



Role of the Arab Parliament in Promoting Human Rights – Mechanisms & Challenges –



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Executive summary

Peoples exercise their power through elected legislative authorities, which are often responsible for enacting laws and monitoring the practices of law enforcement agencies, and representing the various groups of society. Parliaments are primarily responsible to protect and promote human rights, whether through issuing relevant legislation, holding governments accountable, monitoring their record of human rights and ensuring its compliance with relevant international obligations. **On the International Day of Parliamentarism, which is celebrated every year on 30 June, Maat for Peace, Development and Human Rights** issues this report to discuss how the Arab Parliament, being the representative body of the League of Arab States (LAS), contributes to the promotion and protection of human rights throughout the Arab States by identifying the human rights mechanisms it uses to guarantee and protect human rights and the tools emerging thereof; making a comprehensive assessment of its performance based on a set of international human rights standards, topped by effective and efficient performance; ensuring citizens' access to information and stakeholders' participation in its various activities; as well as improving response to citizens' needs, including human rights complaints submitted. The intended goal of these efforts is to uncover shortcomings and rectify them with specific reform steps to ensure the promotion and sustainability of human rights in the Arab States.

Key Words: Arab Parliament - Human Rights

Study Methodology

The study is based on a set of measurable and observable general criteria to determine the role of the Arab parliament in promoting and protecting human rights, by referring to many international standards related to evaluating the work of parliamentary performance, including **the standards of the Inter-Parliamentary Union (IPU) and the standards of the High Commissioner for Human Rights, implied in the Draft Principles on parliaments and human rights**. Maat also reviewed a number of studies and literature reviews on evaluating the role of the Arab Parliament in the promotion and protection of human rights, and analyzed them to reach comprehensive criteria for evaluating the performance of the Arab Parliament in relation to the protection and promotion of human rights, which include 4 basic criteria as follows: -

The First Criterion discusses parliament performance efficiency and effectiveness, which appears in the power of laws issued by it to protect and promote human rights, the time it takes to issue laws, the quality of laws and its effectiveness, as well as its coverage of all human rights, in addition to the ability of the Arab parliament to monitor governments through the various mechanisms and tools available in a way that



covers all countries and issues on an equal basis, in addition to its independence in making various decisions in light of the powers granted to it.

The Second Criterion discusses participation and representation in the work of the Arab Parliament by all stakeholders, especially civil society organizations and the most vulnerable groups.

The Third Criterion discusses transparency, accessibility of information related to decisions, implementation of policies, and outcomes of the work of the Arab Parliament in the field of human rights, as well as effective communication with the public, and ensuring that all stakeholders have access to information related to the work of the parliament in human rights.

The Fourth Criterion discusses how the Arab Parliament responds to citizens' requests and complaints within a reasonable period.

In addition to these criteria, the study relied on the data and information published on the website of the Arab Parliament as well as the Arab Observatory for Human Rights to gain an understanding of their various activities.

Introduction

Every year, on June 30, the world celebrates the International Day of Parliamentarism, to evaluate the progress made in achieving key objectives, which are intended to help parliaments better represent the communities they serve and keep up with changes, including the ability to conduct self-assessments of the work of parliaments; as well as work to involve women, youth, marginalized, vulnerable groups, and minorities in parliamentary work; and promote the basic rights of citizens. Maat wishes to seize this opportunity to assess the performance of the Arab Parliament in promoting human rights, and to improve the human rights situation of all categories of Arab society.

The Arab Parliament is supposed to play a crucial role in protecting and promoting human rights at the Arab regional level, being a representative body of the League of Arab States. The Arab Parliament is responsible for promoting and defending human rights in the Arab world; ensuring the implementation of laws and policies to protect the rights of all individuals, including ethnic, religious minorities, women, and vulnerable groups; ensuring the states' signature of obligations; raising awareness of human rights issues; advocating legal reforms; as well as making coordinating between national parliaments to protect individuals humans rights, according to the internal framework of the Arab Parliament.



