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## ARAB CHARTER ON HUMAN RIGHTS 2004

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### INTRODUCTION:

The Boston University International Law Journal is publishing, for the first time, an English version of the 2004 Arab Charter on Human Rights. A very brief review of how the 2004 Arab Charter came into being introduces this English translation. The drafting history of the Arab Charter on Human Rights begins in 1960. In that year, members of the Union of Arab Lawyers (the oldest NGO in the Arab world) requested the League of Arab States (created in 1945)<sup>1</sup> during their meeting in Damascus to adopt an Arab Convention on Human Rights<sup>2</sup>. Eight years later, participants in the first meeting for Human Rights in the Arab world held in Beirut, asked the Arab Commission on Human Rights<sup>3</sup> to prepare an Arab Charter on Human Rights<sup>4</sup>.

In 1994, the League of Arab States adopted the first version of the Arab Charter on Human Rights at its 50th anniversary. The adoption of the Charter symbolized the importance of respect for human rights both to the Arab world and the League. The League's adoption of the Arab

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<sup>1</sup> See R. Macdonald, *The League of Arab States, a Study in the Dynamics of Regional Organisation*. Princeton, New Jersey, Princeton University Press, 1965. See also M. SHIHAB, « Arab States, League of », *Encyclopaedia of Public International Law*, Volume One, 1992.

<sup>2</sup> See J. F. Lalive, « La protection des droits de l'homme dans le cadre des Organisations régionales existantes », in *Les droits de l'homme en droit interne et en droit international*, Colloque international sur la Convention européenne des droits de l'homme, Vienne du 18 au 20 octobre 1965, Bruxelles, 1968, p. 509.

<sup>3</sup> See R. Daoudi, « Human Rights Commission of the Arab States », *Encyclopaedia of Public International Law*, Volume Two, 1995. .

<sup>4</sup> See B. Boutros-Ghali, « La Ligue des Etats Arabes », in *Les dimensions internationales des droits de l'homme*, Unesco, Paris, 1978, p.638.

Charter was critical because the Charter of the League makes no mention of human rights<sup>5</sup>.

This first version of the Charter has 43 articles after the Preamble<sup>6</sup>. The Charter proclaims essentially the same rights as those embodied in the other international and regional human rights instruments. The main weakness with the 1994 version was the lack of any human rights enforcement mechanism, particularly in comparison to the mechanisms within the European and American Conventions on Human Rights, and the African Charter on Human and Peoples' Rights<sup>7</sup>.

Following the passage of the Arab Charter, there was increasing criticism of its deficiencies by experts, NGO's, academics and others. Numerous meetings and conferences were organized in Europe and in the Arab World to pressure Arab governments to amend the Charter. In a resolution passed on January 10, 2003, the Arab Commission on Human Rights invited the Arab States to submit observations and proposals to improve the Charter, with a promise that the Commission would examine the Charter again in January 2004. On a parallel track, the High Commissioner for Human Rights invited many Arab experts for a meeting in Cairo in December 2003 to present and discuss proposals to improve the Charter. Finally, in May 23, 2004, a new version of this Charter was presented to the Arab Summit in Tunisia, where the new version was adopted.

The new version of the Charter contains 53 articles after the Preamble, which remains essentially the same as in the first version. Article 2 of the Charter is very similar to the second article in the International Covenants of 1966 concerning the rights of people (the Arab people) to self determination, to control their natural wealth and resources, to freely determine the form of their political structure and to freely pursue their economic, social and cultural development.

The remainder of the articles of this Charter can be grouped into four main categories:

The first category concerns individual rights: the right to life (articles 5, 6 and 7)<sup>8</sup>; the right not to be subjected to torture, inhuman or degrading

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<sup>5</sup> See Mohammed Amin Al-Midani, « La Ligue des Etats arabes et les droits de l'homme », *Scienza & Politica*, Università di Bologna, n° 26, 2002, pp. 101-114.

<sup>6</sup> See this first version in *Human Rights Law Journal* (HRLJ), 29 August 1997, Vol. 18 N°. 1-4, p. 151.

