

The Role of the United Nations in the Protection of Human Rights in Light of Political Conflicts in the Middle East

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Abstract

The Arab Spring remains a historical stop for human rights given the lessons; it underscores on Arab understandings and approaches to human rights. The Arab States has made great strides in achieving Arab regime for the protection of human rights, a major step by establishing an Arab court for this purpose. Although the establishment of such a tribunal came very late compared with their counterparts from other regional systems but the Arab documents and instruments relating to human rights in the Arab countries know early attempts and repeated but all led to the failure that was released with the approval of the successful millennium to the Arab Charter for Human Rights, then the establishment of the Arab Commission for Human Rights and the establishment of the Arab Court of Human Rights in 2014. The United Nations has defined human rights as: a set of universal legal safeguards for the protection of individuals and groups against any governmental violations that may infringe on fundamental freedoms and human dignity. The region has suffered of conflicts and flaming wars in the phenomena, that predicted a flaw in stability that would inevitably result in human rights violations beginning with war crimes, crimes against humanity, murder, torture, enforced disappearance, and deprivation of liberty, religious and ethnic persecution. As for human rights in Syria, there is a systematic policy of violating human rights in Syria with complex and interrelated difficulties, starting with the desertification of the Syrian homeland from any true civil society activity such as the defense of human rights during the long decades of tyranny and the security state in each country. The life of the Syrian citizen, leading to the tragedy of forced disappearance, whether by killing or arresting many human rights activists, who during the short period of the Syrian revolution, managed to grasp the basic keys to work in the field of human rights and to present it correctly and honestly.

Keywords: Human Rights, Arab Charter, United Nations, Political Conflicts.

Introduction

To achieve an Arab system for the protection of human rights, Arab countries have taken a big step in establishing an Arab court for this purpose. Although the establishment of such court was too late in comparison with other regional regimes, Arab documents and instruments on human rights in Arab countries were characterized by early and repeated attempts, all of which led to failure until it was freed at the beginning of the millennium with the successful ratification of the Arab Charter on Human Rights. The establishment of the Arab Commission on Human Rights and the establishment of the Arab Court of Human Rights in 2014. Nevertheless, there are many criticisms of this system compared to the European system of human rights, which is a model for the protection of human rights by allowing individuals to do litigation before the court and authorize the competent departments of broad great powers in the framework of their functions.

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Therefore, this article reviews the Arab system of human rights through the presentation of its instruments first and then, hinder on its mechanisms that ensure respect for these instruments in the framework of a review of the European system of human rights in terms of the charters in a simple comparison to reach the extent that The Arab system reached with the European system. Human rights are the foundation of freedom, justice and peace, and respect for human rights that would allow for the full development of the individual and of society and the development of human rights are rooted in the struggle for freedom and equality everywhere in the world. The basis of human rights, such as respect for human life and dignity, exists in the majority of religions and philosophies.

Human rights and fundamental freedoms enable us to develop and utilize fully our human qualities, our mental abilities, our talents and the birth of a particular legal system, but they are characterized by their unity and similarity as the same rights that must be recognized, respected and protected, because they are the essence and core of human dignity. If there is discrimination or heterogeneity, this is due to each society, its traditions, customs and beliefs. Among the basic rights are the right to life, the human right to life, freedom, personal safety, the right to liberty and security of person, fair trial, trial before justice case, and the provision of defense rights.

For centuries, there has been an ethnic conflict over the Middle East, conflicts that have spread to the present day, the cause of all this blood and all wars, through the suffering of collective abandonment and deprivation, the reminder of every national and national struggle, the emergence of the reality of the collapse of countries and their systems in this region. These conflicts and flaming wars in the region are phenomena that predicted a flaw in stability that would inevitably result in human rights violations beginning with war crimes, crimes against humanity, murder, torture, enforced disappearance, and deprivation of liberty, religious and ethnic persecution.

The prevention of war requires the prevention of the causes leading to it. This is clearly reflected in article 1 of the aims of the Commission in its first, second and third paragraphs. The latter states that the Organization works to "achieve international cooperation in solving international issues of an economic, social, cultural and humanitarian character, respect for of human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion, and no discrimination between men and women. We must search and find solutions to all these problems that are spread in the region and we must as researchers and defenders of human rights by following methods that address these problems and legal consideration to be solutions in general and eliminate all these struggles that cause violations and crises of human rights.

Here we must recognize that democratic regimes are the source of support and promotion of human rights, which reflect and realize in all senses the rights of individuals and groups, and all other rights are protected by laws and regulations, all of which result in stability and security of individuals and nationalities and a sense of security. The first step towards formulating a new policy is to understand the realities of human rights in the new Middle East as they are now. The third group of countries comprising the Iraqi-Iranian arena, the Gulf arena, the Palestinian-Israeli arena and the Syrian arena. We do not miss the sense of nuclear, sectarianism, all of which are challenges to human rights in the Middle East. Supporting human principles and human rights is a moral, humanitarian and international duty. It is in the interest of all countries and individuals, and stability for both the nation and the citizen, in terms of the emphasis on democracy, freedom and human rights.

In the context of the complex political and political interactions that the region is undergoing, it appears that the Middle East is entering a new phase of chaos and weakness that is being exploited by external forces to achieve its interests. The variables of the "war on terror" and the escalation of Arab-Arab conflicts, and Arab acquiescence to the West, could turn into three dominant elements of the overall Arab interactions at this stage. This would result in increased Arab exposure to the escalation of regional and international breakthroughs. The Middle East region is undergoing a process of restructuring the War on terror, includes rearranging the weights of all the Arab countries with Turkey and Iran, the new / old relation with these countries and their roles in the region.

The emergence of a new era of increased openness in the Middle East and North Africa region has prompted the Office of the United Nations High Commissioner for Human Rights to harmonize its work in the region in view of existing opportunities and challenges for the promotion and protection of human rights. The lack of freedoms, social justice and democratic participation has been central to the uprisings seen since late 2010. Protests in many countries culminated in the departure of long-term leaders. These countries are currently engaged in far-reaching, promising political, legal and institutional reforms. Small-scale protests have been seen elsewhere demanding political change and improved socio-political conditions. The region has also been affected by long-standing conflicts, such as the Israeli-Palestinian.

The "Arab Spring" in 2011 witnessed a wide and spontaneous uprising - started in North Africa (Tunisia) and then expanded to many parts of the Middle East - tried to end decades of failed development and human rights abuses.

In many cases, the response of Governments to mass protests has been characterized by a focus on security at the expense of human rights and has resulted in increasing repression of human rights defenders, civil society activists and journalists. Freedom of assembly was severely undermined when security forces resorted to harsh and violent measures to disperse protesters who were often arbitrarily detained and tried without due respect for the right to a fair trial. In some countries, as in the case of Syria, the situation has deteriorated into non-international armed conflict with systematic violations of international humanitarian and human rights law. In other cases, the lack of adequate response to calls for change or reform has resulted in increasingly acute tensions and various violations of human rights. The impact of ongoing political conflicts and tensions in some Middle Eastern countries has had a clear impact on women, children, persons with disabilities and the elderly, as well as on minorities. Gender inequality remains a matter of acute concern, and efforts to ensure women's rights have yielded few positive results so far. The Middle East is crowded with millions of non-citizens, such as refugees, stateless persons and migrant workers, including migrant local workers. However, these individuals are often outside the legal protection structures required of host countries and are vulnerable to abuse. When the international organization was created and its charter was drafted to promote international peace and security, many dreamed of a better future and a political environment that did not mix with the lust for control and wars revealed by international alliances and special interests of some major Powers.

The concept of human rights and international human rights law

Human rights have no specific definition, but there are many definitions that may differ from one society to another or from one culture to another, because the concept of human rights or the kind of these rights are basically related to the perception that we imagine, so we will review a set of definitions to define this term (A special section of the social branches concerned with the study of relations between people based on human dignity and the determination of the rights and licenses necessary for the prosperity of the personality of every human being).

