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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Letter dated 5 November 1979 from the Permanent Representative of Iraq
to the United Nations addressed to the Secretary-General

In accordance with instructions from my Government I have the honour to attach herewith the Final Communiqué of the Symposium on Human Rights and Fundamental Freedoms in the Arab Homeland, held at Baghdad from 18 to 20 May 1979, and to request that you kindly arrange for it to be circulated as a General Assembly document under agenda item 12.

(Signed) Salah Omar AL-ALI
Permanent Representative

Final Communiqué of the Symposium on Human Rights and
Fundamental Freedoms in the Arab Homeland held at
Baghdad from 18 to 20 May 1979

At the invitation of the Union of Arab Jurists, the Symposium on Human Rights and Fundamental Freedoms in the Arab Homeland was held at the Al-Salam Palace in Baghdad from 18 to 20 May 1979. The Symposium was attended by representatives of associations of jurists and professional and peoples' organizations in the Arab world and by representatives of the United Nations, the League of Arab States, their specialized bodies and a number of Arab and international organizations concerned with human rights.

The Symposium was opened with a message addressed to the participants by President Ahmed Hassan Al-Bakr of the Republic of Iraq, in which he affirmed that the Arab nation had a long-standing record of respect for human rights and a heritage reflecting the principles incorporated in the International Bill of Human Rights. He also emphasized that human rights were interrelated and that it was not possible to consider civil and political rights in isolation from economic, social and cultural rights because it was their balanced interrelationship which led to the real rather than the merely formal exercise of human rights.

In a message delivered to the Symposium by Mr. van Boven, on behalf of Dr. Kurt Waldheim, the Secretary-General of the United Nations commended the Symposium's endeavours, drew attention to the importance of concern for rights and freedoms in the developing countries and wished the Symposium every success. President Ahmed Sékou Touré of the Republic of Guinea also sent a message through Mr. Saliah Ben Kouyate, a member of the Guinean Mission to the United Nations, in which he greeted the participants and wished them success.

On behalf of the Preparatory Committee, Mr. Shabib Lazim Al-Maliki, Secretary-General of the Union of Arab Jurists, delivered an address in which he said that the Union had chosen the thirtieth anniversary of the Universal Declaration of Human Rights as the date for convening that national and humanitarian Symposium. He stated that it was not the intention of the Union to turn the Symposium into a forum in which to decry or extol certain political régimes in Arab countries, although, at the same time, the Union could not allow the Symposium to serve as an instrument for the justification of the erroneous practices in which some Arab Governments were engaging in flagrant violation of human rights and fundamental freedoms.

The Symposium was also addressed by Dr. Al-Tayyib Al-Hudhairi, Director-General of the Arab Labour Organization, on behalf of the League of Arab States, and by Miss Virginia Saurwein, Chief of the Non-Governmental Organizations Unit of the United Nations, on behalf of the world Organization.

At the beginning of the first meeting, Mr. Shabib Lazim Al-Maliki was elected Chairman of the Symposium and Dr. Mohammed Al Majdhoub was elected Rapporteur. The Symposium held six meetings for the discussion of surveys and studies relating to the following topics:

1. The human rights situation in the Arab world:
 - (a) Legislation and special courts which restrict human rights and fundamental freedoms;
 - (b) Political detainees and prisoners: torture and inhuman practices;
 - (c) Freedom of opinion and of the press;
 - (d) Women's rights;
 - (e) Freedom of movement, residence and work;
2. The right of the Palestinian Arab people to self-determination;
3. The promotion and teaching of human rights and international humanitarian law in the Arab world;
4. Means for the promotion and protection of human rights in the Arab world:
 - (a) An evaluation of the role of Arab governmental and non-governmental organizations in the protection of human rights;
 - (b) Proposals for an effective system of human rights in the Arab world.

Those topics were discussed in the light of the memorandum submitted by the Preparatory Committee of the Symposium, which specified the following fundamental requirements for human rights in the Arab world:

1. To regard the right of peoples to self-determination as an essential prerequisite for the enjoyment of all human rights and fundamental freedoms;
2. To regard all human rights and fundamental freedoms as an integrated and interrelated whole;
3. To emphasize the importance of the new international economic order for the achievement of rights and freedoms in the developing countries, including the Arab world.

The memorandum attributed the obstacles impeding the achievement of rights and freedoms in the Arab world to the following causes:

1. The short-comings of the Arab States with regard to rights and freedoms;
2. The state of emergency and its adverse effects on rights and freedoms;
3. The phenomenon of detention for political beliefs.

