



International Law of Freedom of Association in the Arab World

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This document contains excerpts from international legal instruments that relate to the freedom of association and are applicable to the twenty-two countries that are members of the League of Arab States. Note that although Palestine is a member of the Arab League and has received “observer” status at the United Nations, it is not yet recognized as a state by the UN and thus cannot sign or ratify any international treaty.¹

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* The non-treaty instruments included here were adopted unanimously by the General Assembly of the United Nations. Some provisions of these instruments are now considered to form customary international law.

¹ See General Assembly Resolution 3237, UN Doc. A/RES/3237 (22 November 1974) (establishing the “Palestine Liberation Organization” as an observer to the UN) and General Assembly Resolution 43/177, UN Doc. A/RES/43/177 (15 December 1988) (changing the designation of the Palestinian observer from “Palestine Liberation Organization” to “Palestine”).

I. Universal Declaration of Human Rights²

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

II. Declaration on Human Rights Defenders³

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

III. International Covenant on Civil and Political Rights⁴

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or

² Adopted by General Assembly Resolution 217a (III) of 10 December 1948. Source: <http://www.ohchr.org/english/about/publications/docs/fs2.htm>.

³ Adopted by General Assembly Resolution A/RES/53/144 of 8 March 1999. Source: <http://www.ohchr.org/english/issues/defenders/declaration.htm>.

⁴ Entry into force 23 March 1976; adopted by the General Assembly in Resolution 2200a (XXI) of 16 December 1966. Source: <http://www.ohchr.org/english/law/ccpr.htm>.

public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Arab states not ratifying: Comoros, Oman, Palestine, Qatar, Saudi Arabia, UAE.

Arab states ratifying (date)⁵: Algeria (12 September 1989), Bahrain (20 September 2006), Djibouti (5 November 2002), Egypt (14 January 1982), Iraq (25 January 1971), Jordan (28 May 1975), Kuwait (21 May 1996), Lebanon (3 November 1972), Libya (15 May 1970), Mauritania (17 November 2004), Morocco (3 May 1979), Somalia (24 January 1990), Sudan (18 March 1986), Syria (21 April 1969), Tunisia (18 March 1969), Yemen (9 February 1987).

Applicable Reservations:

[None]

IV. First Optional Protocol to the International Covenant on Civil and Political Rights⁶

Article 1

A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

⁵ Source: <http://www.ohchr.org/english/countries/ratification/4.htm>.

⁶ Entry into force 23 March 1976; adopted by the General Assembly in Resolution 2200a (XXI) of 16 December 1966. Source: <http://www.ohchr.org/english/law/ccpr.htm>.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Arab states *not* ratifying: Bahrain, Comoros, Egypt, Iraq, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Sudan, Syria, UAE.

Arab states ratifying (date)⁷: Algeria (12 September 1989), Djibouti (5 November 2002), Libya (16 May 1989), Somalia (24 January 1990).

Applicable Reservations:

[None]

V. International Covenant on Economic, Social, and Cultural Rights⁸

Article 8

1. The States Parties to the present Covenant undertake to ensure:

- (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection

⁷ Source: <http://www.ohchr.org/english/countries/ratification/5.htm>.

⁸ Entry into force 3 January 1976; adopted by the General Assembly in Resolution 2200a (XXI) of 16 December 1966. Source: http://www.unhchr.ch/html/menu3/b/a_ceschr.htm.

of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Arab states *not* ratifying: Bahrain, Comoros, Mauritania, Oman, Palestine, Qatar, Saudi Arabia, UAE.

Arab states ratifying (date)⁹: Algeria (12 December 1989), Djibouti (5 February 2003), Egypt (14 April 1982), Iraq (3 January 1976), Jordan (3 January 1976), Kuwait (21 August 1996), Lebanon (3 January 1976), Libya (3 January 1976), Morocco (3 August 1979), Somalia (24 April 1990), Sudan (18 June 1986), Syria (3 January 1976).