Some see human rights as a logical package. Carl Vasak defines it as "a science that concerns every person, especially a human being who lives within a particular state, and who, if accused of breaking the law or a victim of a state of war, should benefit from the protection of national and international law, equality conforms to the necessities of maintaining public order). While the French "Yves Medieu" sees it as "the study of personal rights recognized nationally and internationally, which under a certain civilization ensures the combination of the assertion of human dignity and protection on the one hand and the maintenance of public order on the other.

The human rights of the human being constitutes a mixture of constitutional and international law to directly and legally defend the rights of the human person against the deviations of power in international bodies and to develop in a balanced manner the humanitarian conditions of life and the multidimensional development of the human personality. All of the above definitions reflect the views of most foreign specialists. As for the holders of jurisdiction from the Arab countries, they defined them as "the set of rights and demands that are equal to all human beings without discrimination." Some have argued that human rights (rights that guarantee the human being and are intrinsically related to the right to life, equality and other rights related to the same human nature as mentioned in international charters and declarations).

Some believe that "human rights" represent an expression of the accumulation of philosophical tendencies, and religions throughout history to embody higher human values that deal with man wherever they exist without any distinction between human beings, in particular the fundamental rights of human survival, freedom of humanity that is inherited by nature, which remains but even if violated by an authority. The United Nations has defined human rights as "universal legal guarantees to protect individuals and groups from government actions affecting fundamental freedoms and human dignity. Human rights law obliges governments to do things and prevents them from doing other things." The vision of the International Human Rights Organization is that it is inherent in the nature of man who cannot live without these rights as a human being. International human rights law defines international human rights law as the international human rights law, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as the two Additional Protocols. It should be noted that there is a common line between the International Human Rights and international humanitarian law, which is comprised of the four Geneva Conventions.

International humanitarian law and human rights are of great importance and are of urgent importance to States to implement them. Humanitarian law requires States to take a series of practical and legal measures to protect human rights through the development of penal legislation and the dissemination of international humanitarian law.

The concept of human rights in international law

International law defines human rights as a set of fundamental freedoms inherited in humankind. It is forbidden to violate them. It is necessary to apply them to all in the light of justice and equality, that is, every human being is born free and equal in dignity and rights. The Universal Declaration of Human Rights is a document composed of 30 articles on human rights, launched by the United Nations on 10 December 1948 in Paris. This document represents the international view of human rights protected in various parts of the world. The concept of the Universal Declaration of Human Rights document of international human rights law is a special branch of the social branches that deals with human relations and studies them on the basis of human dignity and the monitoring of rights and licenses that are important for the development of human personality.

The United Nations has defined human rights as: a set of universal legal safeguards for the protection of individuals and groups against any governmental violations that may infringe on fundamental freedoms and human dignity. The concept of human rights law International human rights law is one of the contemporary branches of international law, which guarantees and contributes to the promotion and protection of the rights of individuals and groups to the violations of these internationally guaranteed rights. Human rights and fundamental freedoms are inherent to the self and the human personality, and it is the duty of States and the international community to protect and promote them.

Many contemporary human rights activists and jurists attach special and distinctive status to international human rights law and place it at the forefront of contemporary international law, believing that it transcends all of them, precedes it and advances it, and sets it aside if it conflicts with it. The creation of the United Nations after the Second World War in 1945 marked the beginning of a new phase in the protection of human rights and fundamental freedoms and enshrined in the Charter of the United Nations provisions to promote respect for human rights and fundamental freedoms without distinction as to race, language or religion. This phase was followed by the conclusion by the international community of a number of agreements on the protection of human rights and the establishment of oversight bodies to ensure the realization of those rights.

Among the agreements and covenants reached by the international community in this regard are the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948, the International Covenant on Civil and Political Rights of 1966 and the Additional Protocol, which gives ordinary individuals the right to appeal before the Commission on Human Rights, The 1966 International Covenant on Economic, Social and Cultural Rights, the 1989 Convention on the Rights of the Child, the 1965 Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and dozens of international agreements and conventions relating to the rights of specific groups such as laborers, persons with disabilities, women, children, and the elderly.

Types of Human Rights

Human rights can be classified and arranged in various forms, and human rights are commonly distributed in three groups:

- Personal safety rights.
- Civil liberties.
- Social and economic rights.

They can be divided into four categories:

1. The first category deals with individual and personal rights.
2. The second category deals with the relations of the individual in total or in the state.
3. The third category includes public freedoms and fundamental rights.
4. The fourth category includes economic and social rights.

Draft of Arab Charter on Human Rights

The initiative was initiated by the Union of Arab Jurists in a seminar which was held in Baghdad in 1979 for the purpose of human rights in the Arab world. The seminar was a draft of an Arab agreement on human rights and several resolutions calling for the Arab League to activate its committee. Where a group of Arab experts was commissioned to draft an Arab Charter on Human Rights. On March 31, 1983, the League announced the draft charter and referred it to the Arab states for their opinion.

The draft contained 42 articles. They referred to the reaffirmation of the principles of the United Nations, the Universal Declaration of Human Rights and the provisions of the two International Covenants on Civil, Political, Economic, Social and Cultural Rights of 1966. The Arab States also committed themselves to guaranteeing fundamental freedoms that are inviolable and must be implemented and other articles of the draft contained respect for fundamental rights and freedoms.

Finally, we note that unlike the United Nations Charter, which separated political and civil rights on the one hand and economic, social and cultural rights on the other, the Arab project brought together the various rights in a single document, which did not exceed 40 articles, while the International Covenant on Economic Rights Social and Cultural Rights reaches 31 articles. The International Covenant on Civil and Political Rights reaches 53 articles; this weakness may be due to the fact that the project is limited to the general principles and fundamental rights, and the details of the complementary instruments that follow.

The International Institute of Higher Studies of Criminal Sciences was held in Italy, in 1986, at the recommendation of the Conference of Arab Jurists, discussed criminal justice, education and human rights reform, the conference was held in Syracuse, Italy. At the conclusion of the conference, which was attended by representatives of 12 Arab countries and 76 prominent Arab personalities and representatives of the occupied territories of Palestine, the participants demanded the Institute. After reviewing the human rights documents issued by the United Nations, the Council of Europe, the American Convention on Human Rights, The African Charter, the League of Arab States and parts of the Islamic Human Rights Project, a conference of Arab experts was organized whose task would be to draft a charter or an Arab convention on human rights.

The Conference adopted the final text of the draft Charter on Human Rights and the People of the Arab World and was translated into English and French. The Arab Lawyers' Union, representing more than one hundred thousand lawyers in the Arab world, announced its full support for the project at the Union Conference held in Kuwait in April 1987, it expressed the hope that all Arab States would adopt this Charter.) And a copy was sent to both Arab heads of state and to the secretary general of the League of Arab States, and 500 copies were sent to more than 500 people in the Arab world.

If we look at this Charter draft, we find it contains a preamble and three sections. The preamble began by stating that "the recognition of the inherent dignity and of equal and inalienable rights of all members of human society is based on the basis of freedom, justice and peace in the world". Ignoring the collective rights of the Arab nation and human rights to all disasters are endless ranging from the occupation of Palestine and the establishment of a racist stranger in which an entity and the uprooting of its people, including the end of legitimizing the earth all the Arab and waste of human and material resources and to link their resources and doomed to external by the forces and thus their inability to cope with its growth , independence and achieve their legitimate aspirations ».

One of the most important trends that emerged during the discussion of the project is the provision of human rights first, because it guarantees the rights of peoples since the individual rights come before political rights. The draft also stipulates the right of children to nationality without discrimination between men and women as well as the prohibition of torture and the right of citizens to compensation, legal document. Emphasis has also been placed on economic and social rights, in particular the right to education.