<sup>7</sup> See Mohammed Amin Al-Midani, *Les droits de l'homme et l'Islam. Textes des Organisations arabes et islamiques*. Préface Jean-François Collange, Association des Publications de la Faculté de Théologie Protestante, Université Marc Bloch, Strasbourg, 2003, p. 25.

<sup>8</sup> See Mohammed Amin Al-Midani, « A propos de quelques droits garantis par la Charte arabe des droits de l'homme de 2004 » in *La nouvelle Charte arabe des droits de l'homme. Dialogue italo-arabe*. Actes de la Table Ronde italo-arabe du 17-18 décembre 2004, Messina, sous la direction de Claudio Zanghi et Rafâa Ben Achour, Giappichelli Editore, Torino, Italie, 2005, pp. 133-144.

treatment (articles 8, 9, 18 and 20); the right to be free from slavery (article 10); the right to security of the person (articles 14 and 18).

The second category concerns rules of justice: the right of all persons to be equal before the law (article 12); the rights to due process and fair trial (articles 13, 15, 16, 17 and 19).

The third category concerns civil and political rights: the right to freedom of movement (articles 24, 26 and 27); the right of respect for private and family life (article 21); rights of minorities (article 25); the right of political asylum (article 28); the right to acquire a nationality (article 29); liberty of thought, belief and religion (article 30); the right of private property (article 31); the right of information and liberty of opinion, expression and research (article 32); the right to full consent to marriage (article 33).

The fourth category concerns economic, social and cultural rights: the right to work (article 34); the right to form trade unions (article 35); the right to social protection (article 36); the right of development (article 37); the right of education (article 41); the right to participate in cultural life (article 42).

What is new and important in the new version is the confirmation of equality between men and women in the Arab World (article 3 & 1). The new version also guarantees children's rights (article 34 & 3) and the rights of handicapped persons (article 40). However, the main criticism of the old version remains unresolved in the new one: there is no effective enforcement mechanism. The expert Committee remains the only system of monitoring state compliance. The Committee, comprising 7 members, receives periodic reports from States parties, but there is no mechanism for petitions from a State party or an individual to this Committee for violations of the Charter. Nor does the Charter establish any other enforcement mechanism, such as the hoped-for Arab Court on Human Rights.

The 2004 Arab Charter on Human Rights is far from becoming a binding treaty. To enter into force, seven ratifications are necessary. Although five states have signed it to date — Algeria, Egypt, Saudi Arabia, Tunisia and Yemen — only Jordan has thus far ratified it. Before the Charter becomes reality, concerned groups and individuals will have to mount a significant campaign to persuade the Arab states that this Charter reflects the demands and aspirations of the people of the Arab world, and that it reflects their desire for a meaningful, enforceable human rights system in their region.

Dr. Mohammed Amin Al-Midani

#### ARAB CHARTER ON HUMAN RIGHTS 2004

Given the Arab nation's belief in human dignity since God honoured it by making the Arab World the cradle of religions and the birthplace of

civilizations which confirms its right to a life of dignity, based on freedom, justice and equality,

Pursuant to the eternal principles of brotherhood, equality and tolerance among all human beings which were firmly established by the Islamic Shari'a and other divinely-revealed religions,

Being proud of the humanitarian principles which it firmly established in the course of its long history and which played a major role in disseminating centres of learning between the East and the West, thereby making it an international focal point for seekers of knowledge, culture and wisdom,

Conscious of the fact that the entire Arab World has always worked together to preserve its faith, believed in its unity, struggled to protect its freedom, defended the right of nations to self-determination, to safeguard their resources and to development, believed in the rule of law and its contribution to the protection of universal and interrelated human rights, and believed that every individual's enjoyment of freedom, justice, and equality of opportunity is the yardstick by which the merits of any society are gauged,

Rejecting racism and zionism which constitute a violation of human rights and pose a threat to international peace and security, acknowledging the close interrelationship between human rights and world peace, reaffirming the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, as well as the provisions of the United Nations International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights and the Cairo Declaration of Human Rights in Islam,