Applicable Reservations:

Algeria: "...The Algerian Government interprets the provisions of article 8 of the Covenant on Economic, Social and Cultural Rights and article 22 of the Covenant on Civil and Political Rights as making the law the framework for action by the State with respect to the organization and exercise of the right to organize."

Kuwait: "The Government of Kuwait reserves the right not to apply the provisions of article 8, paragraph 1 (d)."

VI. International Labor Organization Convention No. 87¹⁰

Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Arab states *not* ratifying: Bahrain, Djibouti, Iraq, Jordan, Lebanon, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, UAE.

Arab states ratifying (date)¹¹: Algeria (19 October 1962), Comoros (23 October 1978), Egypt (11 June 1957), Kuwait (21 September 1961), Libya (4 October 2000), Mauritania (20 June 1961), Syria (26 July 1960).

Applicable Reservations:

[UNKNOWN]

⁹ Source: <http://www.unhchr.ch/pdf/report.pdf>.

¹⁰ Entry into force 4 July 1950; adopted by the General Conference of the International Labor Organisation at its thirty-first session. Source: http://www.unhchr.ch/html/menu3/b/j_ilo87.htm.

¹¹ Source: <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C087>.

VII. International Convention on the Elimination of All Forms of Racial Discrimination¹²

Article 5

1. In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

[...]

- (d) Other civil rights, in particular:

[...]

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

[...]

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Arab states not ratifying: Djibouti, Palestine

Arab states ratifying (date)¹³: Algeria (14 February 1972), Bahrain (27 March 1990), Comoros (27 September 2004), Egypt (1 May 1967), Iraq (14 January 1970), Jordan (30 May 1974), Kuwait (15 October 1968), Lebanon (12 November 1971), Libya (3 July 1968), Mauritania (13 December 1988), Morocco (18 December 1970), Oman (2 January 2003), Qatar (22 July 1976), Saudi Arabia (23 September 1997), Somalia (26 August 1975), Sudan (21 March 1977), Syria (21 April 1969), Tunisia (13 January 1967), UAE (20 June 1974), Yemen (18 October 1972).

Applicable Reservations:

Bahrain: "With reference to article 22 of the Convention, the Government of the State of Bahrain declares that, for the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the express consent of all the parties to the dispute is required in each case."

Iraq: "...the Government of the Republic of Iraq does not consider itself bound by the provisions of article twenty-two of the Convention afore-mentioned and affirms its reservation that it does not

¹² Entry into force 4 January 1969; adopted by the General Assembly in Resolution 21066 (XX) 2 of 21 December 1965. Source: <http://www.ohchr.org/english/law/cerd.htm>.

¹³ Source: <http://www.ohchr.org/english/countries/ratification/2.htm>.

accept the compulsory jurisdiction of the International Court of Justice provided for in the said article."

Kuwait: "...The Government of the State of Kuwait does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any party to the dispute, to be referred to the International Court of Justice for decision, and it states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice."

Lebanon: "The Republic of Lebanon does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any party to the dispute, to be referred to the International Court of Justice for decision, and it states that, in each individual case, the consent of all States parties to such a dispute is necessary for referring the dispute to the International Court of Justice."

Libyan Arab Jamahiriya: "(a) The Kingdom of Libya does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and it states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice."

Morocco: "The Kingdom of Morocco does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision. The Kingdom of Morocco states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice."

Saudi Arabia: "[The Government of Saudi Arabia declares that it will] implement the provisions [of the above Convention], providing these do not conflict with the precepts of the Islamic Shariah. The Kingdom of Saudi Arabia shall not be bound by the provisions of article (22) of this Convention, since it considers that any dispute should be referred to the International Court of Justice only with the approval of the States Parties to the dispute."

Syrian Arab Republic: "... 2. The Syrian Arab Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the Parties to the dispute, to be referred to the International Court of Justice for decision. The Syrian Arab Republic states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice."