Thus, we can say that the attempts made by the Arab countries embodied in the League of Arab States, which focused on human rights in the Arab region and were represented in the civil rights, political, economic, social and cultural rights as individual increase on some collective rights such as the right of the Palestinian people to self-determination. The Arab Charter on Human Rights: the idea remained a dream for the Arab group to go to governments, organizations and personalities. It had to wait until the early 1990s to settle the idea on a clear and serious basis.

The Human Rights Committee of the League of Arab States initiated a project called the Arab Charter for Human Rights, 1993, a project that the League has earned and was adopted by its Council on 15 September 1994. This was done with a climate of secrecy and remained out of the limelight and was not given the right to publish.

The draft of Arab Charter on Human Rights of 1994, which began with the mention of all 22 Arab States, consists of a preamble and four sections:

- The Arab nation believes in human dignity;
- The Arab nation is the birthplace of religions and the cradle of civilizations; - The immortal principles established by Islamic law;
- The rejection of racism and Zionism;
- The Cairo Declaration on human rights in Islam.

The 1994 draft contained four different sections, each with a human rights aspect, most of which were inspired by traditional human rights instruments. However, this project has contained some rights that were not previously guaranteed in the Arab countries under national legislation the criminalization of the violation of freedom of association; the right to political practice ; Private life, including the privacy of the family, housing, confidentiality of correspondence and others; persons sentenced to a deprivation of liberty must be treated humanely; citizens cannot be denied or prevented from returning to their country; freedom of belief, thought and opinion is guaranteed to every individual.

Although this project was a positive step in the course of the Arab countries and their peoples and a major achievement in the field of the work of the League of Arab States, it was not accepted by all Arab countries. The only country that ratified it was Iraq, while seven Arab countries which were the United Arab Emirates, Bahrain, Oman, Kuwait, Saudi Arabia, Sudan and Yemen were given reservation on the project The reasons for the reservation, according to their claim, are mainly due to their Islamic affiliations, which provide these rights and dispense with the Charter.

However, despite all the shortcomings of the Arab Charter on Human Rights, it was noted by the observers of the time and considered it a remarkable gesture and a successful step,, which in any case led to other achievements .The most important of which is the modernization and adoption of this project after ten years as well as the completion of the Arab Court for Human Rights. On this charter, many said: "We have an Arab charter for human rights that is better than we do not have a charter at all. It is possible to continue the work and struggle for the development, amendment and addition of this charter ..." and then the result was that the absence of the majority of Arab countries, which was impeding the issuance of various methods visible and hidden.

The Arab Charter on Human Rights provided for various human rights as contained in most of the three main instruments, namely, the Universal Declaration and the International Covenants. The distribution of these rights between the two branches of the Arab Charter is classified according to the three recognized generations. However, the second generation, Determination, sovereignty over wealth, and resistance to colonialism. It is the beginning of the Charter that may have been influenced by the colonial era in which the Arab countries were subjected, as well as by the Arab-Israeli conflict (article 2), policy and civilian, economic, social or cultural. However, the Charter also did not neglect the third generation of human rights with the right to development (art. 37).

Arab mechanisms for the protection of human rights

First: Permanent Arab Committee on Human Rights:

The Permanent Arab Committee on Human Rights is one of the specialized committees established by the League of Arab States for a long time. The Charter of the League of Arab States did not include texts guaranteeing the human rights of the Arab countries and the gap that surrounded them. These rights were established by the Council of the League by its resolution 2443 of September 3, 1968, which was entrusted with the protection of human rights and its causes in the Arab countries. However, prior to the establishment of the Commission, the Council of the League was interested in human rights issues. Since its establishment, the Arab Permanent Committee on Human Rights has held several meetings and participated in many events and conferences with a number of regional and international organizations. As a specialized committee within the League of Arab States, this means that all Arab countries have agreed and supported its activities.

It is noted that the Arab Standing Committee allows the Arab NGOs to attend its meetings as observers , especially since the presence of these organizations allows the Committee to view according to the views of the Arab street , its concerns and aspirations, in addition to benefiting from the experiences enjoyed by those organizations. The Committee has established a subcommittee of the Committee since 2006 in order to reduce the burden.

In fact, the Arab Standing Committee on Human Rights, as stipulated in its bylaws, was merely a committee for the development of human rights. It did not have any punitive authority to deal with cases of human rights violations in Arab countries. Its main tasks were mainly "media and coordination" , As well as a large role in the various recommendations it issued in order to expand the dissemination of human rights concepts and teaching in Arab countries and work to establish sub-sections in most of those countries, as well as the study of Arab conventions that may have extensions in the field of human rights and humiliation In order to express its opinion on the extent to which it conforms to human rights standards and principles, to coordinate Arab positions towards human rights issues in regional conferences and forums, and to promote the dissemination of a culture of human rights in the Arab world.

Second: The Arab Human Rights Committee.

It is the committee established by the Arab Charter for Human Rights in Article 45 as a sole mechanism for monitoring its implementation. The Charter did not mention the establishment of an Arab Court of Human Rights along the lines of the European and American Human Rights Courts.

Indeed, the Committee was established late after the entry into force of the Charter and is still in its early stages. The Arab Charter on Human Rights has entered into force only since March 2008. Article 48, paragraph 2 states that "States Parties shall submit the first report to the Committee within one year from the date of entry into force of the Charter" In March 2009 and other periodic reports are made every three years, making the work of the Committee still in its infancy.

As for its composition, it consists of seven members who are elected in their personal capacity by the States Parties to the Charter by secret voting for a period of four years. They shall be highly experienced and competent and shall act impartially and impartially. The Committee may not include more than one person who is a national of the State party to the Charter, but may be re-elected only once, subject to the principle of deliberation. In other words, any Arab country that has ratified the Arab Charter on Human Rights is committed to accepting the competence of the Committee. Currently, there are 7 Arab countries that have ratified the Charter: Algeria, Bahrain, Jordan, Libya, Palestine, Syria and the UAE, and it is hoped that other Arab countries will join it.

It is important to note that the Committee's budget requires the necessary financial resources, staff and facilities to ensure that its work is well-functioning, provided by the Secretary-General within the budget of the League of Arab States.

The Arab Charter on Human Rights requires States parties to undertake to ensure that the members of the Committee have the necessary immunity to protect them against any form of harassment, moral or material pressure or any prosecution of their positions or statements in the course of their duties as members of the Committee. In the exercise of its functions, each State that is part of the Charter must submit its first report to the Committee within one year of the entry into force of the Charter and thereafter submit periodic reports every three years. However, the Committee may request from States parties additional information relevant to the implementation of the Charter.

The role of the Committee in monitoring the implementation of the Charter is regrettably limited to examining the reports that Arab States parties are obliged to submit to the Committee in order to demonstrate their commitment to the implementation of the provisions of the Charter and the progress achieved in the enjoyment of the rights and freedoms. periodic reports are submitted every three years; the manner in which reports are submitted and examined on the global and regional levels within the global and regional human rights commissions) The Committee shall then transmit an annual report containing its observations and recommendations to the Council of the League through the Secretary-General, and the Committee's reports, concluding observations and recommendations shall be considered as public documents and shall be widely disseminated by the Committee.

Third: The Arab Court for Human Rights:

As for the formation of an Arab court of human rights along the lines of the international courts in the regional legal systems, in particular the European Court of Human Rights, the fact that this issue remained a dream for jurists and advocates of the protection of Arab human rights.

Therefore, there are initiatives to reform the Arab League system, including the human rights system, were launched both from the League of Arab States themselves and from some States parties to the Charter or from civil society organizations. One such reform initiative was the proposal to establish an Arab regional judicial body to consider complaints of human rights violations, thus creating the Arab Court of Human Rights.

