

Arab Charter on Human Rights

Arab Charter on Human Rights, adopted by the League of Arab States, reprinted in 18 Hum. Rts. L.J. 151 (1997).

Council of the League of Arab States, Cairo

Arab Charter on Human Rights

adopted on 15 September 1994 (not yet ratified as of 30 June 1997), full text¹, translated from Arabic²

" The Governments of the member States of the League of Arab States³

Preamble

Given the Arab nation's belief in human dignity since God honored it by making the Arab World the cradle of religions and the birthplace of civilizations which confirmed its right to a life of dignity based on freedom, justice and peace,

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

Being proud of the humanitarian values and 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, believing in its unity, struggling to protect its freedom, defending the right of nations to self-determination and to safeguard their resources, believing in the rule of law and 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 world peace,

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 Covenants on Civil and Political Rights and Economic, Social and Cultural Rights and the Cairo Declaration on Human Rights in Islam⁴

In confirmation of all the above, have agreed as follows :

Part I

Article 1

(a) 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.

(b) 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 endeavor to eliminate all such practices.

Part II

Article 2

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, political opinion, national or social origin, property, birth or other status and without any discrimination between men and women.

Article 3

(a) No restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Charter in virtue of law, conventions or custom shall be admitted on the pretext that the present Charter does not recognize such rights or that it recognizes them to a lesser extent.

(b) No State Party to the present Charter shall derogate from the fundamental freedoms recognized herein and which are enjoyed by the nationals of another State that shows less respect for those freedoms.

Article 4

(a) No restrictions shall be placed on the rights and freedoms recognized in the present Charter except where such is provided by law and deemed necessary to protect the national security and economy, public order, health or morals or the rights and freedoms of others.

(b) In time of public emergency which threatens the life of the nation, the States Parties may take measures derogating from their obligations under the present Charter to the extent strictly required by the exigencies of the situation.

(c) Such measures or derogations shall under no circumstances affect or apply to the rights and special guarantees concerning the prohibition of torture and degrading treatment, return to one's country, political asylum, trial, the inadmissibility of retrial for the same act, and the legal status of crime and punishment.

Article 5

Every individual has the right to life, liberty and security of person. These rights shall be protected by law.

Article 6

There shall be no crime or punishment except as provided by law and there shall be no punishment in respect of an act preceding the promulgation of that provision. The accused shall benefit from subsequent legislation if it is in his favor.

Article 7

The accused shall be presumed innocent until proved guilty at a lawful trial in which he has enjoyed the guarantees necessary for his defense.

Article 8

Everyone has the right to liberty and security of person and no one shall be arrested, held in custody or detained without a legal warrant and without being brought promptly before a judge.

Article 9

All persons are equal before the law and everyone within the territory of the State has a guaranteed right to legal remedy.

Article 10

The death penalty may be imposed only for the most serious crimes and anyone sentenced to death shall have the right to seek pardon or commutation of the sentence.

Article 11

The death penalty shall under no circumstances be imposed for a political offence.

Article 12

The death penalty shall not be inflicted on a person under 18 years of age, on a pregnant woman prior to her delivery or on a nursing mother within two years from the date on which she gave birth.

Article 13

(a) The States parties shall protect every person in their territory from being subjected to physical or mental torture or cruel, inhuman or degrading treatment. They shall take effective measures to prevent such acts and shall regard the practice thereof, or participation therein, as a punishable offence.

(b) No medical or scientific experimentation shall be carried out on any person without his free consent.

Article 14

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

Article 15

Persons sentenced to a penalty of deprivation of liberty shall be treated with humanity.

Article 16

No one shall be tried twice for the same offence.

Anyone against whom such proceedings are brought shall have the right to challenge their legality and to demand his release.

Anyone who is the victim of unlawful arrest or detention shall be entitled to compensation.

Article 17

Privacy shall be inviolable and any infringement thereof shall constitute an offence. This privacy includes private family affairs, the inviolability of the home and the confidentiality of correspondence and other private means of communication.

Article 18

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

Article 19

The people are the source of authority and every citizen of full legal age shall have the right of political participation, which he shall exercise in accordance with the law.

Article 20

Every individual residing within the territory of a State shall have the right to liberty of movement and freedom to choose his place of residence in any part of the said territory, within the limits of the law.

Article 21

No citizen shall be arbitrarily or unlawfully prevented from leaving any Arab country, including his own, nor prohibited from residing, or compelled to reside, in any part of his country.

Article 22

No citizen shall be expelled from his country or prevented from returning thereto.

Article 23

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

Article 24

No citizen shall be arbitrarily deprived of his original nationality, nor shall his right to acquire another nationality be denied without a legally valid reason.

Article 25

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

Article 26

Everyone has a guaranteed right to freedom of belief, thought and opinion.

