth High-Level meeting held in the Hague in March 2009. A generic Terms of Reference was agreed for all Working Groups. It outlines the aim of the Working Groups as "addressing, in depth, specific human rights issues…that resulted from the Arab-European High-Level Dialogue meetings", or as one interviewee put it, the Working Groups were expected to "put some flesh on the bones" of the project. Specifically, the Working Groups are supposed to act as "thematic fora" that "ensure the effective delivery of the mandate and agenda of Arab-European Human Rights Dialogue". The Terms of Reference go on to specify such "delivery" through the following tasks:

> ➢ Design and prepare specific studies
> ➢ Design and prepare polices
> ➢ Design and prepare projects
> ➢ Advise the project Secretariat
> ➢ Contribute to active networking and act as fora for dialogue and exchange
> ➢ Contribute to capacity building of the members

Each Working Group would be assigned 7-9 members, an overall "facilitator/coordinator" who is supposed to act as an administrator by putting forward the agenda of the meetings and encouraging communication between meetings, and an "expert" in the thematic area of the group who is supposed to link the Working Groups with the High-Level meetings.

The number and themes of the Working Groups changed in the period since their creation.
Currently, the situation is as follows:

> ➢ Working Group on Counterterrorism and Human Rights
> ➢ Working Group on Migration and Human Rights
> ➢ Working Group on Women's Rights and Gender Equality
> ➢ Capacity building on Access to Information
> ➢ Discussions to be initiated on Torture and the Rule of Law at the upcoming sixth High-Level Meeting to be held in Berlin in May 2011

1.2 Working Groups Progress to date

Working Group	Coordinator & Expert	Meetings to Date	Outputs to Date	Notes
Counterterrorism	No coordinator selected. Secretariat standing in. Expert: Peter Kessing, Denmark and Mohamed Al Dakkak, Egypt	• Jordan 11/2009 • Planned: Jordan 11/2010	• Vision & mission statements • Draft planning matrix (incomplete) • Draft priority issues • Questionnaire on status in countries & 5 responses	The priority issues focus entirely on listing information to be collected. It does not state to what end this information will be collected or how.
Migration	No coordinator selected. Secretariat standing in. Expert: Azfar Khan, ILO Regional Office for Arab States	• Jordan 11/2009 • Planned: Jordan 11/2010	• Draft priority issues • Draft plan focusing on trafficking and women & children • Terms of Reference for Legal & Social Aid Offices for Migrants	The priority issues focus entirely on outlining the global situation of migration & human rights. There is no mention of the situation in the Arab or European region, and no specification of the issues to be addressed by group. However, the plan is fairly detailed.
Women's Rights & Gender Equality	No coordinator selected. Secretariat standing in. Expert: Amini Lemrini, Morocco	• Doha 05/2010 • Planned: Doha 01/2011	• Draft priority issues • Document on group role + SWOT analysis of NHRIs gender role + 5 focus areas • Action plan (incomplete)	The priority issues outline specific actions to be performed by national NHRIs.
Access to Information capacity building	• Morocco 10/2009 • Jordan 10/2009 • Cairo 10/2010			
Torture & the Rule of Law	Planned High-Level Meeting on the Theme: May 2011			

2. Analysis

The Working Groups were set-up to act as "the implementation arm" of the project, however it appears this objective was not achieved raising the question of whether the project should have an "implementation arm" at all. The working groups have made achievements in the face of serious challenges. They have created space for NHRI staff to exchange views and information on the Working Group themes, and have provided an opportunity for them to build relationships and network. They have also provided space for participating NHRIs to outline the key issues and actions that they can play within those themes. These are all valuable achievements.

However, the Working Groups were destined from the onset to face serious challenges given the current structure of the project. These challenges include:

➢ The Working Group plans do not indicate cost and it is not clear where the human and financial resources for its implementation will come from. The AEHRD project did not have any funding available for implementation of these plans.

➢ The plans do not contextualize the activities in relation to what other actors are working on in those areas (e.g. civil society or government ministries)

➢ There is no person designated to follow-up on the implementation and ensure the communication among Working Group members in between the annual meetings. While the Terms of Reference called for the designation of a "facilitator/coordinator", this seems not to have been activated. Consequently, the Secretariat is burdened with this task. Working Group Experts were selected for all Working Groups, but their input following the Working Group meeting has been limited.

➢ There is no monitoring mechanism in place (such as a reporting plan, virtual meeting schedule, etc.) to enable the "facilitator/coordinator" to carry out her/his task.

➢ The Working Groups met only once in the space of two years. Reasons for this include the fact that funding was only available for one meeting. No virtual meetings were conducted throughout the two years (such as a video or teleconference). Communication depended solely on emails and bilateral phone calls when necessary.

As such, it is not surprising that the Working Groups did not perform the tasks agreed to in their unique meeting. The Counterterrorism Working Group attempted to collect data through a standardized questionnaire to NHRIs, but the response rate was poor and this data was not reported back to the members. The Migration and the Women's Rights Working Groups have a draft plan, but it is not clear to what degree it has been implemented.

A total of three training workshops on access to information have been held over two years. However, it is not clear how these workshops link to each other. As such, it is not possible to measure progress or to ascertain when the training sessions should end and what the next step would entail.

The Working Groups made some achievements, however one cannot state that they "acted as the operational arm" of the project. And if we come to assess the success in achieving the specific tasks assigned to them we will note that they have achieved little, with the exception of contributing to networking. However, no studies, policies or projects were signed, and the exchange of experience was very limited throughout the two years. It appears that the Working Group terms of reference were composed with a longer-term vision in mind beyond the available resources and timeframe of the project. It remains to be seen though if more time or funding would contribute to their strengthening, and if, indeed, that should be a goal of the AEHRD project.

The Working Group tasks outlined in the Terms of Reference are too ambitious and would require more staff and funding. In addition, the added-value of such work is questionable given that much of the work in the Working Group plans is to be implemented by NHRIs in their national context. This project should not be over-burdened by directly overseeing national-level activities. One interviewee put it bluntly saying that it is not realistic to expect NHRIs to review or amend their own plans based on the work plans of the working groups.

Nevertheless, one interviewee summed up what many others expressed when he said that participants should "not just come and listen and then not do anything" after the meeting. It is suggested therefore that the working groups continue, but in a less formalized way. The groups should be formed only when two or more organizations decide to work more closely together on a specific theme with a specific output such as conducting a study or preparing a proposal for joint or parallel implementation. The group should not be administered by the dialogue Secretariat, but supported through information and linkages to potentially useful partners and donors. The group should be formed and dissolved based on its members' needs. It should not be requested to produce and implement a detailed work plan.

5. Recommendations regarding Working Groups for Phase III

1. The working groups should be formed by like-minded organizations wishing to exchange experience at a more detailed level, or to develop joint initiatives. The dialogue **Secretariat should not be responsible for providing administrate support to the group**. The funding of the group functioning should be discussed by the members and where cost-sharing is possible it should be encouraged.