The State Parties to this Charter have agreed as follows:

### **Article 1**

The present Charter shall undertake, in the context of the national identity of the Arab States, their sense of belonging to a common civilisation, to achieve the following goals:

1. To place human rights at the centre of national preoccupation in the Arab States, to create great (fundamental) ideals for guiding the individual's will in these Arab States, and to help him improve his situation (life) in accordance with the noblest human values.
2. To instill (teach) in the human being in the Arab States pride in his identity, to (be) be faithful to his nation and to have a bond with his land, his history and common interests with all human beings in the Arab States. To encourage humane brotherhood, tolerance and open-mindedness in accordance with universal principles and the principles set out in human rights international instruments.
3. To prepare future generations in the Arab States to live free and responsible lives in a civil society united by a balance between consciousness of rights and respect for obligations, and governed by principles of equality, tolerance and moderation.

4. To establish the principle that all human rights are universal, indivisible, interdependent and indissoluble.

**Article 2**

1. All peoples have the right of self-determination and control over their natural wealth and resources and, accordingly, have the right to freely determine the form of their political structure and to freely pursue their economic, social and cultural development.
2. All peoples have the right to live under national sovereignty and territorial unity.
3. All forms of racism, zionism, occupation and foreign domination pose a challenge to human dignity and constitute a fundamental obstacle to the realization of the basic rights of peoples. There is a need to condemn and endeavour to eliminate all such practices.
4. All peoples have the right to resist foreign occupation.

**Article 3**

1. Each State Party to the present Charter undertakes to ensure to all individuals within its territory and subject to its jurisdiction the right to enjoy all the rights and freedoms recognized herein, without any distinction on grounds of race, color, sex, language, religion, opinion, thought, national or social origin, property, birth or physical or mental disability.
2. The States Party to the present Charter shall undertake necessary measures to guarantee effective equality in the enjoyment of all rights and liberties established in the present Charter, so as to protect against all forms of discrimination based on any reason mentioned in the previous paragraph.
3. Men and women are equal in human dignity, in rights and in duties, within the framework of the positive discrimination established in favor of women by Islamic Shari'a and other divine laws, legislation and international instruments. Consequently, each State Party to the present Charter shall undertake all necessary measures to guarantee the effective equality between men and women.

**Article 4**

1. In time of public emergency which threatens the life of the nation and which shall be officially proclaimed as such, the State Parties may take measures derogating from their obligations under the present Charter to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
2. No derogation from articles 5, 8, 9, 10, 13, 14, 15, 18, 19, 20, 22, 27, 28, and 29 shall be made under this provision. The legal guarantees for the protection of those rights may not be suspended.

3. Any State Party to the present Charter availing itself of the right of derogation shall immediately inform the other States Parties, through the intermediary of the Secretary General of the League of Arab States, of the provisions from which it has derogated and of the reason for which the derogation was declared. A further communication shall be made, through the same intermediary, on the date on which it shall terminate such derogation.

**Article 5**

1. Every human being has an inherent right to life.
2. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

**Article 6**

The death penalty shall be inflicted only for the most serious crimes in accordance with the law in force at the time of the commission of the crime. Such a penalty can only be carried out pursuant to a final judgment rendered by a competent court. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence.

**Article 7**

1. The death penalty shall not be inflicted on a person under 18 years of age, unless otherwise provided by the law in force at the time of the commission of the crime.
2. The death penalty shall not be carried out on a pregnant woman prior to her delivery or on a nursing mother within two years from the date on which she gave birth. In any case, the interests of the infant shall prevail.

**Article 8**

1. No one shall be subjected to physical or mental torture or to cruel, inhuman or degrading treatment or punishment.
2. The State Parties shall protect every person in their territory from being subjected to such practices and take effective measures to prevent such acts. The practice thereof, or participation therein, shall be regarded as a punishable offense. Each victim of an act of torture is entitled to a right to compensation and rehabilitation.