The memorandum stated that those obstacles clearly indicated that the Arab world was suffering from a crisis with regard to rights and freedoms and that that crisis could be overcome only by enabling the populations of the Arab countries to exercise fully all of their rights and freedoms.

The memorandum concluded by submitting practical proposals for the promotion and protection of rights and freedoms in the Arab world.

After extensive discussions, the Symposium formulated the following recommendations:

I. The establishment of an Arab Standing Committee for the Defence of Human Rights and Fundamental Freedoms

Since the protection, codification and implementation of rights and freedoms required the establishment of an Arab non-governmental body consisting of representatives of professional and peoples' organizations and personalities well-known as champions of rights and freedoms, the Symposium decided:

1. To establish a Standing Committee for the Defence of Human Rights and Fundamental Freedoms in the Arab World, to be based at the headquarters of the Union of Arab Jurists and presided over by the Secretary-General of that Union, with a membership consisting of one representative each of the Federation of Arab Lawyers, the Federation of Arab Journalists, the Federation of Arab Teachers, the Federation of Arab Authors and Writers, the Federation of Arab Students, the Federation of Arab Workers and the Arab Women's Federation, in addition to the following persons:
Mr. Muhsin Al-Aini; Mr. Abdul Rahman Al-Yussufi; Mr. Abdul Majeed Fareed; Shaikh Abdul Hameed Al-Saih; Dr. Abdullah Saadeh;
Mr. Abdullah Sharaf Al-Din; Dr. Mohammed Al Majdhoub; Dr. Badriya Al-Owadhy and Dr. Yahya Al-Jamal. The Committee might also decide to include in its membership representatives of professional and peoples' organizations and other Arab personalities concerned with the defence of rights and freedoms;
2. To define the Committee's mandate as follows:
 - (a) To monitor the implementation of the recommendations of the Symposium, including efforts to persuade the Arab States to ratify the draft Arab Covenant on Human Rights and Fundamental Freedoms, the implementation of whose provisions it would likewise monitor;
 - (b) To receive complaints from individuals and groups regarding violations of rights and freedoms;
 - (c) To send fact-finding missions to investigate violations of rights and freedoms in the Arab States with a view to ascertaining the best ways and means to protect and defend those rights and freedoms;

- (d) To prepare annual reports on the situation with regard to rights and freedoms in the Arab world for submission to Arab public opinion, Arab Governments and international bodies concerned;
3. To request the Committee to begin its work immediately and to establish its rules of procedure within a period of not more than six months.

II. The proposed draft Arab Covenant on Human Rights and Fundamental Freedoms

Convinced of the need for an Arab document that would be binding on the Arab States and would clearly define rights and freedoms in order to promote their proper and effective implementation and protection, the Symposium adopts the draft covenant drawn up by the Preparatory Committee and recommends its submission to the associations and bodies concerned with human rights in the Arab world so that they can study it more closely and submit their proposals to the Union of Arab Jurists prior to the convening of a meeting for the finalization of the draft.

III. Appeal to the Arab States to accede to the International Covenants on Human Rights

1. The International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights constitute a sound basis for the recognition by States of the importance of these rights and of their obligation to implement them. Since most of the Arab States have not yet acceded to these Covenants, the Symposium appeals to these States to accede thereto as soon as possible. The Symposium also appeals to them to:
 2. Accede to the two additional protocols to the Geneva Conventions of 1949, as ratified by the Diplomatic Conference of 1977 on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts;
 3. Endeavour to ensure the adoption by the General Assembly of the United Nations of the draft body of principles for the protection of all persons under any form of detention or imprisonment which has been prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
 4. Observe and publish the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations in 1955;
 5. Support the optional protocol to the Draft Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment which is being prepared by the United Nations;
 6. Ratify the international conventions on the protection of refugees.

IV. Appeal to the League of Arab States to activate the Standing Committee on Human Rights

In view of the important role that could be played by the League of Arab States Standing Committee on Human Rights in the promotion and protection of human rights in the Arab world, and since this Committee, for which a Chairman has been elected every two years by the League Council, has neither commenced its work nor held any meetings for many years, the Symposium appeals to the League of Arab States to enable this Committee to carry out the mandate for which it was established with a view to the protection of rights and freedoms in the Arab world.