2. The Dialogue Secretariat and Steering Committee should offer the working groups a platform for networking and reaching potential donors for proposals developed by the working groups. This includes **endorsing group proposals and providing linkages with potential donors** as appropriate.

3. The groups should **not be seen as permanent entities**. They should be allowed to form and dissolve based on participant interest and goals.

AEHRD Website (www.aehrd.info)

1. Overview

The AEHRD website was launched in March 2010. It is hosted and administered by the DIHR. There is no full-time administrator, rather a DIHR staff has taken on the responsibility in addition to his full-time responsibilities.

The website, available in English and Arabic, features two areas: a publically-accessible section providing an overview of the project, themes and news on meetings, and a password-protected section giving access to a members' section featuring a discussion forum and a Working Groups section with key related documents.

2. Use of the website
The DIHR provide us with the following data on website use from 1st March to 18th November 2010:

- Total visits: 713 (265 Arabic and 448 English)
- Top countries visiting the English site: Denmark, Morocco, United States, Sweden, Lebanon, Jordan, Egypt, Qatar, Belgium, Switzerland
- Top Countries visiting the Arabic site: Denmark, Qatar, Morocco, Saudi Arabia, Egypt, Tunisia, Jordan, Sweden, Palestinian Territories, Iraq

In addition, close to zero participation in the members' discussion forum.

The DIHR is preparing to launch a user survey in early 2011 to improve the website and its use. They are also planning to decentralize many of the website maintenance tasks to the Jordanian and Moroccan NHRIs after training the relevant staff members.

The website is an excellent addition to the dialogue providing a repository for key documents and a communication platform among those interested in the dialogue. It is easily located through common search engines. Despite this, many interviewees either did not know about it, or had used it to a very limited extent.

3. Recommendations regarding the website for phase III

Given the overall purpose of AEHRD to facilitate dialogue and not to executive direct-impact activities, it is recommended that the website is used as a repository for documents rather than as a communication platform, which will require substantial resources.

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Annex 3

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Note on the way Human Rights have been dealt with by AEHRD

By Håkan Hydén

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1.   Introduction

The dialogue is designed to foster productive dialogue among National Human Rights Institutions (NHRI) in Europe and the Arab World. The dialogue is about HR and meant to be carried out by the NHRI. In this annex we are focusing on the substantive issues. We will start with commenting on NHRI and see what kind of institution it is. Thereafter we will look at the different HR, which are at stake within AEHRD and put them into context on a normative level and then look at how these different HR have been used within the AEHRD. Based on the analysis of the approach to HR some recommendations will conclude this annex.

2.   National Human Rights Institutions (NHRI)

It is up to any country to set up a NHRI if they want to. However, in order to be recognized as a NHRI it must be set up via a legal enactment in accordance with the Paris Principles adopted by United Nations Human Rights Commission (as Resolution 1992/54 of 1992 and Resolution 48/134 of 1993), and provide leadership in the promotion and protection of human rights. The NHRI has a unique position in the field of HR by being sponsored by the state while at the same time being an independent body. The Paris Principles list a number of responsibilities for national institutions, which fall under five headings.

First, the institution shall monitor any situation of violation of human rights, which it decides to take up. Second, the institution shall be able to advise the Government, the Parliament and any other competent body on specific violations, on issues related to legislation and general compliance and implementation with

international human rights instruments. Third, the institution shall relate to regional and international organizations. Fourth, the institution shall have a mandate to educate and inform in the field of human rights. Fifth, some institutions are given a quasi-judicial competence.

The accreditation of a NHRI is decided upon by the International Coordinating Committee (ICC), which was established in 1993. A country has to apply for accreditation**. In the Arab region there are so far six NHRI**: Algeria: Commission Nationale des Droits de l'homme, Egypt: National Council for Human Rights, Jordan: the National Centre for Human Rights, Morocco: the Advisory Council on Human Rights, Palestine: The Palestinian Independent Commission for Citizen´s Rights and Qatar: National Committee for Human Rights. The Jordanian National Center for Human Rights was initiated by law 2006 and the Moroccan NHRI 2007. **In Europe the number of NHRI is 22**: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Denmark, France, Greece, Georgia, Germany, Great Britain, Ireland, Luxemburg, North Ireland, Norway, Poland, Portugal, Russia, Scotland, Serbia, Spain and Ukraine have until now set up NHRI. The Danish Institute for Human Rights was accepted as a NHRI 2002. Austria, Belgium and The Netherlands are countries with the ambition to be accepted as a full-fledged NHRI. The status as NHRI has to be proved every fifth year. This means that there is a pressure on these countries to keep up with the standards set up for being a NHRI, which give rise to a sort of self-regulation based on "name and shame" within the international community. In this respect the AEHRD contributes by being a transparent arena. There is a National Human Rights Institutions Forum, which is an international forum for researchers and practitioners in the field. They provide a website, nhri.net, which provide all relevant information regarding NHRIs.

The accredited countries mentioned, belong to the countries covered by the intended dialogue. Within the framework of its operation, NHRI shall:
(a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner,
(b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
(c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
(d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly concerned;
(e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
(f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular, ombudsmen, mediators and similar institutions);
(g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Analysis

The ICC promotes and strengthens NHRIs to be in accordance with the mentioned Paris Principles. They work as benchmark for HR standards from a procedural point of view. The ICC offers advice and assistance to help its members enhance international engagement at the United Nations in order to strengthen human rights domestically. It thus undertakes accreditation of NHRIs, and holds an annual meeting and a biennial conference to strengthen cooperation and share good practice between NHRIs. The NHRIs seems to be an appropriate body for implementation of AEHRD. They are in some cases well equipped for pursuing this task. In other cases they are not so strong. In any case it is an added value in itself for AEHRD to contribute to the consolidation of the different NHRI, especially in the Arab region.

AEHRD is a strategy for raising awareness and supporting the development of a common understanding and implementation of human rights in the Arab and European Regions. The strategy applied for this is to create a process, which aims to foster the mutual development of NHRIs across the two regions. This is the only cross-regional initiative within ICC. Partnership and cooperation are set up as tools for dealing with common relevant human rights issues. The secretariat within AEHRD, the so-called Troika, consisting of DIHR, the National institute in Jordan and in Morocco, is responsible for implementing the AEHRD. Both Jordan and Morocco have connection to other regional networks. Thus, Jordan for the time being, chair the Asia-Pacific Network of NHRI and Morocco is a member of the African Network. By implementing the Dialogue via NHRI it can be presumed that the participants are aware of the normative (legal) content of different HR on both an international and a national level, which makes it possible to concentrate on the specific problems on the ground.

3.   Human rights

There are nine core international human rights treaties. The conventions are about
- Civil and Political rights;
- Economic, Social and Cultural rights;
- Racial discrimination;
- Discrimination against women;
- Child rights;
- Torture;
- Protection of the rights of all Migrant Workers and Members of Their Families;
- Protection of all persons from enforced disappearance, and
- Rights of persons with disabilities.