To this end, the Arab Parliament employs various mechanisms and tools, such as standing and ad hoc committees, especially the Committee on Legal Affairs and Human Rights in addition to the Arab Observatory for Human Rights, which is concerned with following up on human rights conditions in Arab countries. Nevertheless, the Arab Parliament endeavors to monitor human rights remain very limited, due to its inefficient performance, absence of stakeholder representation, including CSOs and the absence of a complaint-receiving mechanisms that responds to Arab citizens' demands and complaints, with the difficulty of obtaining some information on its work in the promotion and protection of human rights. The study's outcomes don't indicate a complete failure to fulfill human rights obligations on the part of the Arab Parliament, but rather the need for a reform vision that enhances the role it plays in protecting human rights.

Mechanisms and Tools of the Arab Parliament in the Field of Human Rights

Arab Transitional Parliament was established in December 2005 and tasked with inaugurating the standing parliament's activities that began its work in December 2012. The Arab Parliament has several mechanisms to encourage and protect human rights, topped by the Arab Observatory for Human Rights, as well as the standing committees of Parliament, which discuss, in its meetings, various human rights-related issues to issue guiding laws or reports on human rights, especially the Committee on Legal Affairs and Human Right and the Social, Educational, Cultural, Women, and Youth Affairs Committee in the Arab Parliament. It is worth noting that Parliament lacks the authoritative power to ensure the fulfillment of decisions, laws, and legislation it issues¹.

The Arab Observatory for Human Rights is supposed to carry out a set of main tasks that contribute to the protection and promotion of human rights, topped by keeping track of and documenting the status of human rights in Arab countries. This includes observing the implementation of human rights-related laws passed by various Arab parliaments and councils, monitoring the ratification of international and Arab agreements on human rights matters, assessing the impact of ratifying these conventions in various Arab countries, in addition to working to strengthen the interconnection between the legislative human rights structures in the Arab countries².

In this regard, the Arab Parliament has four standing committees; the Foreign, Political and National Affairs Security Committee; the Economic and Financial Affairs Committee; the Legislative, Legal, and Human Rights Committee; and the Social, Educational, Cultural, Women, and Youth Affairs Committee. Each committee is acting in accordance with specific powers; it studies the issues received from the League of Arab States or the specialized Arab organizations, or the themes it identifies, prepares reports with a set of findings and recommendations, makes technical preparations for hearing

¹ The internal system of the Arab Parliament, <https://bit.ly/3oOfi0f>

² Arab Observatory for Human Rights, <https://bit.ly/42lvFPF>



sessions convened by the Parliament, and discusses the Parliament's proposals on unified guiding draft laws. The themes discussed by the Parliament intersect with many human rights issues, especially with regard to the Legislative, Legal, and Human Rights Committee, and the Social, Educational and Cultural Affairs, Women and Youth Committee in the Arab Parliament³.

The **Legislative, Legal, and Human Rights Committee**, according to the internal system of the Arab Parliament, is responsible for preparing the necessary reports to respond to the reports of international and regional organizations regarding human rights in any Arab country, thus facilitating productive communication between the international human rights community and international and regional human rights organizations and encouraging dialogue between them, which may lead to improvements in the overall human rights situation. The Committee analyzes the human rights status in various Arab countries and formulates recommendations aimed at improving the human rights situation in the Arab world. Furthermore, subcommittees in Parliament are authorized to release statements and reports to advocate and advance human rights⁴.

Parliament holds hearing sessions with the heads of ministerial councils, the Secretary-General of the Arab League, or the heads of Arab organizations, at the request of an ad hoc committee of Parliament, or ten members thereof. The Parliament has the right to question any of these authorities about any issues falling under the Parliament jurisdiction as long as it doesn't undermine the sovereignty of states⁵.

The Arab Parliament utilizes various tools to uphold and promote human rights, but their effectiveness is limited. At the top of these tools are statements, reports, studies, statements, and guiding laws issued by Parliament, aimed at raising awareness of human rights or denouncing human rights violations committed by some parties.

