



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية – المتوسطية لحقوق الإنسان

**EMHRN Freedom of Association Working Group – Third meeting
23 and 24 May 2008, Cairo, Egypt
Minutes**

Participants : Ali Amar (Moroccan Association for Human Rights), Abdeljalil Baddou (Moroccan Organisation for Human Rights), Khalid Belkoh (Espace Associatif), Panayote Dimitras (Greek Helsinki Monitor), Moataz El Fegier (Cairo Institute for Human Rights Studies, EMHRN EC member), Nahla Mohammad (Cairo Institute for Human Rights Studies), Osman Isci (Human Rights Association), Anne-Laurence Lacroix (World Organisation Against Torture), Danial Saoud (CDF), Marc Schade-Poulsen (EMHRN Executive Director), Thibaut Guillet (EMHRN Secretariat), Anosha Ahmadi (EMHRN Secretariat).

Guests: Kamal Abbas (Centre for Trade Union and Workers Services), Stéphanie David (FIDH), Mona Ezzat (The New Woman Research Center), Amira Hussein (Friedrich Naumann Foundation for Liberty), Tarek Khater (Association for Human Rights Legal Aid), Dina Shehata (Al Ahram Center for Strategic Studies – Club de Madrid partner),

Absents with notice: Iain Byrne (Interrights, and Political Referent of the FoA Working Group), Khémaïs Chammari (EMHRN Individual member), Lis Dundhale (Danish Institute for Human Rights), Omar Mestiri (National Council for Freedoms in Tunisia), Jan de Vries (Humanist Committee on Human Rights), Ghassan Moukheiber (MP Lebanon).

Session 1: Welcome, Presentation and agreeing on the objectives of the seminar

Marc Schade-Poulsen welcomed the participants and reviewed the agenda, which was approved by all the members. He enumerated the Working Group members who could not attend the meeting and remarked that it was the first time in the history of the network that so many working group members were absent during a working group meeting. The participants then introduced themselves.

- Update from the EMHRN Secretariat

Thibaut Guillet informed the Working Group members that Birgit Lindsnaes had resigned from her position of Political Referent for the working group and Kamel Jendoubi, the EMHRN President, officially asked Ian Byrne to take the position. In addition, Abdeljalil Laroussi has resigned from his position at the Espace Associatif, and therefore from his position of Chairperson of the EMHRN Freedom of Association Working Group. Thibaut mentioned that Panayote Dimitras was ready to take up the presidency of the group, and it was agreed to give participants time to consider this suggestion, but regrettably the topic was not discussed again at the meeting. Khémaïs Chammari has been integrated to the Working Group, but he could unfortunately not attend the meeting.

The **EMHRN** (Euro-Mediterranean Human Rights Network) gathers more than 80 human rights organizations, institutions and individuals based in 30 countries around the Mediterranean. It works to promote and protect human rights within the framework of the Barcelona Process and the co-operation between the European Union and the Arab world.

Regarding the Second EMHRN Review, Thibaut Guillet informed the participants that the Steering Committee held a meeting through a conference call earlier in March, and an outline had been drafted for the second review on Freedom of Association in the Euro-Mediterranean region. TOR for consultants to conduct researches and draft the report had been written, and the calls for applications have been launched on the EMHRN website. The EMHRN already received some applications for these assignments. The consultants for the second EMHRN Review will be hired soon and will be in touch with the WG members in the forthcoming days and weeks.

Other activities consisted in improving links and relationships with other organisations. More precisely, links were reinforced with the Friedrich Naumann Foundation (which held an important meeting in January) and the Club of Madrid, which held a meeting in Jordan attended by Marc Schade-Poulsen. In addition, the project issued two newsletters and solidarity actions were undertaken to support Ethem from IHD, Panayote Dimitras from GHM, Omar Mestiri and Sihem Bensedrine, CTUWS and AHRLA, and Khémaïs Chamhari.

Finally, whilst in Cairo, the FoA Project Coordinator met with the EU Delegation and Egyptian NGOs. Marc Schade-Poulsen met with the Ministry of Social Solidarity and Social Affairs and the Ministry of Legal Affairs. Marc Schade-Poulsen indicated that a meeting between the EU delegation in Cairo and 15 Egyptian NGOs was organised on Monday 26 May.