In fact, the Arab Charter on Human Rights did not address the idea of establishing an Arab court for human rights, yet the latter was formed following a number of meetings and conferences that were held to discuss the issue and its system. The beginning of the road was when the Secretary General of the League of Arab States, Mr. Nabil Elaraby, appointed on 24 October 2011 the former Algerian Foreign Minister, the UN Envoy, Mr. Lakhdar Brahimi, as the Chairman of an independent committee of experienced Arab personalities. In order to submit proposals and recommendations for the reform and modernization of the League of Arab States, in particular its role and the mechanisms governing its work. To that end, some details emerged on the composition, work and outreach of the Committee, with various stakeholders, in particular representatives of civil society.

In practice, the establishment of the Arab Court of Human Rights began on 15 January 2012, when the Government of Bahrain submitted a proposal to the 137th Ministerial Council of the League of Arab States. On 10 March 2013, the Council welcomed the initiative of Bahrain and instructed the Secretary-General of the League to prepare a report on its establishment. A committee of legal experts was formed to assist the Secretary-General with a view to developing a study in the light of similar regional experiences.

The efforts of the League of Arab States to establish an Arab court for human rights came very late compared to the efforts of other regional organizations. The European Court of Human Rights was established in Strasbourg, France, by virtue of the adoption of the European Convention on Human Rights of 1950, which includes 47 judges. The Arab Court of Human Rights was established by virtue of the decision of the Council of the League at the level of the Foreign Ministers. As we have mentioned, it was favored by many to adopt a protocol for this purpose, based on Article 52 of the Arab Charter on Human Rights, the adoption of this Protocol by the Council of the League at the summit level, and the adoption of the Arab Charter on Human Rights at the end of the 2004 Arab Summit in Tunis, at least it will give the Arab Court of Human Rights more importance and wider dimension.

The Arab Court consists of a preamble and 35 articles. The Arab Court of Human Rights is composed of 70 judges and may be increased to 11 judges at the request of the Court and the approval of the Assembly (Article 5). They are elected from a list of persons, , Judges are elected from among those candidates by secret voting , and the term of office of such judges is four years, renewable only once (art. 8). (Article 14) and that the judiciary shall be independent in their functions in the service of the Court at any time (Article 15).

The court shall deal with all disputes arising out of the application and interpretation of the Arab Charter of Human Rights or any other Arab Convention in this field and shall specify in any dispute its jurisdiction over the cases, applications or cases it considers. The cases shall not be retroactive before the operation of the Court (Articles 16 and 17).

The jurisdiction of the court is complementary and not substituted for national jurisdiction. The court may not accept the case in the case of non-exhaustion of the litigation in the State complained of in accordance with its national judicial system and if the case has been brought before another regional human rights court. The case was filed six months after the plaintiff was informed of the judgment (art. 18).

The Court may cooperate with the parties for a friendly solution (art. 22), whereas the judgment rendered by the Court shall be effective only for States that have accepted the jurisdiction of the Court (Article 19). The terms of reference of the Arab Court shall also be the consideration of complaints by persons referred by the Committee (Art. 19), and thus individuals cannot bring their complaints directly to the court, but they must submit their complaints to the Commission so that the latter may refer the case to the court when the solution is not resolved.

Arab and Islamic agreements on human rights

The principle of universality is not an impediment to the Arab Islamic countries. Rather, it is a matter of the obligation of these States to strictly implement international conventions and to allow United Nations organs to monitor the application of these rules. This is a problem in two ways: on the one hand, it allows these "Western" institutions to intervene in the internal affairs of these countries, and on the other hand, the sense of these countries to the continuity of control through the colonial powers. In this context, the Arab-Islamic countries have sought to develop a set of Islamic documents for the protection of human rights, both in Islamic and Arab countries. This document is:

Declaration of Human Rights and Duties in Islam (Islamic World League 1979) We will stop at the documents issued by the former Organization of the Islamic Conference, the Arab Charter on Human Rights issued by the League of Arab States, and finally the document which was singled out by the Arab state, the green document of human rights as follows:

A - Draft of human rights document in Islam:

For the draft of human rights document in Islam issued by the Organization of the Islamic Conference previously in the city of Taief, Saudi Arabia in 1981, it determines its source in the Koran and Sunni. It contains several passages in its preamble that indicate that human rights have a divine source:

Believing that God is the master of everything living in this life and the Hereafter. Believing that human intelligence is unable to chart the best way to secure the service of life, without receiving guidance. We Muslims. We put this announcement, in the name of Islam. (As such), these rights are eternal rights that do not accept any deletion or modification because they are rights placed by the Creator, and the creature cannot be revoked or attacked by any creature."

Based on the terms used in this Declaration, it is clear that it aims to emphasize its distinctiveness from the remaining international human rights documents because it is a divine source, thus eternal, irrevocable and not censorious.

B- Cairo Declaration of Human Rights in Islam:

The second document issued by the Organization of the Islamic Conference on 5 August 1990 is the Cairo Declaration on Human Rights in Islam. It states in its preamble that Islam has provided for 14 centuries an ideal human rights law guaranteeing the preservation of human dignity and the elimination of exploitation, oppression and inequality.

With regard to the reference to the United Nations or to other international human rights instruments, it has disappeared completely in this Declaration, starting in its preamble with the "doctrine of monotheism on which the building of Islam was based, which called on all human beings to worship only God, Some of the pillars without God, which laid the foundation for the true freedom and dignity of responsible human beings, from the preservation of religion, soul, mind, supply, money and offspring, and the excellence of the inclusiveness and centrality in all its positions and provisions, merged between spirit and material and took between mind and heart.

The Declaration also stressed the "cultural and historical role of the Islamic nation, which God has made the best nation that has inherited humanity, a balanced world civilization that linked the world to the Hereafter, and brought together science and faith and what this nation is expected to do today to guide humanity between competing currents and sects and provide solutions to the problems of civilization".

In the first article, life is the gift of God and is guaranteed to every human being ... and the preservation of its continuation is a legitimate duty of all, even the owner of life itself, in addition to the reference to the protection of the fetus (Article 7). This requires the maintenance and non-violation of human funeral;

Article 3 deals with human rights that must be respected during armed conflicts;

Considered the request of knowledge is obligatory, and education is a duty of society and the state, and absolutely and for all stages;

Article: 11; links the right to freedom to the prohibition of colonialism of all kinds, the right of peoples to work for liberation and self-determination, the affirmation of support for all other peoples and the affirmation of the independent character of all peoples; recognize the right to live in a clean environment of evils and moral scourges; expand the concept of living safely, including self, religion, parents, supply and money; the prohibition of subjecting any individual to medical or scientific experiments is subject to two conditions: satisfaction and non-danger;

The contents of this declaration are highlighted by the followings:

The human rights situation in the Arab countries is one of the basic national concerns that make human rights a supreme and fundamental example that directs human will in Arab countries and enables it to rise to the best according to noble human values (Article 1);

Established the principle of the universality of all human rights and considered them indivisible, interdependent and interrelated; to grant the Arab peoples the right to self-determination and to control their wealth and resources, and even to give them the right freely to choose their political system (Article 2);

First: States Parties shall take all necessary measures to ensure "equality" in the enjoyment of all the rights and freedoms set out in the present Charter, but in return men and women shall be considered equal in human dignity, rights and duties under the "positive discrimination" established by Islamic law and other divine laws, For the benefit of women (art. 3);

Secondly, linking it to the value of the individual in the work he does, not with any other color, race or gender

Thirdly. The Islamic law is considered to be the source of all rights. There is no human right to deviate from its texts or rules. Thus, Islamic law is the basis and source of truth and its guarantee and its existence and preservation in society. The most prominent human rights in Islam God Almighty has honored man and gifted him many rights. The most prominent rights are:

1. The right to life:

Human life is sacred: no one can attack it: "Whoever kills a soul without a soul or corruption in the earth, it is as if he killed all the people and whoever revived it, as if he had revived all the people" This sanctity is not robbed except by the authority of the Shari'a and by the procedures it approves.