Arab Parliament's Limited Efficiency and Effectiveness in Promoting and Protecting Human Rights

The Arab Parliament issues a number of guiding legislation for laws to protect and promote human rights, as well as human rights statements and reports. However, its competence and ability to address human rights violations in Arab countries remains very limited, as there is a clear failure in monitoring human rights violations in Arab countries as well as a certain disregard for a number of political and civil rights when issuing guiding laws. Its work is sometimes slow in performance and implementation, and it seems that

³ Ibid, The internal system of the Arab Parliament

⁴ Ibid, The internal system of the Arab Parliament

⁵ Ibid, The internal system of the Arab Parliament

its decisions are influenced not independently made given the limited power granted thereto.

The ineffectiveness of the Arab Parliament is primarily due to being an advisory body, it does not have a binding legislative authority, as it approves draft laws referred by the League of Arab States and specialized organizations, and proposes various laws to bridge the gap between Arab legislation in any specific field, provided that these laws are only guiding and the legislative laws in the Arab countries are not applied forcefully⁶.

Sometimes, the Arab Parliament may fail to consider the provisions of international human rights conventions and treaties that states are parties thereto when issues guiding legislative laws on human rights. For example, in January 2020, when the Arab Parliament approved the “death penalty law and guarantees for its application in Arab countries” to serve as a basis for countries when updating their death penalty regulations and guarantees for its application⁷, it did not consider the standards specified in international human rights conventions regarding punishments. Tunisia's parliament objected the law due to its contradiction with the country's constitution, as well as treaties and agreements it has ratified on the application of the death penalty⁸.

In this regard, the guiding laws of human rights conditions issued by the Arab Parliament do not discuss all human rights; it focuses on the economic, social, and cultural rights as well as the rights of the most vulnerable groups, but also disregards political and civil rights. According to the data published on the website of the Arab Parliament, nearly 16 guiding laws were issued on the economic, social, and cultural rights and the rights of the most vulnerable groups, in light of complete disregard for political and civil rights, which were referred to in only two laws, namely the death penalty law and guarantees for its application in Arab countries and the privacy and combating electronic extortion law. Therefore, the Parliament ignores the issuance of various legislations related to the promotion of freedom of opinion and expression, freedom of the media and the press, and other political and civil rights stipulated in the International Covenant on Political and Civil Rights⁹.

⁶ Mudher Abullraheem Abdulhameed . Measuring the Arab Parliament’s institutional development. Department of Economics and Political Science, Cairo University, Giza, Egypt. <https://bit.ly/3XijuSW>

⁷ The Arab Parliament approves a law on the death penalty and guarantees for its implementation in Arab countries, Cairo 24, <https://bit.ly/42F9xXa>

⁸ The Public Legislation Committee and the Committee on Rights and Freedoms hold a joint session on a draft guiding law issued by the Arab Parliament, the Tunisian Parliament page on Facebook, <https://bit.ly/3Xe3vVK>

Reliance was made on the data published on the Arab Parliament’s website regarding publications related to the human rights situation, ⁹ which we can find at the following link <https://bit.ly/3PkpxUL>

For more information, Maat has launched an appendix for these publications, which we can find at the end of the study



In this context, when reviewing the annual human rights reports issued by the Arab Parliament to assess the human rights situation in the Arab world, which are four reports until June 2023, it appears that the reports cover the position of the Arab countries regarding the ratification of international and Arab conventions of the human rights status, explain the challenges preventing human rights protection and discuss the violations committed by the Houthi group in Yemen, the violations committed by the Israeli occupation forces against the Palestinian people and the violations of human rights in Syria. On the other hand, these reports did not monitor the human rights violations to political and civil rights in the Arab countries; thus it failed to address them especially the violations of freedom of opinion and expression, which no information was received about, representing a failure to monitor and document the Arab human rights situation¹⁰.

In this way, the Arab Parliament issued 12 documents to discuss many human rights issues, including the rejection of extremism, terrorism, and racial discrimination to which Muslims are exposed in European countries, as well as the phenomenon of child labor and attempts to reduce it, and the promotion of the rights of women, children, youth, refugees and displaced persons, especially in conflict countries. It is also noted that the documents contain few human rights articles on citizens' political and civil rights, especially those related to the press and freedom of opinion and expression¹¹. The Arab Charter on Human Rights (ACHR) (2020:2023) was the outcome of the attempt to develop Arab mechanisms for human rights. The ACHR discussed the establishment of an Arab Council and an Arab Commission for Human Rights, as well as the development of means to investigate human rights violations and submit complaints. Despite the effective proposals contained in the ACHR issued in 2020, the majority of them remain ink on paper¹².