Each of these conventions has established a committee of experts to monitor implementation of the treaty provisions by its States parties. Some of the conventions are supplemented by optional protocols dealing with specific concerns. In addition to these core human rights treaties, there are many other universal instruments relating to human rights. The legal status of these instruments varies. Declarations, principles, guidelines, standard rules and recommendations have no binding legal effect, but such instruments have an undeniable

moral force and provide practical guidance to States in their conduct. Covenants, statutes, protocols and conventions are legally-binding for those States that ratify or accede to them.

Within the AEHRD four areas of intervention were initially identified and selected by participating NHRIs:

1) Access to information;

2) Counterterrorism and Human rights;

3) Migrant Workers´ Human Rights and Labour Markets and

4) Women's´ rights and Gender equality.

5) Torture and the Rule of Law are going to be addressed in a coming Working Group meeting. See Annex 2 Note on AEHRD process.

1) **Access to information**

This topic is not acknowledged as a human right as such. Certain countries have adopted legislation on the topic, such as Canada and in the Arab region, Jordan. Access to information is related to freedom of information, which can be regarded as an extension of [freedom of speech](). This is in its turn a fundamental [human right]() recognized in [international law](), which is today understood more generally as [freedom of expression]() in any medium, be it orally, in writing, print, through the [Internet]() or through art forms. This means that the protection of freedom of speech as a right includes not only the content, but also the means of expression. Article 19 in"the International Covenant on Civil and Political Rights" prescribes that
1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

One of the cornerstones of a democratic society is open government. It means that the authorities' activities as far as possible should be done in an open way. Therefore, for example, court hearings and decision-making within authorities are normally public. An expression of open government is the principle of public access to documents. Similar laws exist in over 70 countries in the world. We then talk about freedom of information. Within the EU, in particular in member states like Britain and France, there is a lack of this tradition and the system is much more closed. Within the EU authorities have a much greater legal scope for discretion when it comes to decide what should be made in public and what should stay secrete.

For the reasons mentioned"Access to information" (ATI) can fairly well be regarded as a relevant topic within the AEHRD. It was the theme of the Working Group meeting in Egypt already in January 2008. Based on the experiences from this meeting a number of training seminars were set up. In the training seminars in Rabat and Amman October 2009 the overall learning objective of the seminars was"*to strengthen the participants´*

competence on how to apply the right of access to information as a human right in itself and as a lever for the implementation of other human rights". In the specification of the objectives, discussing the concept and importance of ATI, discussing behavior, attitudes and values towards ATI, linking ATI to rule of law, good governance and the like were mentioned. So was also law drafting exercise and a presentation of a model law.

As an outcome of the training course considerable variances in the knowledge and legal situation concerning ATI were stated. Lack of knowledge within the judicial system was a problem, as serious as the legislative obstacles. An overriding recommendation from both seminars was the need to ensure the actual implementation, despite the fact that legislation and awareness was regarded as far from sufficient. In the recommendations there were among a lot of general recommendations also a request for conducting awareness of citizens by civil society and the media and also a call for a network of experts in the field gathering NHRIs and NGOs in the Arab and European countries. This last mentioned recommendation fits well into the objectives of AEHRD, but as many of the other recommendations we have no sign that anything has been done regarding the issue. Projects where the chain of relevant factors mentioned influencing the implementation of the ATI right is recommended. This is, though, something, which cannot be expected being possible within the structure and process of the WGs. It has to be funded separately and built on the spontaneous interest among the participating NHRIs.

Analysis

The reason for the non-activity might be included in the conclusion of the two training courses, namely"*openness and access to information depend just as much on attitude and mentality as on legal frameworks*". This goes more or less for all HRs. In order to use law for promoting HR the interplay between the legal norm and existing norms in the field of regulation must be taken into account. Promoting HR is an exercise, which cannot be expected to operate spontaneously to have an effect. It has to be strengthened and backed up by certain implementation mechanisms. Here the NHRIs have to rely on and cooperate with other actors, independent of them being NGOs or public administration. The organizers of the training seminars do not seem to be unaware of this problem, but it is not addressed in a systematic way. It seems to be easier to discuss the whole issue on a normative level, something, which can be modeled by the participants in the dialogue themselves.

2) Counterterrorism and Human rights

Counterterrorism actualizes a wide range of HR. The topic was brought up already in the first High Level Meeting (HLM), 2007. The recommendations in this HLM were about defining terrorism and explore its root causes. In the later WG sessions the scope has been broader and broader. The participants in the first WG in Egypt January 2008 raised the following points:

- There exists a requirement for precise legal definitions of terrorism-related crimes. In addition there exist a need for remedies and judicial review in cases of alleged infringement of human rights by counter-terrorism measures.
- It is necessary to draw attention to the need to exclude in any proceedings evidence obtained by the use of torture or cruel, inhuman or degrading treatment of any person by the agent of any State.
- Terrorism has many root causes, relating among other factors, to inequality, poverty and injustices in international relations.
- Terrorism should not be seen be related or linked exclusively to one religion. Rather, individuals in various religious communities have tended by pointing to concepts of religion to justify use of violence for individual and collective political objectives.
- Civil society should be included to work on tensions within society caused by social inequality, exclusion and discrimination.
- Human rights violations should not be seen as unjustified criticism of the state, but represent early warning signals for rising tensions within society which needs both state and society to address and improve the situation.

The ambition within AEHRD has been to collect statistics about how many terror acts that have occurred within the last decade in the states represented in the WG and how many cases have been dealt with by the judiciary and the outcome of the cases. The main issue for discussion has been about HR concerns when countering terrorism in terms of fair trial standards. In terms of remedies the WG looked at activities and addressed different issues, including:

- Legal norms relating to the concept of terrorism and specific terrorist crimes, including incitement to terrorism, which raises issues of advocacy vs. right to freedom of expression.
- Implementation of legal norms: state practices
- Legal provisions regulating trials against terrorist suspects
- Terrorist suspects in remand prisons (pre-trial detention)

The WG suggested two recommendations:

- That the WG should 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;
- Explore the root causes of terrorism in their national context and monitor HR violations in connection with anti-terrorism.

Analysis

All these issues mentioned cover a lot of sensitive areas where it is hard to find any common denominator for the participating NHRI. One question was for instance whether and how NHRIs should engage in counteracting radicalization processes both in society in general as well as in reaching out to sympathizers and convicted terrorists in prison. This seems to be a question of more wishful thinking than realistic goals. Furthermore the

topic covers both questions of legal certainty for those accused of being terrorists and development of effective measures to identify and stop terrorist activities, two aspects which might counteract themselves.

A conclusion from the WG meeting was that participants needs to have a better knowledge and understanding of what is going on in countries represented in the WG in relation to counterterrorism and HR, which will be discussed in a upcoming WG meeting in the end of November 2010. As a conclusion, so far, it is hard to see the implications for the work of the involved NHRI. The phenomenon has to be approached from within the society and cannot be expected to be influenced via human rights policy statements. This is in combination with the lack of knowledge point strongly in direction of setting up research projects focusing on certain aspects of counterterrorism. Since the DIHR consists of a research department, they ought to be able to initiate such a process.