Session 2: Monitoring the freedom of association in the EuroMed region- Latest news from the field (Moderator: Marc Schade-Poulsen)

- Update from Turkey, Osman Isci

With regards to the situation of Freedom of Association in Turkey, Osman Isci reported the case of the Lambda Istanbul, an association defending the rights of homosexuals. This association has been subject to harassment from part of the authorities, and has been prosecuted. The next hearing is to take place on 29 May. During 2007, 13 organisations have been closed down in Turkey – although there is an ongoing court case to close down IHD Mersin Branch, it is still open and carries out its activities (the next hearing related to this case is planned for 6 June). Osman Isci also mentioned the case of Mr. Ethem Açıklın, Chairperson of the IHD branch in Adana, who is now in prison in Adana. A board member and a former administrative member of the IHD are also in prison at present, a third staff has been condemned to community activities. In addition, on 1 May, police forces attacked demonstrations which were held legally. Osman Isci also mentioned the use of paragraph 1 of the Article 301 of the Turkish Penal Code, stating that whoever would question the sovereignty and reputation of Turkey could be imprisoned from 1 to 3 years, thus representing a serious hindrance to Freedom of Expression. Finally, Osman Isci alerted the participants on the fact that Turkey witnesses a setback since 2005. From 2002 to 2005, progress had been made, the death penalty had been abolished and the ban on speaking minority languages was repealed. However, since 2005, all developments stopped, and the situation worsened.

- Update from Syria, Danial Saoud

An Emergency state is in place in Syria since 1963. All meetings held by Syrian associations must be attended by two representatives from the Ministry of Social Affairs, and associations are subject to interference in their fundraising matters. No human rights association in Syria is registered despite having applied, therefore these human rights associations are working illegally. Regarding the registration of associations, Danial Saoud mentioned that one organisation has been licensed and declared as a private legal company (an association of Kurds living in Northern Syria).

- Update from Morocco, Ali Amar, Abdel Jalil Baddou, and Khaled Belkoh

Three political parties have been banned in Morocco after a public prosecution (one of them is accused of terrorist acts). Abdel Jalil Baddou underlined the positive changes in Morocco. Nevertheless, Moroccan

authorities still interfere in the affairs of a few NGOs. Mr. Baddou mentioned the case of a political party, whose representative was accused of terrorism and led to administrative procedures and finally to the dissolution of the political party “Badil-Hadari”. In addition, the Nation’s Party was dissolved as some political parties with Islamic tendencies are not recognized by the authorities. Another political party called the “Amazigh” party was dissolved by the judiciary, on the grounds that according to the Moroccan Law, no party can be founded on religious or racial ground (it was claimed that this party was promoting racial discrimination). Finally, Mr. Baddou mentioned the OMDH’s initiative to establish a special court for human rights in Morocco, which is a project aiming at establishing a special mechanism to deal with all human rights violations. Khaled Belkoh added some information on the case of his own organisation, Espace Associatif, which received no documentation with regards to its registrations and which is not recognized legally. Espace Associatif has submitted a file, which remains without response. The organisation is therefore perceived as not registered, and has been banned from receiving funding. Mr. Belkoh also denounced the favouritism shown by the authorities in terms of the allocation of funding to associations.

- **Update from Greece, Panayote Dimitras**

Panayote Dimitras mentioned a decision from the ECtHR concerning the conviction of Greece for having failed to recognize or having dissolved two associations formed by the Turkish minority. The association dissolved was formed in the 1930s. While another association of Turkish women was refused registration because the use of the term “Turkish” was considered as referring to Turkish citizens rather than the (non-existent for Greece) Turkish minority.. It was also announced that the European Court for Human Rights would hear a case of refusal of registration of a Bulgarian minority association by Macedonia in June. Associations representing minorities in Greece are not tolerated by the authorities and the Greek Helsinki Monitor face harassment and difficulties generated by the Greek authorities. In addition, Panayote Dimitras denounced the neo-Nazi party present in the Greek Parliament, leading to the Parliament questioning the GHM financial obligations in terms of tax payment and initiating a criminal investigation. Finally, Panayote Dimitras stressed that, every spring, all special procedures publish a report on human rights defenders violations by Greece including recommendations.

- **Update from the UN, Anne-Laurence Lacroix**

Anne-Laurence Lacroix highlighted the adoption of the Code of Conduct regulating the UN Special Procedures, a project initiated by Algeria in the name of the African Group at the UN Human Rights Council aimed at undermining the independence of these international human rights mechanisms. She pointed out some of the provisions aimed at restricting actions taken by the mandate-holders, notably in terms of circulation of urgent appeals (only in cases of violations that are life-threatening and involving imminent or ongoing damage of very grave nature to victims, and via diplomatic channels). Finally, Anne-Laurence Lacroix mentioned the launch of the report by the Observatory of Human Rights Defenders on 19 June in Geneva and Paris.