2. The right to liberty:

The freedom of man is sacred - as is his life - which is the first natural quality in which man is born: "No one is born but is born on instinct" (Narrated by al-Shay Khan). "When you enslaved people and were born by their mothers free" from the word of Omar bin al-Khattab may Allah be pleased with him. Adequate safeguards must be provided to protect the freedom of individuals and may not be restricted or restricted except by the authority of the Shari'a and by the procedures that it approves.

3. The right to equality:

All people are equal before the law: "There is no preference for an Arab on Non Arabs, or non-Arabs on an Arab, or red for black, for black for red except for piety" from a sermon to the Prophet peace be upon him. And no differentiation between individuals in applying them: "If Fatima bint Mohammed had stolen to cut her hand" (Narrated by Bukhari and Muslim). And not to protect them: "But the weakest I have strong until I take the right to him, and the stronger is weak until I take the right of him" from the speech of Abu Bakr may Allah be pleased with him after the succession of Muslims.

All people are in human value whether: "All of you are Adam and Adam from soil" from the farewell sermon. (Al-Ahqaf: 19). It is not permissible to expose a person to more danger or harm than to others: "The Muslims are equal in their blood" (Narrated by Ahmad). Every thought and every legislation, and every situation that makes it permissible to distinguish between individuals on the basis of sex, race, color, language or religion is a direct confiscation of this general Islamic principle.

4. The right to justice:

It is the right of every individual to stand trial before the law and to be tried before it. "If you fight in something that you have given to Allah and the Messenger" (women: 59), "I will judge among them as Allah has revealed and does not follow their whims." No one has to commit a Muslim to obey an order that contravenes the Shari'a. The Muslim individual should say "no" to the person who commands him to disobey, whatever the matter is: "If he commands disobedience, he hears neither obedience" (Reported by the five). It is his right to the group to protect his rejection in solidarity with the right: "Muslim brother of the Muslim does not oppress him or not" (Bukhari).

5. The right to a fair trial:

The innocence is the origin: "my entire nation is well, except those who are revealed" (Bukhari). It is accompanied and continued even if the person is indicted unless proven guilty before a fair trial. (Al-Isra: 15). A Muslim does not excuse ignorance of what is necessarily known of the religion, but his ignorance, when proven, is regarded as a suspicion that only knows the limits: "You do not have to A wing in which ye have sinned, but what your hearts have deliberately baptized" (Al-Ahzab: 5). A person is not to be taken in the act of another person: "Do not be burdened with other burdens and burdens" (Al-Isra: 15). Every independent person is responsible for his actions: "Every man is rewarded with a reward" (Al Tur. 21). And relatives, or followers and friends: "God forbid that we take only those who have found our belongings, if we are the wrongdoers."

6. The right to protection against abuse of power:

Everyone has the right to be protected from abuse by the authorities. He may not be required to provide an explanation for any of his actions or a situation, nor to be charged except on the basis of strong evidence that he is implicated in what is directed to him: "Those who harm believers and believing women without what they have acquired, And a clear accusation. "

7. Right to protection against torture:

It is not permissible to torture the offender as well as the accused: "Allah tortures those who torture people in this world" (narrated by the five), and it is not permissible to carry a person to confess to a crime that he did not commit, and all that is taken by means of coercion is invalid. "(Narrated by: Bin Majah with a Hadeeth Saheeh). Whatever the crime of the individual, and whatever their lawful punishment is lawful, his humanity and human dignity are preserved.

8 - The right of the individual to protect his family and reputation:

The presentation of the individual and his reputation is inviolable. It is not permissible to violate it: "Your blood, your wealth, and your symptoms among you are haraam like the sanctity of your day in this month in your country." It is forbidden to follow his "awrah", and to try to undermine his personality and his literary entity: "Do not spy or cheat each other" (Al-hujurat: 12), "Do not touch yourselves nor renounce names" (Al-hujurat: 11).

9. The right to asylum or take a refugee:

It is the right of every oppressed Muslim or oppressed to resort to where he is safe, within the scope of Islam. It is a right guaranteed by Islam to every oppressor, whatever his nationality, creed or color, and the Muslims have the duty to provide security for him whenever he resorts to them: "And one of the polytheists hired you and hired him to hear the word of God and then told him to be safe." (Al Tawba :6) The Holy place - in Makkah - is a safe and safe place for all people. A Muslim cannot resist it: "He who entered was safe" (Al-Imran, 97). "We have made the house perfect for the people and for our safety" (al-Baqarah 256), "both those who sit in it and worship" (Hajj: 25).

10. Minority rights:

The religious situation of minorities is governed by the general Qur'anic principle: "There is no compulsion in religion" (Baqarah: 256). The civil conditions and the personal status of minorities are governed by the law of Islam, if they are tried by us: "If they come to you, judge them or offer them, and if they are exposed to them, they will not harm you, even if you rule, I will judge among them with good." If they do not judge us, they have to judge their laws as long as they belong to a divine origin: "And how shall they judge you, and have the law in them?" (Al-Maa'idah 43: 47).

11. Right to participate in public life:

Every individual in the nation has the right to know what is going on in his /her life in matters related to the general interest of the community and to contribute to it insofar as it allows him to fulfill his or her abilities and talents in accordance with the principle of shura'a. Every individual in the nation has the right to hold public office and posts, whenever its legal provisions are available. This eligibility does not diminish or diminish under any racial or class considerations: "Muslims are equal in their blood, and they are the hands of others, seeking their punishment against them."

12. Right to freedom of thought, belief and expression:

Every person has the right to think, believe, and express his thought and belief, without interference or confiscation from anyone, as long as he adheres to the general limits established by the Shari'a. It is not permissible to broadcast falsehood or propagate what is promoting the abomination or neglect of the nation. There is no prohibition on the dissemination of information and the correct facts, except in the publication of a threat to the security of society and the state: "If a security or fear came from them, they would broadcast it, even if they responded to the Prophet and to the first of them to his knowledge." (Nissa': 83)

13. Right to religious freedom:

Everyone has the right to freedom of belief and freedom of worship according to his belief: "You have a religion and a religion" (Al-Kafirun: 6).

14 - The Right to Advocacy and Communication:

Everyone has the right to participate, individually and in others, in the life of the community: religiously, socially, culturally, politically, etc., and to create from institutions the means necessary for the exercise of this right: And whoever followed me "(Yusuf: 108).

15- Economic rights:

Nature - with all its wealth - belongs to God Almighty: "God belongs to the heavens and the earth and what is in them" (Al-Maida: 120). It is a gift to humans, to give them the right to use it ,every human being has to work and produce, to receive a livelihood from his legitimate face: "There is no animal in the earth except for God's sustenance" (Hud 6: 6).

The poor of the nation have a fixed right in the wealth of the rich, organized by zakaah, "and those who are in their wealth have a known right to the liquid and the deprived." (Al-Ma'arij: 24, 25). This is a right that cannot be disrupted, nor prevented, nor authorized by the ruler, even if the situation led to fighting the perpetrators of Zakat. The use of sources of wealth and the means of production for the benefit of the nation is a duty. It is not permissible to neglect or disobey them: "It is not permissible for a slave to offer him a favor unless he finds the smell of paradise." (Narrated by al-Shaykhan).

The following actions are forbidden in Islam

Exploitation and confusion in the exchange, Monopoly, and all that leads to unequal competition: "No monopoly but wrong" (Narrated by Muslim), Riba or misery, and every parasitic gain, exploits the people's light, false and deceptive propaganda, the sale of the option unless they are separated, honest The welfare of the Ummah and the commitment of the general values of Islam are the only restriction on economic activity in the Muslim community.