V. Appeal to the United Nations and world public opinion to enable the Palestinian Arab people to exercise their right to self-determination

Whereas many United Nations resolutions have affirmed the right of the Palestinian Arab people to self-determination without external interference and also their right to independence and national sovereignty, and whereas the General Assembly of the United Nations regards a refusal to recognize the fundamental right of peoples to self-determination as a grave collective violation of all human rights and fundamental freedoms, the Symposium appeals to the United Nations and world public opinion to enable the Palestinian Arab people to exercise their right to self-determination by every means, including armed struggle, and to adopt measures and serious sanctions against the Zionist entity which is still challenging the world body, refusing to implement its resolutions, especially those relating to the right of the Palestinian Arab people to self-determination, and persistently violating all the Geneva Conventions concerning prisoners of war and the treatment of civilians.

Since the right of the Palestinian Arab people to self-determination is an integral part of the right of the Arab nation to its Arab land, the liberation of Palestine is regarded as a collective responsibility incumbent on the Arab nation as a whole. The national duty of the Arab people to liberate Palestine can, therefore, be discharged effectively only if the Arab people obtain more rights and freedoms.

The Symposium believes that the ferocious battle being waged by the Arabs against the Zionist entity must not, under any circumstances, be taken as a pretext and justification for the violation of the rights and the infringement or restriction of the fundamental freedoms of the Arab citizen.

VI. Condemnation of the separate peace treaty between the Egyptian régime and the Zionist entity

In view of the fact that the right of self-determination is specified in the Charter of the United Nations and in the International Covenants on Human Rights, that it is regarded as a general principle of international law, that the Vienna Convention on the Law of Treaties stipulates the non-validity of any treaty which

is incompatible with these principles, and that the separate peace treaty between the Egyptian régime and the Zionist entity is incompatible with all these provisions in its disregard for the right of the Palestinian Arab people to self-determination, the Symposium strongly condemns that treaty, which it regards as absolutely invalid, and believes that legal organizations and bodies throughout the world are duty-bound to draw the attention of world public opinion to this fact and to censure that dangerous procedure, which is incompatible with internationally recognized principles.

VII. Strengthening freedom of opinion and of the press
in the Arab world

In view of the fact that information is a social function designed to serve human societies, that freedom of information is a natural extension of freedom of thought, that guaranteed freedom of opinion and of the press would allow the people to participate in political decision-making in their country, and that the media in the Arab world are still practising the method of one-sided dialogue from the top, the Symposium recommends:

1. Support for the establishment of a new international information order with a view to ensuring a balanced flow of information between the developed and the developing countries as a supplement to the new international economic order;
2. Support for the convention on the protection of journalists and correspondents in areas of armed conflict, as formulated in 1972 and submitted to the General Assembly of the United Nations, which added new guarantees for journalists to the provisions of the Geneva Conventions concerning military correspondents;
3. Support for the Draft Declaration on Fundamental Principles Governing the Use of the Mass Media in Strengthening Peace and International Understanding and in Combating War Propaganda, Racialism and Apartheid, which was adopted at the twentieth session of the General Conference of UNESCO in August 1978;
4. Support for the efforts of the International Committee on the Treatment of Information Problems in Modern Society which was established by the United Nations;
5. Support for the Federation of Arab Journalists in their endeavours to defend freedom of opinion, of the press and of trade union association in the Arab world;
6. Affirmation of the close interrelationship between freedom of the press on the one hand and social, economic and financial liberation on the other, and consideration of freedom of the press as an integral component of fundamental freedoms;

7. Affirmation of the right of every people to select the information appropriate to their situation and compatible with their wishes and aspirations;
8. A call for the formulation of unified Arab legislation concerning printed matter which would neither restrict the freedom to publish newspapers nor limit the freedom to express opinion, and a call for the repeal of all preventive measures that impose prior censorship or restrictions on publication;
9. A call for referral to the regular courts of press violations and crimes of opinion and publication;
10. A call for the provision of guarantees for the professional activity and freedom of movement of journalists and for their immunity from detention on grounds of their political opinions or trade union activities and from dismissal or transfer to another job which differs from their original activity.