Session 3: Focus on Egypt: current situation and civil society actions in this regard (moderator: Marc Schade-Poulsen)

Tarek Khater (AHRLA) took the opportunity to draw the attention on the fact that the Egyptian government is currently working on a draft law on associations in Egypt, on which NGOs have not been consulted. There are currently three initiatives undertaken by the Egyptian Civil Society to counter the draft law produced by the Government (the CIHRS, the EOHR and the United Group are currently working on an alternative draft law). Tarek Khater indicated that upon his return from the last WG meeting in Brussels in December last year, he diffused the first EMHRN Review amongst journalists, who then echoed the report in the media. Tarek Khater indicated that the report had been fruitful as many international organisations then started to focus on Egypt. Besides, Tarek Khater stressed that the strike which took place on 6 April demonstrated that the current regime could not rule without an emergency rule or counter-terrorism law. He considers that there is definitely a setback in Egypt with regards to Freedom of Expression, and this can be represented by the arrest of Ibrahim Essa,

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Editor in Chief of an Egyptian newspaper, with the justification that he was threatening national security (he had only mentioned in his newspaper that the Egyptian President might be sick). Nevertheless, Tarek Khater laid the emphasis on the fact that, amidst the difficulties lived by his Egyptian civil society, this experience has actually added to their diversity and richness, as the number of human rights organisations in Egypt has rose from 13 to 62.

Kamal Abbas from the Center of Trade Union and Workers Services (CTUWS) pointed at the difficulty to have Freedom of Association respected by the authorities. He emphasized on the fact that there was a very good formulation of trade union laws, but in practice these are not implemented and respected by the government. Mr. Abbas also mentioned the case of its organisation, the Center of Trade Union and Workers Services, which had been struggling since 2007 with the Government. The Administrative Court of Cairo has recently issued a judgement in favour of CTUWS but this has not been implemented yet.

Mona Ezzat from the Egyptian Campaign for Freedom of Association also alluded to the paradox between law and practice, and denounced the violations of freedom of associations perpetrated against several associations in Egypt. Her organisation has recently issued a report on cases of violations of Freedom of Association. Mona Ezzat evoked the legal campaign for Freedom of Association, and the need to have cooperation within the organisations community.

Session 4: Discussions on how to react in case of violation of Freedom of Association in the region (Moderator: Panayote Dimitras)

Discussions on the discussion paper “Adoption of an urgent mechanism in the case of violations of Freedom of Association”:

- Some members expressed concerns with regards to the issue of duplication of such a mechanism. As the targets of the Observatory for Human Rights Defenders and the EMHRN will be the same, there will be need for further coordination.
- It was stressed that criticisms addressed by international organisations were listened to by the Egyptian government, and the latter would promptly reply when foreigners raise their voices. Some participants said that this mechanism of communication with the government is essential and letters could be sent to the Ministry of Solidarity and Social Affairs.
- Some members underlined that urgent appeals from the Observatory on Human Rights Defenders are not translated into Arabic. Some members consider that actions taken by the EMHRN are particularly rapid.
- There is a need to balance the workload, and not to have the Secretariat do all the job. In case of any violations, the WG members should report to the EMHRN Secretariat, who can forward the information to the Brussels office, which can take further action when it comes to the EU commission. WG members such as CIHRS or OMCT can also submit an intervention to the UN Special Rapporteur on Human Rights Defenders.
- One added value of the EMHRN is its report on the situation of Freedom of Association in the EuroMed region. The EMHRN could contact the other organisations involved in the same field, and check if they intend to have an urgent action on this case. The added value of the EMHRN would be to seek the information and coordinate with other organisations. In addition, the EMHRN’s added value consists in its work in addressing the EU mechanisms as well as its bilateral relations with the South-Mediterranean countries.
- It has been suggested to approach the Arab League in order to raise awareness and to promote Freedom of Association. In addition, it has been advised to limit the actions to the scope of Freedom of Association (which is different from human rights defenders).
- It has been stressed that it is essential to make sure that members of the EMHRN which are harassed feel supported.

DECISIONS

Working Group members agreed to recommend on having an urgent mechanism within the EMHRN in the case of violations of Freedom of Association and of support to local campaigns; however there it has been stressed the need to further elaborate the details in terms of avoiding duplication, regarding the categorisation of cases of violation as well as the scope of work. In addition, it has been stressed that the added value of the EMHRN is to promote synergies between different organisations, as well as bringing expertise as it is specialised in the region and on Freedom of Association. WG members are requested to transmit their ideas to further elaborate the mechanism to the EMHRN Secretariat.