Article 27

Adherents of every religion have the right to practice their religious observances and to manifest their views through expression, practice or teaching, without prejudice to the rights of others. No restrictions shall be imposed on the exercise of freedom of belief, thought and opinion except as provided by law.

Article 28

All citizens have the right to freedom of peaceful assembly and association. No restrictions shall be placed on the exercise of this right unless so required by the exigencies of national security, public safety or the need to protect the rights and freedoms of others.

Article 29

The State guarantees the right to form trade unions and the right to strike within the limits laid down by law.

Article 30

The State guarantees every citizen's right to work in order to secure for himself a standard of living that meets the basic requirements of life. The State also guarantees every citizen's right to comprehensive social security.

Article 31

Free choice of work is guaranteed and forced labor is prohibited. Compelling a person to perform work under the terms of a court judgment shall not be deemed to constitute forced labor.

Article 32

The State shall ensure that its citizens enjoy equality of opportunity in regard to work, as well as a fair wage and equal remuneration for work of equal value.

Article 33

Every citizen shall have the right of access to public office in his country.

Article 34

The eradication of illiteracy is a binding obligation and every citizen has a right to education. Primary education, at the very least, shall be compulsory and free and both secondary and university education shall be made easily accessible to all.

Article 35

Citizens have a right to live in an intellectual and cultural environment in which Arab nationalism is a source of pride, in which human rights are sanctified and in which racial, religious and other forms of discrimination are rejected and international cooperation and the cause of world peace are supported.

Article 36

Everyone has the right to participate in cultural life, as well as the right to enjoy literary and artistic works and to be given opportunities to develop his artistic, intellectual and creative talents.

Article 37

Minorities shall not be deprived of their right to enjoy their culture or to follow the teachings of their religions.

Article 38

(a) The family is the basic unit of society, whose protection it shall enjoy.

(b) The State undertakes to provide outstanding care and special protection for the family, mothers, children and the aged.

Article 39

Young persons have the right to be afforded the most ample opportunities for physical and mental development.

Part III

Article 40

(a) The States members of the League's Council which are parties to the Charter shall elect a Committee of Experts on Human Rights by secret ballot.

(b) The Committee shall consist of seven members nominated by the member States Parties to the Charter. The initial elections to the Committee shall be held six months after the Charter's entry into force. The Committee shall not include more than one person from the same State.

(c) The Secretary-General shall request the member States to submit their candidates two months before the scheduled date of the elections.

(d) The candidates, who must be highly experienced and competent in the Committee's field of work, shall serve in their personal capacity with full impartiality and integrity.

(e) The Committee's members shall be elected for a three-year term which, in the case of three of them, shall be renewable for one further term, their names being selected by lot. The principle of rotation shall be observed as far as possible.

(f) The Committee shall elect its chairman and shall draw up its rules of procedure specifying its method of operation.

(g) Meetings of the Committee shall be convened by the Secretary-General at the Headquarters of the League's Secretariat. With the Secretary-General's approval, the Committee may also meet in another Arab country if the exigencies of its work so require.

Article 41

1. The States Parties shall submit reports to the Committee of Experts on Human Rights in the following manner:

(a) An initial report one year after the date of the Charter's entry into force.

(b) Periodic reports every three years.

(c) Reports containing the replies of States to the Committee's questions.

2. The Committee shall consider the reports submitted by the member States Parties to the Charter in accordance with the provisions of paragraph 1 of this article.

3. The Committee shall submit a report, together with the views and comments of the States, to the Standing Committee on Human Rights at the Arab League.

Part IV

Article 42

(a) The Secretary-General of the League of Arab States shall submit the present Charter, after its approval by the Council of the League, to the member States for signature and ratification or accession.

(b) The present Charter shall enter into effect two months after the date of deposit of the seventh instrument of ratification or accession with the Secretariat of the League of Arab States.

Article 43

Following its entry into force, the present Charter shall become binding on each State two months after the date of the deposit of its instrument of ratification or accession with the Secretariat. The Secretary-General shall notify the member States of the deposit of each instrument of ratification or accession."

Footnotes

(1) The Charter was adopted by the Council of the League of Arab States by its resolution 5437 (102nd regular session) on 15 September 1994. The original text may be obtained from the League of Arab States, Permanent Delegation to the United Nations in Geneva, 9 rue du Valais, CH-1202 Geneva.

(2) Translation by the United Nations, obtained from the Centre for Human Rights in Geneva. A French translation made by Mohammed Amin Al-Midani has been published in RUDH, Vol. 7 (1995), p. 212 ff.

(3) The 22 member States of the League of Arab States are : Jordan. United Arab Emirates, Bahrain, Tunisia, Algeria, Djibouti. Saudi Arabia, Sudan, Syrian Arab Republic. Somalia. Iraq, Oman. Palestine, Qatar, Comoros, Kuwait, Lebanon, Libyan Arab Jamahiriya, Egypt, Morocco, Mauritania, Yemen.

(4) Adopted on 5 August 1990.