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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING
THE RIGHT TO DEVELOPMENT**

**Written statement* submitted by Cairo Institute for Human Rights Studies (CIHRS),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2008]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Limitations Imposed on the Right of Association in the Arab Region: Human Right Defenders and Civil Society Organizations under Attack

1. The Cairo Institute for Human Rights Studies (CIHRS) calls on the international community to increase its efforts to urge Arab governments to reform legislation, policies and practices in order to bring them in line with international human rights obligations. These obligations necessitate the protection and promotion of the freedom of assembly and expression, including the freedom to establish and operate non-governmental organizations; these rights are protected and secured by the International Covenant on Civil and Political Rights (ICCPR) and other relevant conventions.
2. Within the Arab region, governmental legislation regulating NGOs is increasingly used to extend governmental control and guardianship over NGO activities. In most Arab-speaking countries, the right to establish an NGO is conditioned by the requirement to obtain a prior license from administrative bodies, usually the Ministries of Interior and/or Social Affairs. NGO laws include numerous restrictions impossible to legally regulate. Accordingly, such restrictions represent a recurring means of depriving new associations from obtaining licenses and/or of dissolving and shutting down currently existing ones. These Draconian restrictions allow for the classification of a vast amount of legitimate objectives and activities as a danger to social peace and security, national unity, public interest, public order and all what may be considered as being involved in political, party or even trade unions activities.
3. In addition, administrative bodies under the jurisdiction of the executive authority are vested with enormous powers that enable them intervene in the daily operations of associations. Such legislation also places tight constraints on the right of organizations to raise funds, accept donations, and/or receive foreign grants without having the prior consent of an executive controlled administrative body.

Repressive Conditions Imposed on Human Rights Defenders in the Arab Region:

4. Institutions and individuals in the Arab region involved in the defense of human rights face an increasing amount of laws restricting their ability to establish organizations and the freedom of assembly. Simultaneously, "exceptional" laws are propagated to restrict the freedom of expression and information in an effort further suppresses civil society organizations and human rights defenders. Governments often resort to vague and general penal provisions to prosecute activists under a bevy of lawsuits.
5. In Syria for example, the authorities refuse to recognize any human rights organizations. As such, these organizations remain under constant threat of closure. Human rights defenders are often banned from travelling abroad and commonly subjected to unfair trials. In February 2008, a leading member of the Arab Organization of Human Rights in Syria (AOHR) was court-marshalled due to an article he wrote on the internet on the current status of education in Syria. In this case the Syrian authorities charged the individual with "threatening the dignity of the state and weakening trust in the public authority, in accordance with Article 378 of the Penal Code." Furthermore, government authorities launched a massive crackdown on civil society in December 2007, detaining

dozens of attendees at the meetings of the "National Council of the Damascus Declaration"; a Declaration which called on Syrian authorities to undertake a comprehensive program for political and democratic reform and to promote human rights. At least ten detainees, almost all leading members in human rights organizations and civil society, were placed under investigation at the end of January 2008, and then prosecuted for a number of accusations, including "weakening the national feeling", "inciting sectarian discord", "acceding to a secret underground association", and "establishing an association with the aim of changing the economic and social structure of the state".

Throughout 2007, many human rights and democracy activists were imprisoned in Syria for periods of time ranging between 3 and 12 years.

6. In 2007, the government of Egypt issued a decision to close the Center for Trade Union and Workers' Service (CTUWS) which has played a prominent role in defending the rights and freedoms of unions and employees since its establishment 18 years ago. Meanwhile, CTUWS's General Coordinator faces a preliminary court ruling sentencing him to a year in prison on the charge of slander and defamation for publishing information on the manipulation of funds in one of the state-run youth centers.

Also in 2007, the authorities have also closed down the Association for Human Rights Legal Aid (AHRLA) – an association active in exposing crimes of torture – claiming that it received foreign funding without having the consent of the Minister of Social Solidarity.