3) Migrant Workers´ Human Rights and Labour Markets

Here we are addressing a specific HR defined within a convention. The United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is an international agreement governing the protection of migrant workers and families. Signed on 18 December 1990, it entered into force on 1 July 2003 after the threshold of 20 ratifying States was reached in March 2003. The Committee on Migrant Workers (CMW) monitors implementation of the convention, and is one of the seven UN-linked Human rights treaty bodies. There is also an ILO convention on Immigration and on migrant workers in vulnerable conditions.

In 2005, the number of international migrants in the World was estimated to be something in between 185 and 192 million. This represents approximately three percent of the world population, comparable to the population of Brazil. Nearly all countries are concerned by migration, whether as sending, transit, or receiving countries, or as a combination of these. International migration has become an intrinsic feature of globalization. So far, countries that have ratified the Convention are primarily countries of origin of migrants (such as Mexico, Morocco and the Philippines). For these countries, the Convention is an important vehicle to protect their citizens living abroad. Most European countries have not even signed the convention.

The first meeting on Migrant workers within AEHRD, May 2008, ended up in what is called Rabat Declaration on Migration and Human Rights. It sets the tone in the following way:

> *Recalling* the universality, indivisibility and interdependence of human rights and that the protection of human rights, provided for by international human right law, concern all human beings including migrants and refugees regardless of their legal status; including the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Convention on the Suppression and Punishment of the Crime of Apartheid (ICSPCA), International Covenant on Economic, Social, and Cultural Rights (ICESCR), Convention Relating to the Status of Refugees and Protocol Relating to the Status of Refugees, Convention

on the Rights of the Child (CRC), Convention Against Torture (CAT), Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), Convention on the Prevention and Punishment of the Crime of Genocide, Convention on the Rights of Persons with Disabilities and International Convention for the Protection of All Persons from Enforced Disappearance.

Recalling the recommendations of the Arab-European NHRIs' first meeting in the spring of 2007 in Amman-Jordan, on counterterrorism measures, and the second meeting in the fall of 2007 in Copenhagen-Denmark, on Racism, Intolerance and Xenophobia, and the global NHRIs' Meeting in Santa Cruz in 2006 on migration,

………

Recognizing that countries in the two regions are progressing, though at different levels, in taking positive measures to protect migrants and refugees' rights at the level of policy making and granting hospitality to large numbers of people on the move, giving access to legal remedies such at legal aid and the filing of complaints, adopting legislation guaranteeing equal labour rights and the right to become members of unions and labour associations, providing access to double citizenship and providing refugees the right to visit their country of origin when travelling on aliens passport, etc.

Declaring that NHRIs from the two regions agree to develop and strengthen regional and cross-regional collaboration aimed at exchanging experiences, good practices and challenges that support NHRIs in their endeavors to promote and protect human rights at the national level

The recommendations from the WG meeting continuous in the same grandiose way, as if we are dealing with some kind of omnipotent HR body:

- NHRIs should actively promote all human rights in their work for migrants and refugees.
- NHRIs should hold state authorities and governments accountable for grave human rights violations, including threats to life, physical integrity and human dignity of migrants while they are attempting to cross borders or while at the hands of the authorities.
- Strengthen cooperation between NHRIs to ensure the promotion and protection of all human rights of migrants and refugees,
- NHRIs should monitor and report about the situation of migrants and examine the cases of human rights violations and make recommendations to provide remedies for victims.
- Work towards raising awareness and promoting the culture of human rights by various means
- Foster regional dialogue and exchange of best practices by establishing working and advocacy groups consisting of NHRIs from the Arab and European regions.

- NHRIs should promote collaboration with state authorities, civil society, international organizations and intergovernmental bodies and trade unions and all the concerned stakeholders

All these requirements are not an easy task to achieve. Some results have come out of the WG. For instance there is a new labour law in Morocco, which includes some requirements that ensures the protection of Moroccan workers abroad and of foreign workers in Morocco. Moroccan employees that go to a foreign country to work should obtain a work contract legalized by the concerned authorities in that State. Every employer that wants to employ foreign workers in Morocco shall first obtain a permit from the governmental employment authorities.

The AEHRD has adopted some general recommendations in relation to migration. Among others programs for mutual visits among the members and cadres of Arab NHRI to exchange expertise and get to know the policies, programs and interventions carried out by these institutions in both regions. Furthermore a creation of a coalition among the NHRI in both regions is recommended for pushing forward the ratification of the UN convention.

Analysis

The ambition in the work seems to be on the same level and even higher then what we have explored in relation to the previous HR. This makes it hard to expect objectives set in relation to concrete impact, even if the Moroccan example with the Labour law points in such a direction, which could be used within the Dialogue meetings as such. Also Jordan has adopted a law on migrant workers. We know, however, that legal transplantation does not work. If one tries to implant legal "organs" from one country to another, the "immune defense system" will eject the "foreign organ" and the law will not be valid. This is a danger with such an endeavor as AEHRD when it comes to expectations of concrete results as an effect of international cooperation. HR are not working in a vacuum. They are always embedded in a certain socio-economic and political context. Without taking this context into account you cannot expect to achieve what you are aiming at.

Furthermore this HR topic explores the many times combined causes of HR problems. Migrant workers situation is to a large extent related to the problems of migration and the growth of a paperless segment of society. This is in its turn a part of the rising problem with trafficking for different purposes. Together these factors make migrant work and the situation of migrant workers a more or less hidden phenomenon and by being illegal fraught with strong conflicts. Even if this is reflected in the AEHRD (see the book on The Fourth Arab-European Human Rights Dialogue on NHRI, ed. by Mu´ayyad Mehyar), the conclusions when it comes to remedies stay on the policy level. The problem of migrant workers touch upon several HR violations at the same time and can hardly be understood and dealt with unless a bottom up perspective is applied, taking its starting point in concrete cases in order to display the different trajectories for abuse of migrant workers human rights.

4) Women's´ rights and Gender equality

 Also in relation to this topic chosen by the NHRI we have a correspondent convention in"the Convention on Elimination of all form a Discrimination against Women". The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:
- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- To ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The convention, thus, covers most of the obligations needed in order to protect women against discrimination. Gender equality is a broader concept, which is not covered in international law. The Doha WG meeting initiated the work on women's´ rights and gender equality by a brief brainstorm on the rationale of the mandate and objective of the WG. Questions like who, why, what and how were approached. Weaknesses and opportunities were explored within a SWOT analysis. Out of this some priorities were set up, like conformity of National laws and practices with international law, especially CEDAW. Affirmative action and gender mainstreaming were discussed, as well as combating Violence against women. The WG ended up by identifying values, principles and strategic partners in line with CEDAW and different international bodies working with women's´ issues and gender mainstreaming.

Analysis
As a general comment it seems that the topic was dealt with in a way that covered the relevant aspects of Women's´ and gender rights.