**Article 9**

No medical or scientific experimentation, or use of organs shall be carried out on any person without his free and informed consent about the consequences resulting from it. Ethical, humanitarian and professional rules shall be complied with. Medical procedures in conformity with the relevant laws of each State Party aiming to ensure the concerned person's security shall be respected. The market of human organs is prohibited under all circumstances.

**Article 10**

1. Slavery and slave trade in all their forms shall be prohibited and punishable by law. No one shall, under any circumstances, be held in slavery or in servitude.
2. Forced labor, human trafficking for prostitution or sexual exploitation, the exploitation of others for prostitution and any other form of exploitation, as well as exploiting children during armed conflicts, are prohibited.

**Article 11**

All persons are equal before the law and have a right to enjoy its protection without discrimination.

**Article 12**

All persons are equal before the courts. The State Parties ensure the independence of the courts and the protection of judges against interference, pressure or threat. All persons within the territory of the State Parties are ensured a right to legal remedy.

**Article 13**

1. Everybody has the right to a fair trial in which sufficient guarantees are ensured, conducted by a competent, independent and impartial tribunal established by law, in judging the grounds of criminal charges brought against him or in determining his rights and obligations. State Parties shall ensure financial aid to those without the necessary means to pay for legal assistance to enable them to defend their rights.
2. The hearing shall be public other than (except) in exceptional cases where the interests of justice so require in a democratic society which respects freedom and human rights.

**Article 14**

1. Every individual has the right to liberty and security of person and no one shall be arrested, searched or detained without a legal warrant.
2. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.
3. Anyone who is arrested shall be informed at the time of arrest, in a language which he understands, of the reasons for his arrest, and shall be promptly informed of any charges against him. Anyone who is arrested has a right to contact his relatives.
4. Anyone who has been deprived of his liberty by arrest or detention is entitled to be subjected to a medical examination, and shall be informed of such right.
5. Anyone arrested or detained on a criminal charge shall be brought promptly before a Judge or other officer authorized by law to exercise judicial power, and shall be entitled to trial within a reasonable time, or to release. The release may be subject to guarantees to

appear for trial. It shall not be a general rule that persons awaiting trial shall be held in custody.

6. Anyone who is deprived of his liberty by arrest or detention shall be entitled to proceedings before a court, in order that a court may decide without delay on the lawfulness of his arrest or detention, and order his release if the arrest or the detention is not lawful.
7. Anyone who is the victim of unlawful arrest or detention shall be entitled to compensation.

#### **Article 15**

There shall be no crime or punishment except as provided by a previously promulgated law. The accused shall benefit from subsequent legislation if it is in his favour.

#### **Article 16**

The accused shall be presumed innocent until proven guilty at a lawful trial. During the investigation and the trial, the accused shall be entitled to the following minimum guarantees:

1. To be informed promptly and in detail, in a language which he understands, of the nature and cause of the charge against him.
2. To have adequate time and facilities for the preparation of his defense and to contact his relatives.
3. To be tried in his presence in front of a judge, and to defend himself or through legal assistance of his own choosing or with the assistance of his lawyer, with whom he can freely and confidentially communicate.
4. To have free legal assistance of a lawyer to defend himself if he does not have sufficient means to pay for his defense, and if the interests of justice so require. To have the free assistance of an interpreter if he cannot understand or speak the language of the court.
5. To examine, or have examined, the witnesses against him, and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.
6. Not to be compelled to testify against himself or to confess to guilt.
7. If convicted of a crime, to have his conviction and sentence reviewed by a higher tribunal according to law.
8. To have the security of his person and his private life respected in all circumstances.

#### **Article 17**

Each State Party shall ensure to all children deemed “at risk” and juvenile persons accused of an infraction the right to a special legal regime for minors during the length of the hearing, the trial, and application of judgment. Such special treatment shall be appropriate for their age, protect their dignity and promote their rehabilitation, and allow them to play a constructive role in society.



**Article 18**

No one shall be imprisoned on the ground of his proven inability to meet a debt or fulfil any civil obligation.