On the other hand, the Arab Parliament issued approximately 186 media reports highlighting its activities from January 1, 2023, to June 19, 2023. Maat's analysis of the content during that period shows the Parliamentary shortcoming in discussing activities made with regard to political and civil rights compared to an extensive focus on monitoring the violations committed by the Israeli occupation forces in Palestine, supporting the rights of the most vulnerable groups including women and children, supporting some social rights of citizens, praising the human rights steps achieved by the

¹⁰ Report of the Arab Parliament on the state of human rights in the Arab world 2021, Arab Parliament, <https://bit.ly/4688fQN>

¹¹ Reliance was made on the data published on the Arab Parliament's website regarding publications related to the human rights situation, which we can find at the following link <https://bit.ly/3PkpxUL>. For more information, Maat has launched an appendix for these publications, which we can find at the end of the study

¹² Arab Contract for Human Rights, Arab Parliament <https://bit.ly/46f8KZB>

Arab countries and condemning some terrorist incidents¹³. Therefore, the Arab Parliament needs to reconsider the system of rights and freedoms to support and promote them without focusing on specific human rights.

The Arab Observatory for Human Rights is taking slow steps toward the promotion and protection of human rights efforts. For example, on March 30, 2022, the Observatory declared the holding of an expanded conference on human rights in the Arab countries to be launched in the first quarter of 2023. But that conference was later postponed to the end of 2023, which shows the slow pace of the Observatory's work¹⁴.

The Observatory's work of monitoring human rights violations in Arab countries is limited. Maat analyzed the news issued by the Arab Observatory from April 2021 to June 2023, relying on its website and found out that the Observatory ignores the human rights violations committed by Arab countries, especially regarding political and civil rights. The news did not discuss any cases of violations of freedom of opinion and expression or freedom of the press, but rather focused on condemning human rights violations committed by the Israeli occupation forces and questioning international reports issued by human rights organizations regarding the human rights situation in many Arab countries¹⁵. Although the Arab Index for Human Rights was adopted in February 2023, no information about it was made available and it was not reflected in reports or events by the Parliament¹⁶.

Stakeholder Participation in the Work of the Arab Parliament related to Human Rights

The internal system of the Arab Parliament requires its communication with all stakeholders, including civil society organizations, to gain their different views on the guiding laws it issues¹⁷. Nevertheless, there are no specific guidelines issued by the Parliament to clarify how civil society organizations should participate in their lawmaking

¹³Maat relied on the news published on the Arab Parliament website to analyze its human rights performance during the period from January to June 2023, to reveal the shortcomings it suffers from, the site is available on the association <https://bit.ly/46dJOS3>

¹⁴ The Arab Observatory for Human Rights »announces the organization of an annual conference in the Arab countries and launches the Arab Index, Al-Ahram Gate «
<https://bit.ly/3JJeQh5>

¹⁵ All news related to the work of the Arab Observatory, which is available on its website from April 2021 until the end of June 2023, was analyzed. <https://bit.ly/44anhE3>

At the end of the study, Maat launched a special supplement to these news, which includes a list of them

¹⁶ Adoption of the Arab Index for Human Rights and the establishment of a legislative database The most prominent results of the meeting of the Monitoring Committee of the Arab Observatory for Human Rights «
<https://bit.ly/3pf6mBa>

¹⁷ The internal system of the Arab Parliament, reference previously mentioned

work, particularly those related to the human rights situation¹⁸. Despite the Parliament's use of some stakeholders to discuss and exchange views when approving unified laws, the representation of civil society organizations is still absent and ineffective. For example, when the Parliament approved the guiding law on the death penalty law and guarantees for its application in Arab countries, no information was mentioned about the Arab civil society organizations that participated in drafting the law, whether about their number, the inputs they made, and their representation from various Arab countries¹⁹.