This topic is a perfect example of how HR can work as a mobilizing tool. By being set up in a HR convention the topic become legitimate to discuss and promote in different settings. Representatives from the European NHRIs which comparatively have come a step longer in achieving the goals of the convention, did not in our interviews expressed the same appreciation of the WG on Women's´ rights and Gender Equality as the representatives from Arab NHRI. For the last mentioned the conference meant a lot both in terms of awareness raising and in terms of strengthening their work with the issue. That is what has been displayed in the interviews by some of the participants from the Arab side, both versus countries which have not reached the same level of development in relation to the issue and countries being back-laggards in the field and there

is certainly examples of that. The HR dialogue can have an equalizing effect on a higher level, if it is given the necessary time, according to the interviewed participants from the Arab region.

5) Torture and the Rule of Law

This topic has been regarded as sensitive among some Arab countries, which reflects the delicate position for NHRI to be a state sponsored but independent entity. Now a decision, however, is taken to address the issue in a coming Working Group meeting next year. See Annex 2 Note on AEHRD process.

4. Conclusions

To a certain extent the treatment of HR within the WG seems to be a continuation of what is taking place in the High Level Meetings even if the dialogue has been a bit more specified on this level. This is reflected in the reports from the WG. They contain policy statements and mainly reaffirm the Human Rights principles on an abstract level. There is nothing wrong with this kind of Human Rights discourse, especially not within a project on Human Rights Dialogue. Some of the participating NHRIs, like Jordan, have underlined this point strongly. The Human Rights discourse on a policy and legalistic level has a value of its own by creating a common language and understanding among politicians, policymakers, academics and leading figures of the civil society. It is a question of establishing and consolidating norms via a kind of socialization process. In order to fight for Human Rights one has to believe in the wording of law, even if it often does not correspond to the reality. The forum for this exercise ought to be the High Level Meetings.

The concrete result of the HR´s dialogue within the High Level Meetings in terms of recommendations is best carried out by the NHRIs. They have already, as we have seen in the first part of this Annex 3, according to the Paris Principles tasks, which meet these requirements. For instance, in Morocco, one of the most profiled Human rights work is about the implementation of Equity and Reconciliation Commission Recommendations (May Report 2009). As a part of this the NHRI of Morocco has launched a project to draw up a national action plan to promote democracy and human rights in the country. There has also been a work on a charter for citizens´ rights and obligations, which should be submitted to His Majesty Mohamed VI for approval. There are a lot of other examples, documented on the homepage of the different NHRIs, of ongoing projects of this kind in the different countries, some initiated and worked out in collaboration with the NGOs. Sometimes well established NGOs are working with the issue the Dialogue Meeting asks for further actions to be taken. As an example the work of"The Jordanian National Commission for Women" can be mentioned. They in its turn organize a "Network against Violence against Women" and the women knowledge network "nashmiyat". This kind of HRs work on the ground, where one NHRI tries to move the positions forward in relation to HR (international) standards, can according to Interviews conducted by the evaluation team be helped by referring to the Dialogue meetings. In the same way, experiences from Europe and/or international law expressed in the High Level Dialogue meetings or via exchange programs for representatives for the NHRI, etc. strengthen the

HR:s situation, actually in both regions. For instance a work on ratification of the convention on Migrant workers of the European countries can be an outcome of such an exchange. Another option would be to stimulate cooperation between HRs organizations in Europe working with the situation for immigrants from the Arab region. They might be a bridge for understanding HR problems on both sides.

A general feature in the approach, which AEHRD shares with most activities in the field of HR, is that it focuses on the normative content of HR instead of the real problems causing the HR problems and hindering the implementing of these rights. You have to know the root cause to the problem in order to be able to do anything about it. As has been mentioned above, HRs are not operating in a vacuum. Just to refer to HR as a legal statement can many times be seen as wishful thinking. The presence of in law stipulated HR in a country shall not be seen as something progressive in relation to the topic at stake. Quite the opposite, it should be regarded as an expression of problems in that society in relation to the regulated problem and vice versa. For instance when Sweden not has signed "the UN Convention of the protection of the rights of all migrant workers and the members of their families" it is due to the fact that Sweden has not faced problems for the migrant workers[18]. The issue has not been raised. Not because of high moral standards but owing to the interest of the (strong) trade unions in the country upholding the requirement of equal treatment for the migrant workers compared to the national labor force in order to avoid social dumping. The lesson learned within sociology of law is that legal norms, e.g. HR, compete with other norms in society in relation to the specific regulated issues. Without taking these external forces into account when propagating for a certain right there is a risk of a backlash in the whole process.

5.   Recommendations

When the High level meetings are discussing HR they should

- approach the issue by identifying the problems in society which give rise to regulation and need to be reacted upon – preventing the discussions from being superficial and/or circular on a normative level

- identify those factors which serve as obstacles in the implementation process - forcing the outcome of the discussions to be concrete

- Concentrate on a few HR or a few aspects of a HR in order to show results - making the HR:s work more effective.

- find out the normative content of the HR and look for means of implementation, both in legal terms and in terms of creating alliances, put pressure via mass-media, NGOs and other extra-legal means – giving the thinking and work with HR a more strategic component.

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[18] It is another thing that Sweden as many other countries might have HR problem in relation to migration

- Use the HRs discourse in order to create normative expectations on different levels in society in order to stimulate the growth of social norms in society to be in congruence with the legal statements - taking the context of HR seriously and broaden the scope and arsenal of the HR strategies.

The implementation of these recommendations has to be conducted by the participating NHRIs. They have the tools and capacity to do so, even if it would require more of empirical orientation both in relation to research and practical work. The Dialogue meetings should facilitate networking among likeminded NHRIs in order to stimulate joint project and funding.

ANNEX 4
Proposed Results Matrix for AEHRD Phase III

Results-Based Planning is based on the principle that the sum of interventions is <u>necessary and sufficient</u> to achieve the expected result where a result is defined as "a measurable or describable change resulting from a cause and effect relationship."

Results-Based Planning recognizes a three-tiered hierarchy of change, namely:
- ✓ **Impact which focuses on strategic-level results related to human rights;**
- ✓ **Outcome which focuses on programmatic results related to institutional/behaviour change; and**
- ✓ **Output which focuses on intervention-level change related to operational change, products/skills, etc.**