16- Right to protect property:

17- The worker's right and duty:

The worker's right in Islam as follows:

- 1 - To pay the reward equivalent to his effort without a hitch or procrastination: "Give the employee his right before his sweat dry" (Narrated by Ibn Majah good).
- 2 - To provide him with a decent life commensurate with his effort and sweat: "and for all degrees of what they have done" (Ahqaf: 19).

- 3 - To find protection that prevents the injustice and exploitation of the circumstances of God Almighty said: "I am their opponent on the Day of Resurrection: a man gave me then treachery, and a man sold free and ate the price, and a man hired a payer and did not give him his right" (Narrated by Bukhari) .

18-The right to adequate life:

The right of the individual to receive enough of the necessities of life... Of food, drink, clothing, housing... It is necessary to the health of his body of care, and what is necessary for the health of his soul, and mind, the knowledge, knowledge, culture, within the scope of the resources of the nation - The duty of the nation extends to include what the individual cannot afford to provide himself with: "The Prophet is first to the believers from themselves" (al-Ahzab: 6).

19- Right to build a family:

Marriage is the right of every human being, it is the legitimate way to build the family and the birth of the offspring, and self-effacement: "O people, fear your Lord, who created you from the same one and created her husband and broadcast them many men and women" (Al _ Nissa': 1). (Bakra: 228). The father has the right to raise his children: fat, moral and religious, according to his faith and his law, and he is responsible for his choice of destination "You are all a shepherd and you are all responsible for his flock" (Narrated by the five).

Each of the spouses - before the other - has the right to respect him, to appreciate his feelings and circumstances, in a framework of compassion and compassion: "And among his signs is that he created for you wives from among yourselves, to dwell in them and make affection and mercy between you" (Rom).

The husband must spend on his wife and children without sacrificing them: "To spend with a capacity of his capacity and for his livelihood, let him spend what God has received" (divorce: 7). Every child is entitled to his or her parents' right to be educated, to be taught and to be disciplined: "The Lord said," I will have mercy on them. "(Isra: 24). Play and learn. Every person in the family can get what he needs from material adequacy, care and affection in his childhood, his old age, his disability and the parents' right to physical and physical care for their children: "You and the owner of your father" (Narrated by Abu Dawood) . So, Islam doesn't force the boy or girl to marry those who do not want.

20- Wife's rights:

The wife has the right to inherit from her husband, as she inherits from her parents, her children, and her relatives: "They are a quarter of what you have left, if not a child, if you have a child, and then they are the price of what you have left." Both spouses must keep their neighbor free, and not disclose any of his secrets, and not disclose what may be a lack of moral or moral, and make sure this right at the time of divorce and after: "Do not forget the credit between you" (Baqarah: 237).

21- Right to education:

The good education is the right of the children to the parents, and righteousness and charity are the right of the parents to the children: "Your Lord has decreed that you should serve only him and the parents with kindness, either you have one or both of them. Do not tell them a thousand, do not purify them and tell them a generous word. And say: "Lord, has mercy on me, as He has raised me small" (Al-Isra: 23 and 24). Education is a right for all, and seeking knowledge is obligatory for all, male and female alike: "Seeking knowledge is obligatory for every Muslim and Muslim" (Narrated by Ibn Majah).

22- The right to privacy of the individual:

The secret of man to their Creator alone: "Do not split his heart" Narrated by Muslim, and their privacy fever, it is not permissible to visit him: "Do not spy" (Al-Kharat: 12). He is one who follows his Muslim brother's ransom. Allah follows his nakedness, and whoever pursues his nakedness will expose him even in the midst of his journey."

23- Right to freedom of movement and residence:

The right of every individual to have freedom of movement, to move from and to his place of residence, and to have the right to travel and emigrate from his homeland, and to return to him without any restriction or impediment to him: "He who made the land for you, 15), "Say:" Walk in the earth, and then see how it was the end of those who lie."(Al-An'am 11)," It is not permissible to force a person to leave his home, nor to deport him arbitrarily, without a legitimate reason (Al-Baqarah: 217).

The reality of human rights in Arab countries:

Human Rights in Syria

The Arab region is witnessing deterioration in the human rights situation in many countries, particularly the countries affected by the Arab Spring and its aftermath. Many women defenders, human rights defenders and civil society organizations face many challenges and risks. There are many cases documented by international and local organizations during the current year in a number of Arab countries.

It is no secret that many of us, especially those who work in the field of human rights, activists and those who seek to tell these rights, are living today in the Arab world and the region in particular. And the whole world even to the West of it is in a tragic reality and there are many images of violation and forms of torture and displacement and wars and destruction on the international and internal levels and the violation of human rights and international humanitarian law, this is what we see daily in Iraq, Syria, Yemen, Libya and Egypt, which is witnessing internal conflicts and conflicts, International.

There are those who violate human rights in arbitrary practices and harsh governmental procedures in countries that are stabilizing. Today the world is witnessing another kind of brutal and repressive practices that revolve around human rights violations, namely the armies and the security authorities, some of which are militias linked to governments, agencies and politicians. Another of the violations is the Islamic violations, as it is called, restricting freedoms, political exclusion and arresting human rights activists.

The complexity of the scene over the past five years and since 2011, and the state of political, social and institutional turmoil in the Middle East, has been reflected on the entire human rights system. Any simple comparison of the human rights situation in all the Arab regions, specifically in a democratic transition, human rights. Despite all the efforts that have been made to promote awareness and education on human rights and the dissemination of their culture, they have not been the real incubators in ensuring the evaluation of political practice and the identification of violations or not, but the political practices on the voice of rights and this is one of the major challenges. It is therefore necessary for human rights institutions and activists in general to develop new mechanisms, strategies and tactics that will serve as a tool to reduce these violations in this region.

Since its inception, the Arab Spring has been a source of political analysis, due to the lack of objectivity and bias resulting from the split in the opinion that this spring has produced at the popular and elitist levels between supporters and opponents. In spite of the analysis and interpretation of this great shift in the Arab street, many of them did not provide satisfactory answers to many of the questions that are going on in the spring of the citizen, especially with regard to the mechanisms that the revolutions reached in countries such as Egypt and Tunisia And Yemen and Libya, which needed revolutions either on the revolution itself or to correct the revolution, and in any case returned them to zero point, and produced the same famous dictatorship equation, "stability versus freedoms," and led the military and the men of the previous regimes to the government hit the results of the ballot box, The same as the one who went out and demanded it.

In the case of Syria, where the spring ended, and where there was a fall and a hot winter, the analyzes were unable to explain the course of the events of the revolution, the delay of its success, and the internationalization of this system. Without regard to the economic and geographical dimensions, these analyzes are divided on the official speeches of States, which always hide their real interests behind human rights and support the aspirations of peoples towards freedom and democracy. In this study, we used the geopolitical approach to analyze the complexity of the events in Syria in an effort to provide a realistic approach that takes the interests of the countries concerned and active in these events. The geopolitical science provides a clear objective and realistic view, detached from media narratives and propaganda interpretations of events and conflicts.

As for human rights in Syria, there is a systematic policy of violating human rights in Syria with complex and interrelated difficulties, starting with the desertification of the Syrian homeland from any true civil society activity such as the defense of human rights during the long decades of tyranny and the security state in each country. The life of the Syrian citizen, leading to the tragedy of forced disappearance, whether by killing or arresting many human rights activists who, during the short period of the Syrian revolution, managed to grasp the basic keys to work in the field of human rights and to present it correctly and honestly.

The complication of the task of documenting human rights violations in Syria and communicating them to the Western media is that the institution / individual is able to provide figures for the numbers of dead members of the army and the Syrian security forces without providing any verifiable lists of their authenticity and validity. The credibility of other human rights organizations that cannot carry out any concrete documentation of the numbers of dead from the regular army and the security forces loyal to the Assad regime because there is no link between them and the official Syrian authorities concerned with counting the number of dead members of the Assad army and its security, especially in light of the alarming restrictions on activists and prosecute most of them by the Syrian security services.