Session 5: Final findings of the Steering Committee for the 2nd Review (Moderator: Anne-Laurence Lacroix).

During this session, the general outline of the second EMHRN Review on Freedom of Association defined by the Steering Committee following its meeting on 14 March and the Action plan and time schedule drafted by the EMHRN Secretariat were presented.

Discussions and comments

- The role of the WG members in sending updated information was stressed as being vital for the 2nd Review.
- Members stressed the need to find the linkage between the first and the second review.
- The review must raise awareness on the efficiency of the judiciary system into place in the related countries.
- It was suggested to use the colour code to measure progress and setbacks of freedom of association,
- One participant suggest to include more information in footnotes throughout the report indicating links where information is available on judgements
- The EMHRN Secretariat informed the WG members that 3 ressource-persons have been identified so far to draft the chapters on Jordan, Syria and Turkey.
- Ali Amar committed to take the lead amongst the Moroccan WG members, coordinate and send an update on the implementation of recommendations included in the first review to the Secretariat.
- Danial Saoud suggested that the WG members should have a look at the draft report before its finalisation.

DECISIONS

All WG members are invited to send updated information (from September 2007 to date) on the Freedom of Association in their countries. The information should be sent by Working Group members from 1 June 15 July. The role of the WG members in sending updated information was stressed as being crucial and the WG members are also given the responsibility to contact grass-root organisations within their countries. The timeframe related to the action plan for the second review has been approved: the consultation process to submit comments will start the 15 August and will last 2 weeks.

Session 6: Discussions about the recommendations, methodology and future actions to be undertaken once the report is finalized

- Abdel Jalil Baddou said that the recommendations related to Morocco from last year were still relevant; He stressed that if there are good laws in Morocco, the issue lays in the implementation and interpretation of the law. It was suggested that Mr. Baddou, in cooperation with other Moroccan members of the WG, drafts the recommendations so that it can be added to what already exists.
- Danial Saoud proposed to send recommendations related to Syria, by taking into consideration the political side of the work undertaken by Syrian Human Rights activists.
- Osman Iscis underlined that the recommendations related to Turkey are still valid.
- Regarding the recommendations related to Egypt, the interference of security authorities in holding meetings should be more highlighted.
- Moreover, it was suggested to take into consideration the recommendations of the United Nations issued by the Human Rights Committee and Human Rights Council in their reports while drafting the recommendations in the second review. Finally, it was suggested to have a map with colours indicating the respect of Freedom of Association by the authorities in the countries concerned.
- Concerning future actions to be undertaken once the report is finalized: It has been considered that Brussels would be a relevant venue for the next WG meeting and for the release of the second review on FoA in the EuroMed region (planned in the beginning of November), due to the fact that the media and the EU institutions are in Brussels. However, it has been convened that it was too early to make a final decision on this point (it was suggested that if there were any new development with regards to Freedom of Association in one of the Southern-Mediterranean countries, it would be useful to hold the event in the country concerned; it was also suggested to consider other events such as the Civil Forum meeting of NGOs in France at the end of October).
- In terms of further steps, it is important to organise side-events such as meeting the authorities (embassies, ministries, representatives from the EU...) of the countries studied in the second review. In addition, the report should be sent to the UN Special Rapporteur on Human Rights Defenders including a letter signed by the WG members. Besides, a side-event could be organized in Geneva, and events organized by the Club de Madrid and the Friedrich Naumann Foundation could be used to distribute the report.

DECISIONS

It was agreed that recommendations on Egypt, Turkey, Syria and Morocco were still valid, and they would only need to be lightly complemented. Mr. Amar, Mr. Baddou and Mr. Saoud will be in touch with the EMHRN Secretariat to draft the Recommendations of the 2nd Review.

It has been agreed to wait and observe further developments with regards to Freedom of Association in the region before convening the venue of the next WG meeting which will correspond to the launch of the second FoA review. 15 November was set as an indicated date for the meeting.

Session 7: Matching experiences with regard to Freedom of Association

Amira Hussein presented the initiatives of the Friedrich Naumann Foundation in Egypt, one of them consisting in establishing a coalition of NGOs against the draft law produced by the Egyptian government. This initiative is separate from the campaign for Freedom of Association mentioned earlier by Mona Ezzat, but both initiatives are complementary. The Friedrich Naumann Foundation held a series of workshops to involve NGOs in the

discussions related to the amendments of the law, and the objective of the coalition of NGOs at present in to have a more democratic law on NGOs.