Similarly, when the Arab Observatory drafted the elements of the Arab Index for Human Rights in February 2023, no reference was made to the mechanisms through which civil society organizations participate in the index drafting or the number of organizations participating in its formulation and the type of interventions they carried out²⁰. Maat stresses that the Arab Parliament can play a democratic role in supporting, promoting, and protecting human rights in the region only through democratic consultation and cooperation with civil society organizations.

In this regard, there are no and tools indicators issued by the Arab Parliament to assess the Arab people's opinions on human rights-related issues, whether through surveys or electronic petitions. Effective communication processes by citizens, exceptionally the less fortunate, the most vulnerable, and the poor, need to be developed to ensure the representation of all Arab groups in the decisions issued by the Arab Parliament²¹. The tools used by the Arab Parliament to represent the various groups in the laws issued by it to achieve consensus and ensure full representation and participation were not clear to Maat.

Transparency and Availability of Information on the Work of the Arab Parliament in Promoting Human Rights

Although all sessions of the Arab Parliament are broadcasted through television channels and are available on the websites of the Parliament and the Arab Observatory, some information is hardly accessible and is not constantly updated. There is also a lack of transparency in drafting guiding laws processes, with websites only publishing a final copy of the laws after their issuance, whereas the stages of discussing laws remain behind closed doors; thus, people remain ignorant of the stages of the emergence and development of human rights laws within the Arab Parliament. Likewise, civil society

¹⁸ Measuring the Arab Parliament's institutional development .ibid

¹⁹ The guiding law on the death penalty and guarantees of its application in the Arab countries, the Arab Parliament, this document did not include reference to information on civil society organizations, <https://bit.ly/3CCrnZW>

²⁰ Adoption of the Arab Index for Human Rights and the establishment of a legislative database The most prominent results of the meeting of the Monitoring Committee of the Arab Observatory for Human Rights <https://bit.ly/3pf6mBa>

²¹ Measuring the Arab Parliament's institutional development .ibid

organizations do not have any information that allows them to intervene during the adoption of laws to represent marginalized groups that reflect their different opinions²².

In March 2023, news reports indicated that the Arab Parliament is preparing an Arab guide for developing the prison system in Arab countries²³. On the other hand, the official website of the Arab Parliament mentioned nothing about that guide, including the information it contains, and how civil society organizations participate in various special consultations of preparation. It is a clear example of the absence of transparency and the inability to access information on draft decisions and laws that the Arab Parliament discussed.

On February 28, 2023, the Arab Observatory for Human Rights approved the sub-indicators of the Arab Index for Human Rights, explaining that its preparation was based on the international human rights conventions. However, the Observatory did not clarify any details about how to use them in the future, the meetings witnessed their formulation, as well as the participant experts or civil society organizations. This is a frequent pattern repeated during the work of the Arab Parliament and its human rights mechanisms, which do not mention sufficient information about their human rights work, and just issue the outcome²⁴.

On the other hand, many examples illustrate the absence of documents related to human rights decisions or documents issued by the Arab Parliament. For example, the Arab media reported that the Arab Parliament issued a "guideline for supporting the work of Arab parliaments on human rights issues" in February 2020. But the guide is not available on the website²⁵.

In the same context, in July 2018, the Arab Parliament issued a resolution rejecting the Houthi militia's forced recruitment of children in Yemen and their use as human shields in armed combat. However, Maat was unable to view the full text of the decision because it was not available on the website of the Arab Parliament. It was only cited in the fourth issue of the Arab Parliament Magazine, published in October 2019. In this context, Maat demands that all decisions and laws issued by the Arab Parliament be made available on its website, provided that this includes the availability of documents related to decision-making consultations within Parliament in written form²⁶.

²² The website of the Arab Parliament does not provide information on the consultations and process of making laws, the website of the Arab Parliament <https://bit.ly/3PkpXUL>. The same applies to the Arab Observatory for Human Rights website <https://bit.ly/42SiLc2>

²³ President of the Arab Parliament The Egyptian experience will represent the main icon for the development of prisons in the Arab world, Al-Ahram, <https://bit.ly/3CyxzID>

²⁴ Adoption of the Arab Index for Human Rights, and the establishment of a legislative database, the most prominent results of the meeting of the Monitoring Committee of the Arab Observatory for Human Rights, reference previously mentioned.