**Article 19**

1. No one shall be tried twice for the same offense. Anyone against whom such proceedings are brought shall have the right to challenge their legality and to demand his release.
2. Anyone whose innocence has been established by a final judgment shall be entitled to compensation for damages suffered.

**Article 20**

1. Persons sentenced to a penalty of deprivation of liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2. Accused persons shall be separated from convicted persons and shall be subject to treatment appropriate to their status as unconvicted persons.
3. The essential aim of the penitentiary system is the reformation and social rehabilitation of prisoners.

**Article 21**

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, or to unlawful attacks on his honor and reputation.
2. Everyone has a right to the protection of the law against such interference or attacks.

**Article 22**

Everyone shall have the inherent right to recognition as a person before the law.

**Article 23**

Each State Party to the present Charter shall ensure that any person whose rights or freedoms recognized in the present Charter are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.

**Article 24**

Every citizen has the right to:

1. Freedom of political activity.
2. Take part in the conduct of public affairs, directly or through freely chosen representatives.
3. Stand for election and to choose his representative in free and fair elections under conditions guaranteeing equality between all citizens and ensuring the free expression of the will of the electorate.
4. The opportunity to gain access, on general terms of equality, to public service in his country under equal conditions of opportunity.
5. Form associations with others and to join associations.
6. Freedom of peaceful assembly and association.

7. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a society that respects freedom and human rights, in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

**Article 25**

Persons belonging to minorities shall not be denied the right to enjoy their own culture, to use their own language or to profess and practise their own religion. The law shall regulate the exercise of such rights.

**Article 26**

1. Every person lawfully within the territory of a State Party shall, within that territory, have the right to liberty of movement and freedom to choose his residence in accordance with applicable regulations.
2. An alien lawfully in the territory of a State Party may be expelled only in pursuance of a decision reached according to the law and shall, except where compelling reasons of national security otherwise require, be given the possibility of having his case reviewed by a competent authority. Collective expulsions are prohibited in all cases.

**Article 27**

1. No one shall be arbitrarily or unlawfully prevented from leaving any country, including his own, nor prohibited from residing, or compelled to reside, in any part of his country.
2. No one shall be expelled from his country or prevented from returning thereto.

**Article 28**

Everyone shall have the right to seek political asylum in other countries to escape persecution. This right shall not be enjoyed by persons facing prosecution for an offense under ordinary criminal law. Political refugees shall not be extraditable.

**Article 29**

1. Every person has the right to a nationality, and no citizen shall be deprived of his nationality without a legally valid reason.
2. The State Parties shall undertake, in accordance with their legislation, all appropriate measures to allow a child to acquire the nationality of his mother with regard to the interest of the child.
3. No one shall be denied the right to acquire another nationality in accordance with the applicable legal procedures of his country.

**Article 30**

1. Every person shall have the right to freedom of thought, belief and religion, which may be subject only to such limitations as are prescribed by law.

2. Freedom to manifest or practice one's religion or beliefs or to perform rituals, either individually or in community with others, shall be subject only to such limitations as are prescribed by law and are necessary in a tolerant society that respects freedoms and human rights, to protect public safety, public order, health or morals or the fundamental rights and freedoms of others.
3. Parents and legal guardians are guaranteed the freedom to ensure the religious and moral education of their children.

**Article 31**

Everyone has a guaranteed right to own private property. No person shall under any circumstances be divested of all or any part of his property in an arbitrary or unlawful manner.

**Article 32**

1. The present Charter shall ensure the right to information, freedom of opinion and freedom of expression, freedom to seek, receive and impart information by all means, regardless of frontiers.
2. Such rights and freedoms are exercised in the framework of society's fundamental principles and shall only be subjected to restrictions necessary for the respect of the rights or reputation of others and for the protection of national security or of public order, health or morals.