Dina Shehata presented the project implemented by the Club de Madrid on Democracy, Dialogue and Freedom of Association. The Club the Madrid initiated joint communications with NGOs and authorities in 6 Arab countries, in which it plays a role of moderator. With regards to Egypt, Dina Shehata mentioned that a delegation would come to Egypt in October and then in December, to meet with Egyptian NGOs and authorities. The Club de Madrid intends to combine all parties and to promote a common vision about supporting Freedom of Association in Egypt.

Discussions on synergies between the Friedrich Naumann Foundation, the Club de Madrid and EMHRN:

- According to the Friedrich Naumann Foundation, the EMHRN is more able to interact with the Governments, and meet with authorities at the highest level. In addition, the EMHRN can put pressure on the Government through the data compiled as well as press releases.
- Dina Shehata suggested establishing coalitions to implement recommendations towards the respect of Freedom of Association.
- It was recommended that the EMHRN Working Group members ensure synergies after the publication of the report and re-launch the respective parts of the part related to their countries through press conferences and events at the local level.
- For Morocco, it was suggested to organise a seminar on the implementation of the recommendations. Ali Amar also suggested organizing meetings with parliamentarians.
- In the case of Syria, it was stated by Danial Saoud that putting pressure on the Syrian government would be of no use. However, what can be beneficial is to provide support to human rights activists and defenders. The other action that could be taken would be to ask the Syrian authorities to allow international organizations to implement activities inside Syria, as human rights defenders are usually banned from leaving the country. Some members suggested taking actions before the UN or the EU. However, Danial Saoud reminded that interference from abroad would be seen as touching the sovereignty of Syria.
- With regards to Europe, issues related to the problem of minority organisations which were denied registrations in some countries should be raised at the level of the EU authorities.

DECISIONS

It has been decided to take specific measures towards the implementation of the recommendations included in the second review. These measures must be studied before the launch on the review on a case by case basis and in the view of national specificities. A strategy with various stakeholders will have to be established in cooperation with each WG member. For example, it has been suggested to organize meetings with parliamentarians in Morocco, with representatives of international organizations (UN, EU) to alert them on the situation in Syria, with representatives of the Council of Europe for the violation cases related to Freedom of Association in Greece.

CIHRS meeting “Towards Endorsing Freedom and Independence of Non-governmental Organisations in Egypt”, 25 May, Cairo, Egypt.

This meeting was jointly organized by EMHRN and CIHRS and aimed at exchanging experiences between the Arab and European perspectives and to analyze the general context of Freedom of Association in Egypt. In this context, Marc Schade-Poulsen presented the EMHRN and its work related to the promotion of FoA in the Euromed region. In addition, Thibaut Guillet made a presentation on best practices related to Freedom of Association outside the Arab World.

One of the main components of the meeting aimed at discussing the draft law on NGOs in Egypt produced by Hesham AlBastawesy on behalf of CIHRS. The main discussions on the draft law were the following:

- Concerns were raised regarding the submission of multiple draft laws by Civil Society to the Government instead of one consolidated proposal.
- Some remarks on the draft law were made to M. AlBastawesy:
- Article 19 states that *all persons, bodies, or institutions may have access to all books and records of an association upon submission of a request to the competent employee of the association showing the list of records needed and the reasons therefore*. Some participants suggested that all persons, bodies or institutions should not have access to the financial records of organization in order not to put the organization at the mercy of everyone. In addition, this article mentions that the organization should answer to the query within 3 days and it was considered that this delay was too short for some organizations, which might not have the human resources and the capacity to provide an answer so quickly.
- Article 25 regarding the dissolution of associations might seem arbitrary as it states that *any person might request the dissolution*. It has been stressed that dissolutions of organisations should not be declared before the final ruling from the Court.
- Another concern was raised regarding Article 3 which mentions that *no objectives of associations might be in contradiction with public order or morals*. This would not respect the rights of minorities such as national minorities or sexual minorities. Hesham AlBastawesy was strongly opposed to the latter, as he considered that sexual orientation minorities did not exist in Egypt, and that homosexuals are sick persons who require treatment and should not have rights. He added that in some Gulf countries homosexuals are executed in secret while in Egypt at least they are given the right to life. He considered that the moral and religious norms in Egypt did not allow to introduce this type of right at present, and this might be possible to do so in ten years or more. This provoked strong reactions from part of some WG members, two of whom Panayote Dimitras and Anne-Laurence Lacroix walked out in protest after recalling that basic rights and freedoms included in the Universal Declaration of Human Rights were applied to all individuals “*without distinction of any kind, such as race, color, sex, language, political or other opinion, national or social origin, property, birth or other status*”, and therefore no distinction could be made.