²⁵ The Arab Parliament approves the parliamentarians' guide in the field of human rights, Akhbar Al-Youm, <https://bit.ly/3OSgKJK>

²⁶ The fourth issue of the Arab Parliament Magazine, <https://bit.ly/43NEhZU>



Ineffectiveness of Complaints and Requests Mechanisms within the Arab Parliament

There are no clear mechanisms within the Arab Parliament that allow citizens to submit individual complaints about the human rights violations they are exposed to. Access to effective remedies and compensation is not available within the Arab Parliament; therefore, accountability for many human rights violations remains elusive. For this reason, Maat recommends developing mechanisms that allow citizens to have direct access to the bodies of the Arab Parliament responsible for promoting human rights.

Reform Vision to Enhance the Role of the Arab Parliament in the Implementation of Human Rights

It seems that the Arab Parliament suffers from thorny obstacles that prevent it from carrying out its work in promoting and protecting human rights, topped by the lack of many powers in legislation related to laws and in monitoring the work of governments related to human rights, in addition to the poor coordination between it and civil society organizations and their lack of representation in the decisions and actions of Parliament. Another challenge is the lack of transparency and the inability to access information, especially when preparing various guiding legislation for laws. In addition to ignoring political and civil rights in the work of the Parliament of human rights, the absence of clear mechanisms for submitting individual complaints about human rights violations that individuals are exposed to. For the Arab Parliament to play its role in promoting and protecting human rights, Maat proposes a reform vision that can be discussed and developed with Arab civil society organizations and with the bodies of the Arab Parliament. It is based on many pillars that may contribute to improving the Arab Parliament's response to human rights issues, which are:

First: The need to establish a serious and time-bound dialogue between civil society organizations, members of the Arab Parliament, and activists in human rights about the role that the Arab Parliament should play in promoting and protecting human rights, and drafting amendments that lead to full access to that role, provided that this process includes the participation of Arab citizens via various electronic forums to promote the process of consensus.

Second: It is necessary for the Arab Parliament to form a parliamentary committee that reviews all guiding laws issued by it to ensure their compliance with international human rights standards stipulated in international and regional treaties.

Third: There is also a need to set guidelines to ensure the participation of civil society organizations in all work related to the Arab Parliament through mechanisms

that guarantee their effective participation and ensure transparency in dealings between the two parties.

Fourth: In the context of monitoring the implementation of international human rights obligations on Arab countries, the Arab Parliament must encourage countries to activate the role of parliamentary committees within Arab countries to monitor public human rights complaints and repeated violations within countries to deal with them and find out their causes instead of ignoring them, and to coordinate with each other, some to address repeated human rights violations while transferring successful human rights experiences and circulating them to countries with similar human rights conditions.

Fifth: It is necessary to conduct a review of the role of the Arab Observatory for Human Rights and its mechanisms of action through a joint committee of representatives of the Arab Parliament and law enforcement bodies and agencies in the Arab countries to activate the role of the Observatory under strong human rights tools.

Sixth: The need to adopt mechanisms and tools that allow individual complaints within the Arab Parliament; it aims to address individual grievances, prevent impunity, and identify crimes permitted to submit complaints at the Arab level in coordination with human rights committees and bodies in countries.

Seventh: Presenting information related to the performance of the work of the Arab Parliament in a transparent manner, with the possibility of accessing all information of the preparation of its reports and the various guiding laws at their various stages, especially the decisions and laws that the Arab Parliament is currently discussing. All documents of previous laws and decisions and their deliberations should be made available on the website with support for all parties' rights to obtain information.

Eighth: There is an urgent need for electronic platforms to receive citizens' human rights requests and suggestions, especially those related to laws issued by the Arab Parliament, to achieve consensus among all parties and stakeholders.

Ninth: Civil society organizations should study successful international experiences and regional human rights mechanisms that enhance the process of reforming the human rights system of the Arab Parliament.

Tenth: The need to establish mechanisms and an action plan to put the ideas and visions, presented in the ACHR 2020: 2030 issued by the Arab Parliament in June 2020, into practice.