In addition, all other Syrian entities involved in documenting human rights violations in Syria, in all its aspects, have taken note of the fundamental and firm demand for the need to preserve the absolute independence of all types of work in the field of documenting human rights violations, in accordance with the principle of certainty is based on the fact that work in the field of human rights, especially in the case of Syria must be voluntary and self-financed by the contributions of those involved only, which has become a complex demand in the light of the comprehensive catastrophe which is deep and shallow .

All this has broadened the scope of what we have mentioned above to make its undocumented production, a document of human rights violations in the Western media, especially some of the lazy Arab media, which has not bothered to seek the objective truth in what is happening in Syria if not actually immersed in Equation of the separation of the action from another.

Geo-strategic location of Syria and the historical roots of the crisis.

As conflicts revolve around geography, geopolitics highlights the roots and sources of conflict, the motivations that govern global players and all actors in those conflicts. So geopolitics returns any conflict to three interacting parts:

- The struggle for control of resources.
- The struggle for control of geography.
- The struggle for ideological, ethnic and national domination.

In order to seize the resources, the geographic areas must be controlled. In order to control the geography, they need wars, which in turn require a cultural or ideological cover to justify the rationality of fighting and struggle and to legitimize war. States' abuse of any crisis file in a country is always based on a purely political approach that overshadows all other economic, geopolitical and security approaches that explain the main interests of those countries in intervening in other affairs

In the Syrian case, dozens of different interpretations were given to explain the intransigence of this file on the solution and its increasing complexity with increasing age. However, on the basis of these different descriptive narratives, we find a common denominator among them is the geographic location and importance of Syria. However, it does not clarify the role of geography in the conflict and its complexity. So we will try in this paragraph to link international interests in the regional and geopolitical mix to provide a new narrative, geo-political seeks to dismantle the threads of interlocking interests and the installation of parts of the image to provide an integrated vision on the Syrian crisis from the entrance Geopolitical view.

The Syrian crisis between revolution and confrontation strategies

The Roots of the Syrian Crisis (characteristics and causes).

The roots of the Syrian crisis have been rooted in decades of practices that have eroded the values of cohabitation and social contracting. Since the Baath Party came to power, the military coup on March 8, 1963, has announced the rise of military and civilian classes from the middle and lower rural classes, And the removal of the traditional civil bourgeois groups.

The declaration of the state of emergency and customary provisions in 1963, the consolidation of restrictions on political parties in the National Progressive Front Charter and the monopoly of the political action of the Baath party, the leading party of the state and society as stated in the permanent constitution of 1973 And the abolition of the democratic concept of political action. Thus, from 1963 to 2000 political life was reduced, gradually becoming one party and one-sided control over all elements of community, civil, media and other activities, without censoring what is happening. As Bashar al-Assad assumed power, there was a new trend in the Baathist leadership in calling for the reforms that Bashar al-Assad referred to in his first speeches in 2000 after he assumed the presidency, a history of the Syrian political leadership dating to the start of a reformist mentality as promoted in their official media. There is no step towards a Syrian constitution without exclusion, especially in the context of its exclusion of the Syrian Muslim Brotherhood, and the abolition of the law governing the death of anyone belonging to the group in Syria. Eleven years after his "reformist speech", and perhaps most of these reasons that led to the rejection of his regime inside and outside Syria especially for belonging to the Muslim Brotherhood in other countries.

This is one of the many reasons that have crystallized and have been a catalyst for the situation in Syria since March 2011, which is one of the most serious challenges in its modern history, represented in a socio-political crisis that escalated into an armed conflict. It is the result of institutional suffocation and marginalization of many groups in society. Contribute to political, economic and social development. The Syrian revolution reveals the depth of the crisis, which will only end with the elimination of its causes, which requires correcting the practices and violations, and walking in the direction of reaching a republican state based on equal citizenship as the basis of a new Syrian national construction. Human rights and linguistic, cultural and religious specificities.

Reasons for the Syrian Revolution:

One of the reasons behind the Syrian revolution is:

- Lack of political life:

There is no political life in Syria in the real sense since the Baath Party came to power in 1963, in the sense that there is no opinion of the people in its different situations. In other words, there is no participation of the various factions in the country's leadership and direction. The political life has been reduced by the party at first to its members, and then the Assad family has become the center of political life and its essence. Therefore, the political situation has made the Syrian people politically suffocated.

- The deterioration of economic conditions and the spread of extreme poverty.

The second national report on poverty and the fairness of distribution has led to an increase in the percentage of the poor population. According to 2010 estimates, about 7 million people have the right to live in poverty. (34.3 per cent) of the total population have fallen below the poverty line. Which led to the narrowness of the people and its explosion, and this economic factor was one of the factors that triggered the revolution on 15 March 2011.

- The party's hostility to religion and the fight against the religious.

The Baath party, which took power in 1963, was not only hostile to religion but also from the first moment, it sought to uproot religion from the life of Syrian society and to develop different curricula to achieve this in schools, media and culture. , Has continued to do so throughout its 50 years, in addition to the domination of the security services and the spread of injustice and inequality.

B. Characteristics of the Syrian Revolution:

All the conflicting parties in Syria suffer from the conspiracy complex, which can be distinguished first by the regime and secondly by the opposition

First: The Syrian regime:

The Syrian regime believes in the management of the entire universe as a comprehensive plot to sum it up in its propaganda and political discourse, "the global conspiracy," which is made in one side, the strategic enemy.

Second: Opposition:

The plot is limited to the roots of history and the behavior of the supporters of the defaulters, the first in terms of exposure to the doctrine of the ruling person being Alawi Nasiri, and being a Baathist nationalist - leftist - Socialist.

Propaganda is an ideological feature that touches upon the doctrine, race and thought at the grassroots level and the religious leadership that everyone can monitor through their specialized electronic and satellite media. The second is their belief that their supporters are conspiring against them by governments and peoples.

The position of the Syrian regime on the revolution and the strategies followed:

The regime in Syria belongs to an old structure of mind and practice, in order to preserve itself through one thing: how to survive despite the real or possible changes that Syrian society and the world are facing together?

Therefore, the answer to this question is the main concern of the rule of 1970 and the arrival of Hafez al-Assad, the then Minister of Defense to power, as the strategy of the public authority was established in the face of any emerging force or any movement and rebellion or uprising or revolution on the unwanted situation, Types of intellectual and practical practice.

- Therefore the monopoly power was founded by the regime on a set of bases:
- Grab the military power and make it the main tool to maintain power.
- The seizure and expansion of the security services to include their intervention in all matters and patterns of people.
- Controlling the media, and emptying the community of any possible power provided by the patterns of civil society.
- To rely on sectarian fanaticism with other groups that declare allegiance to this nerve, give it power and monopolize it, which led to the formation of a mental structure with authoritarian awareness on the one hand, and fear of its fate if it loses power.

The strategies used by President Bashar Assad in his management of the revolution or the crisis have also been used by Assad in the face of the crises of his rule since 2000, particularly the assassination of former Lebanese President Rafik Hariri and the US invasion of Iraq, In the management of all the crises faced by the regime, which dates back to the era of his father Hafez al-Assad:

- Paying the liabilities to spend as long as possible in developing their response. This tactic reflects the importance of the time factor in physical planning, and the constant bet on changing the data.
- Drowning opponents with a flood of crises designed to divert their attention away from the crimes of the regime, and with the length of time is to forget the basic issue and marginalization and the crises arising from the largest area of diplomatic and political treatment.
- To drain time as much as possible, as the Assad regime seeks to emerge as a collaborator with international delegates and UN committees, but it procrastinates and kills time with routine and constantly evolving details.
- Facilitate the entry of Sunni insurgent groups into Syria, with the aim of complicating any Western support for the opposition and driving the Islamist detainees who are known for their combat to join these groups to prove that he is under an international terrorist plot while holding tens of thousands of peaceful activists to empty the arena for extremists.