Yemen: "... The People's Democratic Republic of Yemen does not consider itself bound by the provisions of Article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court of Justice."

VIII. Convention on the Elimination of All Forms of Discrimination against Women¹⁴

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (e) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (f) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (g) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Arab states *not* ratifying: Palestine, Qatar, Somalia, Sudan

Arab states ratifying (date)¹⁵: Algeria (22 May 1996), Bahrain (18 June 2002), Comoros (31 October 1994), Djibouti (2 December 1998), Egypt (18 September 1981), Iraq (13 August 1986), Jordan (1 July 1992), Kuwait (2 September 1994), Lebanon (21 April 1997), Libya (16 May 1989), Mauritania (10 May 2001), Morocco (21 June 1993), Oman (7 February 2006), Saudi Arabia (7 September 2000), Syria (28 March 2003), Tunisia (20 September 1985), UAE (6 October 2004), Yemen (30 May 1984).

Applicable Reservations:

Algeria: "... The Government of the People's Democratic Republic of Algeria does not consider itself bound by article 29, paragraph 1, which states that any dispute between two or more Parties

¹⁴ Entry into force 3 September 1989; adopted by the General Assembly in Resolution 34/180 of 18 December 1979. Source: <http://www.ohchr.org/english/law/cedaw.htm>.

¹⁵ Source: <http://www.un.org/womenwatch/daw/cedaw/states.htm>.

concerning the interpretation or application of the Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration or to the International Court of Justice. The Government of the People's Democratic Republic of Algeria holds that no such dispute can be submitted to arbitration or to the Court of International Justice except with the consent of all the parties to the dispute."

Bahrain: "The Kingdom of Bahrain makes reservations with respect to the following provisions of the Convention: Article 2, in order to ensure its implementation within the bounds of the provisions of the Islamic Shariah; [...] Article 29, paragraph 1."

Egypt: "... The Egyptian delegation also maintains the reservation contained in article 29, paragraph 2, concerning the right of a State signatory to the Convention to declare that it does not consider itself bound by paragraph 1 of that article concerning the submission to an arbitral body of any dispute which may arise between States concerning the interpretation or application of the Convention. This is in order to avoid being bound by the system of arbitration in this field."

Iraq: "... Iraq also enters a reservation to article 29, paragraph 1, of this Convention with regard to the principle of international arbitration in connection with the interpretation or application of this Convention."

Kuwait: "... 4. The Government of Kuwait declares that it is not bound by the provision contained in article 29, paragraph 1."

Lebanon: "... In accordance with paragraph 2 of article 29, the Government of the Lebanese Republic declares that it does not consider itself bound by the provisions of paragraph 1 of that article."

Mauritania: "...have approved and do approve it in each and every one of its parts which are not contrary to Islamic Sharia and are in accordance with our Constitution."

Morocco: "... With regard to article 29: The Government of the Kingdom of Morocco does not consider itself bound by the first paragraph of this article, which provides that 'Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. The Government of the Kingdom of Morocco is of the view that any dispute of this kind can only be referred to arbitration by agreement of all the parties to the dispute.'"

Oman: "Reservations: 1. All provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman; [...] 5. The Sultanate is not bound by article 29, paragraph 1, regarding arbitration and the referral to the International Court of Justice of any dispute between two or more States which is not settled by negotiation."

Saudi Arabia: "1. In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention. 2. The Kingdom does not consider itself bound by paragraph 2 of article 9 of the Convention and paragraph 1 of article 29 of the Convention."

Syria: "...subject to reservations to [...] article 29, paragraph 1, concerning arbitration between States in the event of a dispute."

Tunisia: "The Tunisian Government declares, in conformity with the requirements of article 29, paragraph 2 of the Convention, that it shall not be bound by the provisions of paragraph 1 of that article which specify that any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall be referred to the International Court of Justice at the request of any one of those parties. The Tunisian Government considers that such disputes should be submitted for arbitration or

consideration by the International Court of Justice only with the consent of all parties to the dispute."