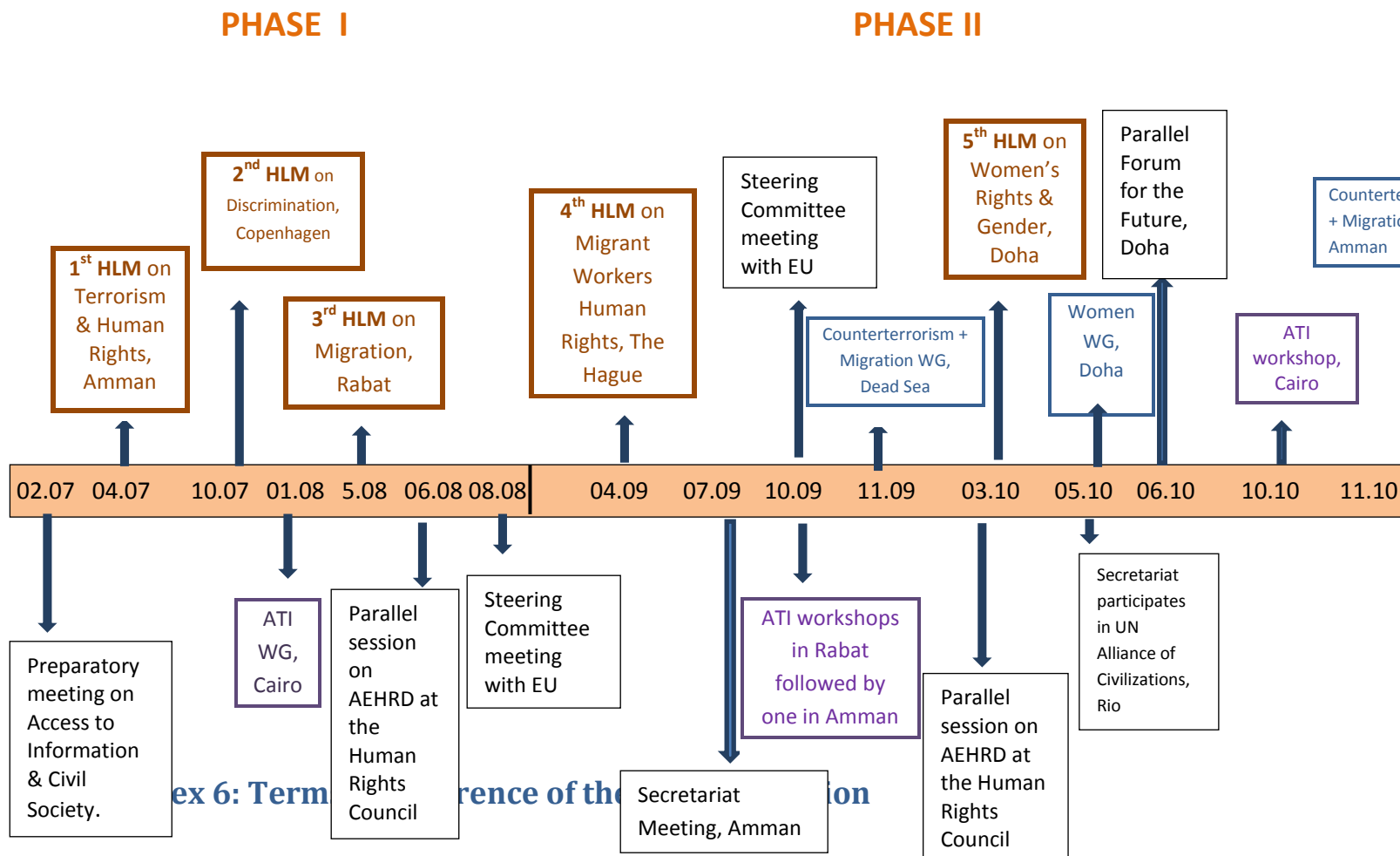| Project Area	Target Impact(s) (5-10 years)	Target Outcome(s) (within 5 years)	Target Output(s) (less than 5 years)
AEHRD Structure	An institutionalized Arab-European dialogue around human rights with a sense of direction and a strong administrative base is achieved.	• A Steering Committee has provided strategic direction to the project representing both Arab and European counterparts • The Secretariat is better placed to implement the strategic directions of the Steering Committee	• A Steering Committee composed of 2 European and 2 Arab counterparts has been set up • The Steering Committee has met at least biannually (virtually) and provided guidance to the Secretariat regarding all project outputs • A second European counterpart has joined the Secretariat and provided sufficient time and input to the process • The Secretariat has met at least quarterly with all its members (ncluding virtually)
High-Level Meetings (HLMs)	• Increased mutual awareness and understanding between Arab and European NHRIs around key human rights issues • NHRIs in the	• NHRIs in Europe and the Arab world have continuously engaged in discussions around key human rights issues relating to both	• A list of themes for the HLMs that are relevant to NHRI's role have been agreed within the first quarter of the project • Preparation for annual HLMs is conducted well in advance including the completion of regional situation assessments • Annual HLMs have been held with the participation of European and Arab NHRIs • All organizations interested in becoming accredited NHRIs in Europe and the Arab world who requested to participate in the dialogue have been invited to do so • All participating organizations were given the opportunity to actively engage in the dialogue process regardless of their accreditation status • Press releases have been issued in relation to HLMs when relevant • Recommendations include both general statements & specific recommendations. NHRIs interested in implementing the recommendations regularly share information

	Arab world built their capacity to implement their mandate • NHRIs in Europe dialogued regularly communicate with Arab NHRIs on issues affecting both regions	regions • NHRIs in Europe and the Arab world have had access to information on the situation of key human rights issues in both regions • NHRIs in Europe and the Arab world were able to communicate with each other during and outside official AEHRD meetings regarding key human rights issues • NHRIs wishing to be accredited have been exposed to the experience of accredited NHRIs in both regions	With the Secretariat according to a previously agreed-to mechanism. • HLMs include a session on updates since previous HLMs. • If relevant, HLMs include a session on the political aspects of the theme with the engagement of relevant politicians.
Working Groups	European and Arab NHRIs have affected change on the status of one or more key human rights issue affecting both regions in one more more countries.	• European and Arab NHRIs were able to jointly engage in activities at the inter-regional level around one or more key human rights issue affecting both regions	• Working Groups have been formed by like-minded NHRIs and are administered by the group itself (not the Secretariat) • Working Groups have produced specific, costed proposals for implementation • Working Groups mobilized resources for the implementation of their proposals • Working Groups have initiated implementation of their proposals • Working Groups have updated the Dialogue about the progress of their proposals
AEHRD Website	European and Arab NHRIs have had easy access to	• The website has acted as a useful tool for accessing	• A user survey is conducted with an acceptable response rate to discern the reason for low utilization and suggest how to improve that • The website is marketed at all AEHRD meetings • Website address is printed on all AEHRD documents & publications

	information relating to the status of key human rights issues in both regions	key documentation related to the project • The website has acted as a useful tool for communication and electronic dialogue on human rights in Europe and the Arab world	• All NHRIs that have a website have added a link to the AEHRD on their own websites

ANNEX 5
ARAB EUROPEAN HUMAN RIGHTS DIALGOUE PROJECT TIMELINE

PHASE I

PHASE II

1st HLM on Terrorism & Human Rights, Amman

2nd HLM on Discrimination, Copenhagen

3rd HLM on Migration, Rabat

4th HLM on Migrant Workers Human Rights, The Hague

Steering Committee meeting with EU

5th HLM on Women's Rights & Gender, Doha

Parallel Forum for the Future, Doha

Counterte + Migratio Amman

Counterterrorism + Migration WG, Dead Sea

Women WG, Doha

ATI workshop, Cairo

| 02.07 | 04.07 | 10.07 | 01.08 | 5.08 | 06.08 | 08.08 | | 04.09 | 07.09 | 10.09 | 11.09 | 03.10 | 05.10 | 06.10 | 10.10 | 11.10 |

Preparatory meeting on Access to Information & Civil Society.