**Article 33**

1. The family is the natural and fundamental unit of society, founded by the marriage of a man and a woman. The right of men and women of marriageable age to marry and to found a family shall be recognized. No marriage shall be entered without the full consent of the intending spouses. The law in force shall regulate the rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.
2. The State and society provide for the protection of the family and its members, for the strengthening of its bonds. All forms of violence and abusive treatment in the relations between family members, especially towards women and children, shall be prohibited. The State and society undertake to provide outstanding care and special protection for mothers, children and the elderly. Young persons have the right to be ensured maximum opportunities for physical and mental development.
3. The State Parties shall take all appropriate legislative, administrative and judicial provisions to ensure the protection, survival and well-being of children in an atmosphere of freedom and dignity. The best interest of the child, in all circumstances, serves as the basis for all measures taken, whether the child is a juvenile delinquent or a child "at risk".
4. The State Parties shall take all appropriate measures to ensure to young persons the right to engage in sports activities.

**Article 34**

1. Every citizen shall have the right to work. The State undertakes to ensure employment for as many employment seekers as possible, while ensuring maximum state production, and the freedom to work and equality of opportunity without discrimination of any kind as to race, colour, sex, language, religion, political opinion, affiliation to a trade union, national or social origin, handicap or other status.
2. Every worker shall have the right to the enjoyment of just and favourable conditions of work which provide for: a fair wage allowing workers to sustain a decent living for themselves and their families, limitation of working hours, rest and periodic holidays with pay, safe and healthy working conditions, the protection of women, children and handicapped persons in the workplace.
3. State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. To this end, and having regard to the relevant provisions of other international instruments, State Parties shall in particular:
  - a. Provide for a minimum age of employment.
  - b. Provide for appropriate regulation of the hours and conditions of employment.
  - c. Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.
4. No distinction between men and women shall be made in the exercise of the right to benefit effectively from training, employment, protection of work, and equal pay for work of equal value and quality.
5. Every State Party shall ensure protection to workers migrating to its territory in accordance with its laws.

**Article 35**

1. Every individual shall have the right to form trade unions, become a member of a trade union and to freely exercise trade union activity to defend his interests.
2. No restrictions shall be placed on the exercise of this right other than those imposed in conformity with law and which are necessary in the interests of national security, public safety, public order, the protection of public health, morals or the rights and freedoms of others.
3. Each State Party shall ensure the right to strike provided that it is exercised in conformity with its laws.

**Article 36**

The State Parties shall ensure the right of everyone to social security, including social insurance.

**Article 37**

The right to development is a fundamental human right. All State Parties shall establish development policies and take measures to ensure this right. They must give effect to the values of solidarity and cooperation among them and, at the international level, to eliminate poverty and achieve economic, social, cultural and political development. In accordance with this right, every citizen shall have the right to participate in the development, and contribute to and enjoy the benefits, of their goods and fruits of their labor.

**Article 38**

Everyone shall have the right to an adequate standard of living for himself and his family, ensuring well-being and a decent life, including adequate food, clothing, housing, services and a right to a safe environment. The State Parties shall take appropriate measures within their available resources to ensure the realization of this right.

**Article 39**

1. The State Parties shall recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the right of every citizen to enjoy free and non-discriminatory access to health services and health care centres.
2. The steps to be taken by the State Parties shall include those necessary to:
  - a. Develop basic healthcare and ensure the free and non-discriminatory access to the services of health care centres.
  - b. Make every effort to fight disease by means of prevention and cure in order to reduce mortality.
  - c. Take action to increase awareness and promote health education.
  - d. Fight against traditional practices which are harmful to an individual's health.
  - e. Ensure basic nutrition and clean water for everybody.
  - f. Fight environmental pollution and supply sanitation systems.
  - g. Fight against tobacco, drugs, and psychotropic substances.

**Article 40**

1. The State Parties undertake to ensure that mentally or physically disabled persons should enjoy a decent life, in conditions which ensure dignity, promote self-reliance and facilitate their active participation in society.
2. The State Parties shall provide social services free of charge to all disabled persons, including material support for those in need, directly or through their family to enable the family to provide for them and do all necessary to keep them out of an institution. In all cases, the disabled person's best interest will be taken into account.