VIII. The promotion of women's rights in the Arab world

Since women in the Arab world play a major role in educating and preparing the rising generation to fulfil its mission of cultural and human continuity, and in view of the distressing circumstances in which women in most Arab States find themselves, the Symposium recommends:

1. That the most serious consideration should be given to the situation of women and that efforts should be made to abolish discrimination between women and men and to strengthen women's educational and social role so that they can contribute to the development and progress of society;
2. That the Arab States should be called upon to make the necessary amendments to their legislation relating to women's rights in a more liberal and humane spirit that would allow women to enjoy their full political, civil and social rights;
3. That the Arab States should be called upon to promulgate the legislation needed to guarantee the right of children in the Arab world to receive more care and attention so that they may eventually make an effective contribution to the building of society and the defence of their rights and freedoms;
4. That the United Nations, other international organizations and world public opinion should be urged to intervene rapidly to save Palestinian women in the occupied territories from the various types of physical and mental torture to which they are being subjected and to put an end to the denial of their most basic civil and political rights as manifested in the displacement of their families, their separation from their husbands and children, the demolition of their houses and the denial of their freedom of movement and residence in their homeland.

IX. Freedom of movement, residence and work in the Arab world

The Symposium believes that freedom of movement, residence and work in the Arab world and freedom to exercise the right of trade union association are prerequisites for all the various rights and freedoms, for the achievement of closer ties and solidarity among the Arab countries, for the accelerated achievement of Arab unity and for the promotion of progress and development in the Arab world. The Symposium therefore recommends:

1. The abolition of legislation and regulations restricting freedom of movement, residence and work in the Arab countries;
2. Acknowledgement of trade union freedoms and of the unrestricted right of citizens to form professional unions and federations;

X. The abolition of special legislation, special courts and political detention

Since special legislation and special courts and, in particular, the state of emergency, pose a direct threat to human rights and fundamental freedoms in the Arab world, the Symposium recommends that the Arab States:

1. Abolish the perpetual state of emergency existing in some Arab countries and resort to that measure only in cases of extreme necessity and on the most limited scale;
2. Abolish the special courts, whatever the name under which they are known, and rely upon, and guarantee the independence of, the regular judiciary;
3. Refrain from arbitrary detentions for whatever reason and release all persons detained or imprisoned on grounds of their political opinions or beliefs;
4. Abolish the death penalty, improve prison conditions and transform prisons into reform institutions;
5. Regard torture as a criminal offence which is not subject to the Statute of Limitations and which renders liable to punishment anyone practising it, ordering it or participating in it in any manner whatsoever;
6. Adopt the draft principles formulated by the Preparatory Committee of the Symposium concerning the detention and treatment of persons during a state of emergency.

XI. The role of Arab non-governmental organizations in the promotion and protection of human rights

The Symposium believes that Arab non-governmental organizations, such as associations of jurists and societies for the defence of human rights, are capable

of playing an important role in the promotion, protection and defence of rights and freedoms. The Symposium believes that governmental organizations can also play an effective and useful role in this respect through the proper application of legal provisions for the safeguard of rights and freedoms. The Symposium therefore recommends:

1. The establishment of associations of jurists and societies for human rights in the Arab countries in which such bodies do not already exist;
2. The formation of committees to defend the rights of members and workers in professional and people's organizations;
3. The establishment of organizations and associations for the purpose of promoting wider public understanding of human rights and fundamental freedoms.

XII. The teaching of rights and freedoms at educational institutions

Since the promotion of human rights and fundamental freedoms would help citizens to understand their rights and to learn how to protect and defend them, and in view of their importance in the field of human relations, the Symposium recommends:

1. That human rights and humanitarian law should be introduced into the curricula at various educational levels in the Arab countries;
2. That human rights and humanitarian law should be taught at police and army colleges and at institutes for the training of the judiciary;
3. That the concept of establishing an Arab institute for the teaching of rights and freedoms and a documentary information centre on rights, freedoms and humanitarian law should be supported;
4. That the United Nations Relief and Works Agency, which is responsible for teaching Palestinian Arab children, should refrain from obstructing such teaching on the pretext of its financial deficit and should continue to discharge its designated function for the benefit of future generations of Palestinian children.

In concluding its work, the Symposium wishes to express its appreciation of the commendable efforts of Mr. Shabib Lazim Al-Maliki, the Secretary-General of the Union of Arab Jurists, in preparing, organizing and ensuring the success of this Symposium. The Symposium would also like to express its admiration for President Ahmed Hassan Al-Bakr of the Republic of Iraq and recommends that the Secretary-General of the Union should address a letter of gratitude and appreciation to both President Ahmed Hassan Al-Bakr and Mr. Saddam Hussein, the Vice-Chairman of the Revolutionary Command Council.

The Symposium takes this opportunity to express its sincere appreciation to the leaders, the people and the Government of Iraq and its profound admiration for the prosperity and progress that have been achieved in their country.