UAE: "... Article 29(1)... the United Arab Emirates makes a reservation to this article and does not consider itself bound by the provisions thereof."

Yemen: "The Government of the People's Democratic Republic of Yemen declares that it does not consider itself bound by article 29, paragraph 1, of the said Convention, relating to the settlement of disputes which may arise concerning the application or interpretation of the Convention."

IX. Convention on the Rights of the Child¹⁶

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Arab states *not* ratifying: Palestine.

Arab states ratifying (date)¹⁷: Algeria (16 April 1993), Bahrain (13 February 1992), Comoros (22 June 1993), Djibouti (6 December 1990), Egypt (6 July 1990), Iraq (15 June 1994), Jordan (24 May 1991), Kuwait (21 October 1991), Lebanon (14 May 1991), Libya (15 April 1993), Mauritania (16 May 1991), Morocco (21 June 1993), Oman (9 December 1996), Qatar (3 April 1995), Saudi Arabia (26 January 1996), Somalia (signed but not ratified 9 May 2002), Sudan (3 August 1990), Syria (15 July 1993), Tunisia (30 January 1992), UAE (3 January 1997), Yemen (1 May 1991).

Applicable Reservations:

Djibouti: "...shall not consider itself bound by any provisions or articles that are incompatible with its religion and its traditional values."

Kuwait: "...reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local statutes in effect."

Mauritania: "In signing this important Convention, the Islamic Republic of Mauritania is making reservations to articles or provisions which may be contrary to the beliefs and values of Islam, the religion of the Mauritania People and State."

Qatar: "...enter(s) a general reservation by the State of Qatar concerning provisions incompatible with Islamic Law."

¹⁶ Entry into force 2 September 1990; adopted by the General Assembly in Resolution 44/25 of 20 November 1989. Source: <http://www.ohchr.org/english/law/crc.htm>.

¹⁷ Source: <http://www.ohchr.org/english/countries/ratification/11.htm>.

Saudi Arabia: "...reservations with respect to all such articles as are in conflict with the provisions of Islamic law."

Syria: "The Syrian Arab Republic has reservations on the Convention's provisions which are not in conformity with the Syrian Arab legislations and with the Islamic Shariah's principles, in particular the content of article (14) related to the Right of the Child to the freedom of religion, and articles 20 and 21 concerning the adoption."

Tunisia: "1. The Government of the Republic of Tunisia declares that it shall not, in implementation of this Convention, adopt any legislative or statutory decision that conflicts with the Tunisian Constitution..."

X. African Charter on Human and Peoples' Rights¹⁸

Article 10

1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in article 29 no one may be compelled to join an association.

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State whose national or resident he is;
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law;
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

Arab states *not* ratifying [Note: this treaty is open only to members of the Organization of African Unity]: Bahrain, Iraq, Jordan, Kuwait, Lebanon, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Syria, UAE, Yemen.

Arab states ratifying (date)¹⁹: Algeria (1 March 1987), Comoros (1 June 1986), Djibouti (11 November 1991), Egypt (20 March 1984), Libya (19 July 1986),

¹⁸ Entry into force 21 October 1986; registered with the United Nations on 10 September 1981, No. 26363. Source: http://www.achpr.org/english/_info/charter_en.html.

Mauritania (14 June 1986), Somalia (31 July 1985), Sudan (18 February 1986), Tunisia (16 March 1983).

Applicable Reservations:

[None]

XI. Arab Charter on Human Rights

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.

Arab states not ratifying: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, UAE, Yemen.

Arab states ratifying (date): Jordan (unknown), Tunisia (unknown). [This treaty will not take effect until it has been ratified by seven states].

Applicable Reservations:

[UNKNOWN]

¹⁹ Source:

http://www.achpr.org/english/_doc_target/documentation.html?../ratifications/ratification_charter_en.pdf.