3. The State Parties shall take all necessary measures to fight disability by all possible means, including preventive health programmes, awareness-raising efforts and education.
4. The State Parties shall provide all educational services suitable for disabled persons, taking into account the importance of integrating these persons in the educational system, the importance of professional training and preparation for pursuit of a professional activity, and the creation of suitable job opportunities in public or private sectors.
5. The State Parties shall provide all health services for disabled persons, including rehabilitation services, to integrate them into society.
6. The State Parties shall ensure to disabled persons access to all public and private collective services.

**Article 41**

1. The eradication of illiteracy is a binding obligation and every citizen has a right to education.
2. The State Parties ensure free primary and fundamental education to their citizens. Primary education, at the very least, shall be compulsory and shall be made easily accessible to all.
3. The State Parties shall, in every domain, take the appropriate measures to ensure partnership between men and women to reach the goals of development.
4. The State Parties shall ensure an education aimed at the total fulfilment of the human being and the strengthening of respect of human rights and fundamental liberties.
5. The State Parties shall work to promote the principles of human rights and fundamental liberties through educational programs and activities, educational methods and training programs, both official and non-official.
6. The State Parties shall ensure the establishment of mechanisms necessary to ensure primary education to all citizens, and shall establish national plans for the education of adults.

**Article 42**

1. Every person shall have the right to take part in cultural life, and to enjoy the benefits of scientific progress and their applications.
2. The State Parties shall respect freedom of scientific research and creativity, and shall ensure the protection of moral and material principles linked to scientific, literary or artistic production.
3. The State Parties shall work together and reinforce cooperation between them at all levels, with full participation of intellectuals and inventors and their organizations, in order to expand and implement recreational, cultural, artistic and scientific programs.

**Article 43**

Nothing in the present Charter shall be interpreted as impairing the rights and freedoms protected by the State Parties' own laws, or as set out

in international or regional instruments of human rights that the State Parties have signed or ratified, including women's rights, children's rights and minorities' rights.

#### **Article 44**

Where not already provided for by existing legislative or other measures, the State Parties undertake to adopt, in accordance with their constitutional processes and with the provisions of the present Charter, the necessary laws or other measures in order to give effect to the rights recognized by the present Charter

#### **Article 45**

1. There shall be established, pursuant to the present Charter, an Arab Human Rights Committee, hereafter referred to as « the Committee ». The Committee shall be composed of seven members elected by secret ballot by the State Parties to the present Charter.
2. The Committee shall consist of nationals of the State Parties to the present Charter, who shall be highly experienced persons competent in the Committee's field of work. The members of the Committee shall serve in their personal capacity with full impartiality and integrity.
3. The Committee shall not include more than one person from the same State Party. Such member shall be eligible for re-election only once. The principle of rotation shall be strictly observed.
4. The members of the Committee shall be elected for a four-year term. However, the terms of three of the members elected at the first election shall expire at the end of two years, with the names of these three members chosen by lot.
5. Six months before the date of the election, the Secretary General of the League of Arab States shall invite the State Parties to submit their candidates over a three-month period. He shall give them the list of candidates two months before the date of the election. The candidates who obtain the most votes will be the elected members of the Committee. If, because two or more candidates have an equal number of votes, the number of candidates with the largest number of votes exceeds the number required, a second ballot will be held between the persons with equal numbers of votes. If the votes are again equal, the member or members shall be chosen by lot. The first election of the Committee's members shall take place no later than six months after the Charter comes into force.
6. The Secretary General shall convene the State Parties to a meeting dedicated to the election of the members of the Committee at the Headquarters of the League of Arab States. The majority of the State Parties shall constitute a quorum. If the quorum is not reached, the Secretary General shall convene a new meeting where a third of the State Parties shall constitute a quorum. If the quorum is still not reached, the Secretary General shall convene a third

meeting which will take place without regard to the number of State Parties present.

