

Introduction to the International Human Rights Regime

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10. EFFORTS OF OTHER REGIONAL ORGANIZATIONS TO PROTECT HUMAN RIGHTS

Thus far, regional human rights protection only exists in Europe, America (including the Caribbean) and Africa, and in fact all of the states on these three continents, with the exception of Morocco, are subject to some of the relevant procedures and are monitored by them. In **Asia and the Pacific area**, on the other hand, there is no single regional organization, which might cover the entire continent, nor are there any mechanisms to monitor human rights. This has a great deal to do with the heterogeneity of Asia, which is far more pronounced than in other regions, including countries as diverse and powerful as India, China, Russia, Japan and Indonesia, and regions as diverse as the Middle East, the Central Asian Republics, South East Asia or the Pacific Area, which extends as far as Australia and New Zealand. By the same token, Asia is home to a significant number of states that have been committing gross and systematic human rights violations and continue to do so (including, amongst others, Afghanistan, Cambodia, China, Indonesia, Iran, Iraq, Myanmar, North Korea, Saudi Arabia, Syria, Vietnam or the Palestinian territories occupied by Israel). Furthermore, it is regions like this that are seriously questioning the universality of human rights (2.7.), and thus the legitimacy of international human rights protection by putting forward arguments such as '**Asian values**' or the priority of **Islamic law** (Sharia) over international law. Not by chance, ratification of the UN's human rights treaties in this region has been far less forthcoming than elsewhere. Despite a number of interesting initiatives by NGOs (preparation of an '**Asian Human Rights Charter**' by more than 200 NGOs), at the sub-regional level (ASEAN – Association of Southeast Asian Nations, SAARC – South Asian Association for Regional Cooperation) and by creating a network of national human rights institutions (Asia-Pacific Forum of National Human Rights Institutions), the Asian region, nevertheless, represents the biggest challenge as far as efficient monitoring of human rights is concerned.

Meanwhile, however, European human rights protection has been extended to include large parts of Asia. The **Council of Europe** and the competences of the European Court of Human Rights includes the Asian part of Turkey and Cyprus, as well as more recently Russia and many other successor states to the Soviet Union, including the Caucasus region. Many human rights treaties established by the Council of Europe, such as the Conventions on minorities or biomedicine (5.5. to 5.7.) were deliberately conceived as open conventions, implying that they may also be ratified by states that are not members of the Council of Europe. Of course, Asian states may also avail themselves of this option. The **OSCE** and its human rights mechanisms also cover the Central Asian Republics. Given the serious minority conflicts in these states, the High Commissioner on National Minorities in particular has been displaying great activity in the region. The OSCE established a number of long-term missions and centres as well as a liaison office in Central Asia and seems to be willing to re-activate the Moscow mechanism of the human dimension for those Central Asian Republics with the most serious human rights problems (8.).

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Finally, the **Commonwealth of Independent States (CIS)**, which presently comprises twelve of the former Soviet republics, in 1995 adopted a Convention on Human Rights and Fundamental Freedoms based on the standards of the UN, the OSCE and the Council of Europe, and the ECHR in particular. The CIS even created in 1993 a Human Rights Commission in Minsk (Belarus) with the mandate of considering inter-state and individual communications. The present activities of the OSCE seem, however, more promising to develop a human rights culture in those successor states of the Soviet Union that are not subject to the monitoring procedures of the Council of Europe.

TEXTBOX 149

10.1. ORGANIZATION OF THE ISLAMIC CONFERENCE (OIC)

Established on 25 September 1969 in Rabat (Morocco)
56 member states

Objectives (as set out in the Charter of 1972)

- To promote Islamic solidarity among member states
- To consolidate cooperation among them
- To eliminate racial discrimination and colonialism
- To support international peace and security
- To safeguard the dignity of all Muslims, their independence and national rights
- To promote cooperation and understanding among member states and other countries

Islamic documents on human rights

- Universal Islamic Declaration of Human Rights, 19 September 1981: issued by the Islamic European Council (a private institution, seated in London)
- The Cairo Declaration on Human Rights in Islam, 5 August 1990: issued by the OIC

First attempts at sub-regional human rights protection have made themselves felt in the **Arab-Islamic area** and the documents to that effect may well be regarded as a contribution to the ongoing debate on universalism or rather a reaction to the claim of universality of human rights. Back in 1981, the Islamic European Council – a private institution seated in London – adopted a Universal Islamic Declaration of Human Rights, based on which the Organization of the Islamic Conference in 1990 passed the first intergovernmental, albeit non-binding **Declaration on Human Rights in Islam** in Cairo. It contains all of the civil, political, economic, social and cultural rights included in the Universal Declaration of Human Rights of 1948 and the relevant UN treaties. In addition, it includes several collective rights of peoples (the right to self-determination against colonial repression, the right to a clean environment), as well as principles of humanitarian law. All of the above rights and

10.2. LEAGUE OF ARAB STATES

freedoms, however, are subordinate to Islamic Sharia, which incidentally also serves as the only source of interpretation for these rights.

The same is true for the **Arab Charter on Human Rights** adopted by the Council of the **Arab League** in 1994. It was intended as a treaty under international law, but for lack of any ratifications it has yet to enter into force.

TEXTBOX 150

10.2. LEAGUE OF ARAB STATES

Established on 22 March 1945
22 member states

Aims (as set out in the 1945 Charter)

- Draw closer the relations between member states and coordinate their political activities with the aim of realizing a close collaboration between them
- Safeguard the independence and sovereignty of the member states
- Consider in a general way the affairs and interests of the Arab countries

The Arab League is the partner of the European Union within the Euro-Arab Dialogue

Organs

- Council of the Arab League
- Joint Arab Defence Council
- Arab Economic and Social Council
- Specialized Ministerial Councils (10)
- Permanent Committees (16)
- General Secretariat

Arab Charter on Human Rights

Adopted on 15 September 1994 by the Council of the League of Arab States (Resolution 5437), not ratified by any states, therefore not yet in force

Resembles very much the Universal Declaration of Human Rights and the two UN Covenants, contains various civil, political, economic, social and cultural rights as well as the rights to self determination and protection of minorities

Monitoring

Committee of Experts on Human Rights (7 members)

- State reporting procedure (article 41)

This explains why a regional monitoring mechanism – a committee of seven experts for the examination of inter-state reports – has thus far not been established. The wording of the Arab Charter is far less original than that of the African Charter of Human and Peoples' Rights (7.4.), except for its reference to Arab nationalism, which is a little surprising for a human rights document. Given the fact that the Arab Charter was adopted in close proximity to the Vienna World Conference on Human

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Rights (4.6.1.), and seeing the obvious lack of willingness of the 22 member states of the Arab League to subject themselves to an inter-Arab state reporting procedure, it is hard to imagine that it was intended as anything more than a political reaction to the universality of human rights set out in the Vienna Declaration. It was hardly a serious attempt at improving the human rights situation in the Arab world.

LITBOX 10

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