Although it was hoped that the Egyptian authorities would reconsider the legal constraints facing civil society, reliable information has indicated the intention of the government to further repress civil society organizations by increasing restrictive measures included in Associations Law #84(2002), including in the fields of licensing, acceptable activities, financing, networking and others.

7. In Bahrain, the chairman of the "Bahrain Youth Society for Human Rights" is currently under trial for engaging in the activities of an association prior to publishing its registration statement. More than ten associations in Bahrain, working in fields relevant to human rights face grave difficulties in their operations as a result of abstaining from registration, including the "Bahrain Child Society", "Committee of Unemployed and Low-Paid Labor", "Committee for the Returning of Exiles", "Committee of Adequate Housing" and "Committee of Feminist Petition".

In addition, seven activists were taken into custody on the 17th of this January 2008 for taking part in a protest. These activists were charged with "participating in an illegal gathering and creating disturbance." CIHRS has received credible reports indicating that these human rights defenders have been subjected to torture, including sexual abuse, electric shocks and beating.

Bahraini authorities have previously shut down the "Bahrain Center for Human Rights" in 2004, an organization that played a leading role in representing human rights victims, and fighting corruption and discrimination at work places.

8. In Tunisia, the authorities have made it almost impossible for the Tunisian League for Human Rights (LTDH) and other civil society institutions to operate. Tunisian human rights defenders have not been allowed to travel abroad; furthermore, judicial bodies

controlled by the executive issued a sentence in December 2005 annulling the sixth general assembly of the LTDH. Afterwards, these bodies put LTDH's headquarters and branch offices in security quarantine for almost two years. In May 2007, Tunisian authorities also put the headquarters of the National Council for Liberties in similar quarantine for approximately a month and a half, and undertook measures to freeze LTDH's grants received from the European Union.

Moreover, members of International Association for the Assistance of Political Detainees (IAAPD), established in Tunisia five years ago, have been subject to frequent intimidation by state actors. One of the association's lawyers was disbarred last December and received threats alleging he was practicing illegal activities on the grounds that the IAAPD is not recognized by the state. The IAAPD had submitted a request for legal recognition 5 years earlier but had received no official reply during the period specified by the law. The Tunisian authorities claim that they refused to register the association because its name insinuates that political detainees exist in Tunisia.

9. The reference to specific countries in this report does not imply that the situation for human rights defenders and organizations in the remaining Arab countries is better. Many Gulf countries, as well as Libya, do not allow for the existence of human rights organizations or civil society activists. The long running Algerian military influence has severely limited civil society organizations. Since the toppling of Sudan's democratic government in 1989, Sudanese civil society has been deprived of many legal and political protections and rights. Furthermore, civil society institutions in conflict affected countries, such as Iraq, come under constant violent attack; the same applies to the situation in Palestine – whether due to the occupation or in-fighting between its two political parties.

10. Morocco, due to limited but noticeable advancements in the field of human rights as of the mid-nineties, remains the most lenient and open Arab government towards civil society institutions. Nevertheless, In May 2007, 4 members of the Moroccan Association for Human Rights were arrested on charges of “violation of sanctuaries” and brought before a court. They were then sentenced to prison for periods ranging between 2 and 3 years for taking part in a peaceful protest during Labor Day celebrations at which slogans were expressed considered by the authorities to be detrimental to the king and monarchy.

11. To conclude, CIHRS expresses its deep concern towards the constraints and violations surrounding freedom of association, freedom of expression and the treatment of human rights defenders. CIHRS stresses the fact that putting an end to these circumstances requires a comprehensive reconsideration of the legislative measures negating the right to associate, as well as those contradictory to freedom of expression and of information. Furthermore, the protection of human rights defenders and organizations will require working to foster independent judicial systems, including the elimination of exceptional courts. Efforts to promote the rule of law and accountability mechanisms, including combating impunity for human rights violators, must be renewed and strengthened in order to promote and protect the ability of human rights defenders in the Arab region to operate.