7. The Committee's first meeting shall be convened by the Secretary General. During this meeting, the Committee shall elect its chairman from its members, for a two-year term renewable for one further term of two years. The Committee shall establish its own statute and rules of procedure and shall determine how often it shall meet. The Committee shall hold its meetings at the headquarters of the League of Arab States. It may also meet in any other State party to the present Charter at that party's invitation.

#### **Article 46**

1. The Secretary-General shall declare a seat vacant after being notified by the Chairman of the Committee in case of:
  - a. Death.
  - b. Resignation.
  - c. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any acceptable cause or for any reason other than a temporary absence.
2. When a vacancy is declared in accordance with subparagraph (1), and if the term of office of the member to be replaced does not expire within six months of the vacancy, the Secretary-General of the League of Arab States shall notify each of the State Parties to the present Charter, which may within two months submit nominations in accordance with article 45 for the purpose of filling the vacancy.
3. The Secretary-General of the League of Arab States shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Charter. The election to fill the vacancy shall then take place in accordance with the relevant provisions.
4. A member of the Committee elected to fill a vacancy declared in accordance with subparagraphs (1) shall hold office for the remainder of the term of the member who vacated the seat under the provisions of those subparagraphs.
5. The Secretary-General shall award on the budget of the League of Arab States the necessary financial resources, staff and facilities for the effective performance of the functions of the Committee. The members of the Committee shall be considered, regarding remuneration and reimbursement of expenses, as experts of the Secretariat.

#### **Article 47**

The States Parties undertake to ensure that members of the Committee shall enjoy the immunities necessary for their protection against any form of harassment, moral or material pressure or prosecution on account of



the positions they take or statements they make while carrying out their functions as members of the Committee.

**Article 48**

1. The State Parties shall submit reports to the Secretary-General of the League of Arab States on the measures they have taken to give effect to the rights and freedoms recognized in this Charter and on the progress made towards the enjoyment thereof. The Secretary-General shall transmit these reports to the Committee for its consideration.
2. The State Parties shall submit an initial report to the Committee within one year from the date on which the Charter enters into force, and a periodic report every three years thereafter. The Committee may request the States Parties to supply it with additional information relating to the implementation of the Charter.
3. The Committee shall study in public the reports submitted by the States Parties under paragraph b) of this article in the presence and with the collaboration of the representative of the State Parties whose report is being considered.
4. The Committee shall examine the report, comment thereon and make the necessary recommendations in accordance with the aims of the Charter.
5. The Committee shall submit an annual report containing its comments and recommendations to the Council of the League, through the intermediary of the Secretary-General.
6. The Committee's reports, concluding observations and recommendations shall be public documents which the Committee shall disseminate widely.

**Article 49**

1. The Secretary General of the League of Arab States shall submit the present Charter to the State Parties once approved by the League for signature, ratification or accession.
2. The present Charter shall enter into force two months after the date of the deposit of the seventh instrument of ratification with the Secretariat of the League of Arab States.
3. After its entry into force, the present Charter shall become effective for each State two months after the State in question has deposited its instrument of ratification or accession with the secretariat.
4. The Secretary General shall inform the State Parties of the deposit of each instrument of ratification or accession.

**Article 50**

Any State Party may propose an amendment to the present Charter and file it in writing with the Secretary General. Upon notification of the amendments to the other State Parties, the Secretary General shall convene the State Parties to examine the amendments for approval prior to the submission to the Council of the League for adoption. .

**Article 51**

Amendments shall come into force and be binding on those State Parties which have accepted them when they have been approved by two thirds of the State Parties to the Charter.

**Article 52**

Any State Party may propose supplementary protocols to the present Charter, which shall be adopted according to the same process as followed for the adoption of amendments to the Charter.

**Article 53**

1. Any State Party, when signing this Charter, depositing the instruments of ratification or accession, may make a reservation to any article of the Charter, provided that such reservation does not conflict with the aims and fundamental purposes of the Charter.
2. Any State Party that has made a reservation pursuant to paragraph a) of this article may withdraw it at any time by addressing a notification to the Secretary-General of the League of Arab States.
3. The Secretary General shall notify the State Parties of reservations made and petitions for withdrawal.