ATI WG, Cairo

Parallel session on AEHRD at the Human Rights Council

Steering Committee meeting with EU

ATI workshops in Rabat followed by one in Amman

Secretariat Meeting, Amman

Parallel session on AEHRD at the Human Rights Council

Secretariat participates in UN Alliance of Civilizations, Rio

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HLM: High-Level Meeting. **ATI**: Access to Information. **WG**: Working Group. **AEHRD :** Arab European Human Rights Dialogue

Annex 6: Terms of Reference

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DIMR Project Number: 432303

Mid-Term Review (MTR) of

the Arab-European Human Rights Dialogue Project

I.   Background about the Project

The Arab-European Human Rights Dialogue was designed to foster productive dialogue among National Human Rights Institutions (NHRIs) in Europe and the Arab World. To achieve this objective, the Danish Institute for Human Rights (DIHR) together with its main partners; the Jordanian National Centre for Human Rights (JNCHR) and the Moroccan Advisory Council on Human Rights (CCDH), and all the other NHRIs in Europe and the Arab World, undertook a thorough consultation process which led to the presentation of the Arab-European Human Rights Dialogue. This dialogue process, aimed to raise consciousness of Human rights related issues in both regions covering the canvass of positions and trends of thought on these issues in Europe as well as the Arab World and the variety of attitudes toward them and the related impacts on various social, economic and political categories within European and Arab countries. The dialogues have focused on the following specific topics: migrant workers' human rights and labour markets, access to information, counterterrorism, rule of law and combating torture and women's rights. The Dialogue process also aimed to stimulate a discussion on the specific understanding of the specific structure of problems, challenges, gaps and opportunities associated around the above-mentioned related issues at the following levels:

Strategically, the dialogue setting addressed responses to human rights issues in Europe and the Arab World, learned lessons and comparative experiences with focus to be placed on the positions of various national and regional actors in relation to the challenges or opportunities of various arrangements or laws, regulations and regimes associated with the above-mentioned human rights related issues. The dialogue meeting, including the working groups' meetings and the development of capacity building programs, as described in the Project Document, aimed at stimulating a

discussion on how to outline a common strategy at the Dialogue meeting towards these issues at different levels: nationally, regionally and internationally.

Institutionally, the dialogue process aimed at creating the foundation for a discussion on developing adequate capabilities in the field of information, communication, early crisis warning, bargaining and coalition building to advance human rights agenda across all sectors, whether at the national level and/or regionally. Thus, NHRIs could play a stronger role to promote and protect human rights.

Legally, the dialogue has generally mapped current international and regional legislations and practices, challenges and gaps and legal and political constraints to advancing human rights and in complying with international standards and conventions.

Finally, the dialogue meeting, through its working groups and capacity building interventions, have set directions for NHRIs to transform the dialogue recommendations and the working groups' outcomes into national action plans where communities of practice and learning activities are major outputs of them.

II.   Focus and Purpose

The focus of the review should be to assess progress and lessons learnt during the first phase of the project. It will provide an opportunity for partners and stakeholders review progress, constraints and thereby provide the point of departure for discussing future strategy and priorities for the Arab-European Human Rights Dialogue (AEHRD) activities.

III.   Objectives

The objectives of the Mid-Term Review 2003 are:

- To review the activities and outputs based on the project Document and indicators submitted with the request for application to the Ministry.
- To undertake a review of progress towards achieving the objectives of the project, referring among other to the Strategic Framework submitted with the request for application to the Danish Ministry of Foreign Affairs (i.e. the project document), which has provided the major funding to the project implementation.
- To identify best practices on the AEHRD outputs and outcomes and discuss recommendations for a second phase of the project.

IV.   Scope of Work

The activities of the mission should include, but not necessarily be limited to:

- Assessment of outputs. The emphasis of the review will be on establishing a documented review of outputs by process-tracing the effects of AEHRD with regard to how and to which extent statements, decisions and recommendations from high level Dialogues meetings (and working groups) have been transformed into concrete follow-up activities and actions by national NHRI, taking into account the prevailing institutional and political situation and conditions for promoting Human Rights in the Arab world. The MTR will provide an overall overview of AEHRD-outputs and process-trace a limited number of these in one or two countries by means of review of documents and interviews. The emphasis will be on the degree of focus on relevant and realistic outputs and the follow-up mechanism of these outputs at the national level. The MTR will take its departure in this review of effects when further assessing the overall performance of the project, management structure, institutional set-put, adequacy of inputs etc.
- Discussion of likely achievement of project objectives (including protection of human rights).
- Assessment of the number of focus areas/working groups etc. in relation to the need for focus and results.
- A separate and assessment of the project-component, Access to Information, with regard to results, effect, focus and follow-up mechanisms.
- Assessment of the effects of AEHRD with regard to improving inter-regional and intra-regional networking, coordination etc. of NHRI. This will be done on basis of interviews with selected Arab NRHI and one European NRHI.
- Assessment of whether the relationship between planned outputs and allocated inputs has been reasonable and if similar outcomes be achieved in a more cost-effective manner?
- Any non- planned achievements or outputs (positive or negative).
- The added value of the AEHRD will be discussed and assessed, including in relation to existing international/regional processes/initiatives/programmes in the field and the programmes ability of the project to reach out to a broader public.
- Assessment of the commitment and interest among partner institutions and member of the project secretariat, including future sharing of workload and expenses of the project.
- Assessment of quality of and ways to monitor progress of and to feed 'lessons-learnt' back into the project.
- Discussion of the likely of the project to generate or initiate funding of spin-off activities of the project.
- DIHR management and programme set-up as seen on the background of the assessment of the results of the project.

- Discussion of a possible second phase of the program, including consideration on focus-areas, modalities, organisational and management set-up, feed-back mechanisms for lesson-learnt.

V. Outline of the MTR process and Methodology

The team-leader will provide a concept note on how he is going to go about conducting the review including the provision of MTR framework and methodology. A first draft concept note is to be forwarded to MFA within three weeks after the initiation of the assignment. A final draft concept note be sent to the AEHRD Secretariat (Jordan and Morocco in addition to Denmark) to finalise the draft concept paper. A draft agenda for the MTR should also be provided.

The MTR will draw both on existing documentation as well as interviews and will ensure that the analysis and conclusions reached are linked to the AEHRD process and outcomes.

The MTR will include a site visit to Morocco and Jordan to consult with partnering members; members of the AEHRD Secretariat and one more Arab NHRI as well as one European country besides Denmark.

VI. Team Composition

A team composed of three members will conduct the review. The team will be composed of:

- Mr. Søren Schmidt, Political scientist with in-depth knowledge of the MENA region.
- Ms. Maha Aon, Human and Social Rights expert
- Mr. Håkan Hyden, Professor in Sociology of Law, Human Rights expert
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Additionally, the DIHR Project Manager will participate throughout the mission as a resource person.

The Review will be carried out in close cooperation with the AEHRD partners.

VII. Time Frame.

The review will take place in November 2010 after reviewing documents. The team-leader will on basis of input from team-members produce a draft report, which will be sent to MFA and DIHR medio-December for comments and subsequently finalized by the team-leader within two weeks upon receipt of comments.

Annex 7: Persons met during the review

Arab European Human Rights Dialogue
Review Mission
Copenhagen, Rabat, Berlin, Amman
November 2010
List of Interviewees

Organization	Title	Name
Denmark		
The Danish Institute for Human Rights	Executive Director	Jonas Christoffersen
	Director of International Operations Department	Charlotte Flindt Pedersen
	Director Freedoms and Civic Participation Department	Jakob Kirkemann Boesen
	Programme Manager AEHRD	Mu'ayyad Mehyar
	Project Manager	Lisbeth Thonbo
	Senior Expert Adviser	Francesco Castellani
	Project Coordinator	Ashraf Mikhail
Morocco		
Morocco Advisory Council on Human Rights	President	Ahmed Herzenni
	Secretary General	Mahjoub El Haiba
	Head of Cooperation and External Relations Department	Abderrazak Rouwane
	Board Member	M'barek Bouderka
	Board Member	Abdelhag Moudden
	Head of Harmonization Division	Abdelouahed El Atir
	Head of Service for Multilateral Cooperation	Khalid Ramli
	Communication Department	Abdelhag Berdi
Centre for Media Freedoms in the Middle East & North Africa	Director	Said Essoulami
Kvinfo	Project Director	Houda Zekri
Centre des Droits de Gens (Centre for People's Rights)	President	Jamal Chahdi
Germany		
German Institute for Human Rights	Deputy Director	Frauke Seidensticker
	Senior Researcher & Policy Adviser	Wolfgang S. Heinz

Jordan		
Centre for Strategic Studies, University of Jordan	Senior Researcher	Mohamed El Masri
National Center for Human Rights	Member of NCHR's Board of Trustees & Secretary General of the National Committee for Women's Affairs	Asma Khader
	Member of Board of Trustees	Anas Al Saket
	Director of the Public & International Relations Office	Bushra Abu-Shahout
	Head of Women Rights Unit	Christine G. Faddoul
	Commissioner General	Muhyieddeen Touq
	Deputy Commissioner General	Ali Al-Dabbas
	Head of the Research, Documentation & Information Unit	Mohammad Yacoub

In addition, the review team have contacted the following persons by telephone or email:

Ms. Randa Siniora, Secretary General, *Palestinian Independent Commission for Human Rights,* Palestine

Representatives of the Raoul Wallenberg Foundation, Lund, Sweden

Annex 8: Documents consulted

1. Mid-Term Review of the Arab-European Human Rights Dialogue Project, Project Number 432203

2. The Arab-European Human Rights Dialogue. Application for Phase II

3. Arab-European Human Rights Dialogue, Budget for 2009

4. Arab-European Human Rights Dialogue, Budget for 2010-12-12

5. Funding proposal i Logical Framework

6. Preliminary Implementation Plan. One year (January 2009 – January 2010)

7. Preliminary Implementation Plan. One year (January 2010 – January 2011)

8. The Arab-European Human Rights Dialogue Platform, including list of members and observers

9. List of (intended) participants of the review

10. The Arab-European Human Rights Dialogue in one page

11. An overview of "Some concrete results"

12. Progress Report. The Arab-European Human Rights Dialogue Covering the Period of March – September 2009

13. A list of participants in the Regional Training Workshop to Right to Access to Information, Amman, Jordan, 25-27/10/2009

14. The Fourth Arab-European Human Rights Dialogue Meeting, List of participants and speakers

15. Press release: Migrant workers´ humna rights exacerbated by the global financial crisis

16. The Hague Statement on Migrant Worker´s Human Rights. The Fourth High-Level Meeting of the The Arab-European NHRIs´ Dialogue on Migrant Workers´ Human Rights. The Peace Palace, The Hague, The Netherlands, 11th – 13th March 2009

17. Agenda for the NHRIs´ Fifth Arab-European Human Rights Dialogue on Women´s Rights, Doha Qatar 8th-10th March 2010

18. Participants list to the Fifth AEHRD meeting in Qatar

19. Report on Access to Information. Training seminars to Eight NHRIs From the AEHRD, Rabat October 21 – 23 and in Amman, October 25 – 27, 2009

20. Objective and Tentative Program of the seminar on Access to Information as well as list of participants

21. Final declaration on the Right to Access to Information, Rabat, October 21 – 23, 2009

22. The Arab-European Human Rights Dialogue´s Working Groups, Terms of Reference

23. Draft Priority Issues, Ideas for possible future work in the Working Group on

Counterterrorism and Human Rights

24. Draft Priority Issues, Ideas for possible future work in the Working Group on

Migration and Human Rights

25. Draft Priority Issues, Ideas for possible future work in the Working Group on

Woman´s Rights and Gender Equality

26. Arab-European Human Rights Dialogue, The Arab-European Human Rights

Dialogue´s Working Groups, Strategic Planning and Application Workshop, 17 – 19

November 2009.

27. Annex 1 Draft Priority Issues/ Ideas for possible future Work in the Working Group of Counterterrorism and Human Rights, List of Partisipants

28. Annex 2 List of Participants

29. WG Planning Matrix

 30. Summary Report about Migration and Human Rights Working Group Meeting

in Jordan, 17 -19 November 2009

31. Promotion of Trafficking

32. Promotion of Prevention and Protection

33. Promotion of Woman & Children

34. Promotion of Access to Justice & Remedies

35. Terms of Reference Legal and Social Aid Offices for Migrants

36. Women´s Rights and Gender Equality Working Group, Proceedings of the first Meeting 9 – 10 May 2010,

37. Annex 1 Strategy

34

38. Principles and Methods

39. Annex 2. Action Plan

40. Women Rights and Gender Equality Working Group

41. Working Groups, Arab-European Human Rights Dialogue, Participants

42. Counterterrorism and Human Rights, Presentation

43. National Human Rights Institutions in the Middle East, Sonia Cardenas and Andrew Flibbert, Middle East Journal, Vol. 59, NO.3. 2005

44. The Arab-European Human Rights Dialogue, WG on Migration and Human Rights. Summary of Minutes of the Meetings, Amman, Nov. 2010

45. International Human Rights Covenants and Jordan´s position on Their Ratification, sept 2010-12-12

46. Follow-up Report on the Implementation of Equity and Reconciliation Commission Recommendations, Man Report December 2009

47. National Center for Human Rights Manual, Jordan

48. The Fourth Arab-European Human Rights Dialogue of NHRI. Migrant Workers´ Human Rights, The Hague, Ed. by Mu´ayyad Mehyar

49. National Human Rights Institutions in the Asia-Pacific Region, by Brian Burdekin, assisted by Jason Naum, Martinus Nijhoff Publicers, 2007