Transition Scenarios:

Political reform is linked to the development of political performance and its linkage to the political legitimacy of the ruler. Change or political reform may be the result of a massive revolution in Syria. The term looking- forward is a vision expresses the aspiration for a political future that constitutes a break with the authoritarian past in Syria, which is more than a slow gradual process of reform in its traditional sense. The political vision of the future Syria is linked to several axes of reform that must be worked in parallel. Constitutional reform of the party system is fully linked to the political vision of the future so that it is impossible to study one of them and try to reach an integrated vision of its own without using the rest of the reasons. Hence, it is possible to identify the most important scenarios of political reform in Syria (the future Syria).

A - The fall of the regime:

The transition from the moment of the fall of the regime begins, the only consensus among the Syrian opposition forces is that the regime must fall with all its symbols and pillars, with special emphasis on the departure of the head of the regime, Bashar al-Assad, as many believed that the actual transitional phase would begin after the formation of the transitional government.

After the events, America and Russia agreed to hold the "Geneva II Conference" as a result of the futility of a military solution to the crisis. The political solution is in the interest of the two parties to maintain state cohesion and prevent chemical weapons from falling into the hands of militant groups hostile to America, Israel and Russia.

Military Resolution

The most bloody and costly scenarios and the longest lasting result, of the failure of all means of peaceful Syrian revolution and international pressure to persuade or force the Syrian regime to abandon the rule will be reflected in a comprehensive armed confrontation, between the Syrian people and dissident officers on the one hand and the regime on the other. This scenario would push the international community to direct military intervention previously excluded. Although this study is presented on the scenarios of the Syrian regime, it is in keeping with the situation and developments in the Syrian arena. These scenarios are possible and in varying degrees, especially the scenario of the military decision,

The conflict death reached 470,000 by February 2016, according to the independent Syrian Center for Policy Research. The expansion and escalation of the fighting led to a dire humanitarian crisis, with 6.1 million displaced people and 4.8 million asylum seekers, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). By mid-2016, there were an estimated 1 million people living in the besieged areas and deprived of the necessary assistance for life and humanitarian assistance. More than 117,000 people have been arrested or disappeared since 2011, most of them by government forces, including 4,557 between January and June 2016, according to the Syrian Human Rights Network. Torture and illness are widespread in detention centers, and thousands have been killed in detention.

The "Islamic State" (also known as Dai'sh) and the Nusra Front, which was affiliated with al-Qaeda in Syria, changed its name to the Fatah al-Sham Front, responsible for widespread systematic violations, including targeting civilians with artillery, Kidnappings and executions. Armed groups opposed to the Government have also committed serious violations, including indiscriminate attacks against civilians, the use of child soldiers, abduction and illegal prevention of humanitarian assistance and torture. On October 28, Russia lost its seat on the UN Human Rights Council after failing to garner enough votes for UN member states to re-elect. A number of human rights and humanitarian relief organizations, including Human Rights Watch, have urged UN member states to hold Russia accountable for its involvement in possible war crimes.

Targeting civilians, indiscriminate attacks and the use of incendiary weapons, cluster munitions and chemical weapons. The number of civilians killed in air strikes and artillery dropped slightly after an international-brokered ceasefire in February and September, but only briefly, as unlawful attacks on civilians by all parties to the conflict continued throughout the year. Syrian and Russian air strikes continued to target or indiscriminately bomb civilian areas, including homes, markets, schools and hospitals, using explosive devices, explosive drums, cluster munitions and incendiary weapons.

While Russia continues to deny its involvement in incendiary fire attacks in Syria, Syria has consistently ignored calls to sign the protocol, and has documented the use of incendiary weapons by military forces since the end of 2012. Government forces also continued to use toxic chemicals in many explosive birch attacks in violation of the Convention on the Prohibition of Chemical Weapons. Syrian government helicopters threw explosive barrels containing poisonous chemicals into residential neighborhoods of opposition strongholds in Aleppo on 10 August and 6 September. In a report issued on 24 August, the UN Commission of Inquiry attributed two chemical weapons attacks in 2016 to the Syrian government and one to Dai'sh, which is already under UN sanctions. Arbitrary arrests, enforced disappearances, torture and deaths in custody:

Government forces continue to commit arbitrary, widespread, systematic and arbitrary detention, ill-treatment, torture and enforced disappearance in Syria in an atmosphere of impunity. Deaths in government custody are also widespread due to widespread torture, ill-treatment, starvation, beatings and disease, and at least 12,679 people died in detention between March 2011 and June 2016, according to local observers. A report issued by the UN Independent International Fact-Finding Commission in Syria in September indicated that although there were few reports of sexual violence because of trauma and stigma, they were able to document some cases of sexual violence against detainees and detainees by government officials.

Government security forces used excessive force to suppress a rebellion inside the central prison in Hama, which began on May 1, resulting in injuries, according to prisoners who spoke to Human Rights Watch. Violations of the front of victory (Al Nusra) The "Nusra Front" announced in July 2016, its disconnection with al-Qaeda and the formation of the Fatah al-Sham Front. Al-Nusra and Da'ish were responsible for violations including deliberate shelling of civilian targets, abduction, arbitrary detention and execution, and illegal blockade in 2016. Although it is difficult to obtain information on violations by the Da'ish and the Front for Support because of the difficulty of independent observers entering their areas of control, the two organizations have published their unlawful attacks.

Da'ish claimed responsibility for several car bomb attacks and suicide attacks in Lathakia on May 23, including bombings at internal bus stations and a hospital, and announced that it had targeted areas of the Alawite community. The attacks killed 145 civilians, according to the Syrian Observatory for Human Rights. On February 21, Da'ish's organization targeted a series of bombings at a Shiite shrine in Damascus and a haze for civilians in Homs, according to media reports, killing 109 and injuring 235 others, including children.

Women and girls continue to face discrimination and severe restrictions, including their right to freedom of movement in areas of authoritarian control. A report by the UN Independent International Fact-Finding Commission in Syria (SICRI) notes that (Daish) fighters have forcibly married Sunni women living in areas of controlled control. (Daish) also continues to organize torture, rape, murder and sexual enslavement of women and children, many of whom were arrested in Iraq and taken to Syria. The 2016 news reports also indicated that Daish's organization continues to execute homosexuality suspects. In one case reported, a 15-year-old boy from Dir al-Zour was stoned to death on 3 January after being accused of being homosexual. At least 25 men were killed in Syria on suspicion of "sodomy," according to the Syrian Observatory for Human Rights.

Violations by other armed groups that are non-governmental

Non-governmental armed groups launched random attacks using mortars and artillery from areas under their control against civilians in government-controlled neighborhoods of Aleppo, Damascus, Idlib and Lathakia. These attacks have repeatedly hit clear civilian targets, including schools, mosques and markets.

Sixteen civilians were killed and 41 wounded when an armed opposition group bombed a mosque on April 29 during Friday prayers in Aleppo, according to the Syrian News Agency (SANA). SANA reported on June 5 that five people were killed and 77 wounded when armed opposition groups fired rockets into government-controlled areas of Aleppo, including the Ramous, the electricity company, the field, a public park and an Armenian church. Armed opposition groups also hit a maternity hospital in a government-controlled area of Aleppo on May 3, media reports said.

Areas of control of the Kurdish Democratic Union Party

The Democratic Unionist Party (PDD) and allied parties have established a local government structure in large areas of northern Syria. DPP's People Protection Units (YPK) did not meet their obligation to demobilize children and to stop using children and girls under the age of 18 to fight, despite some progress in the demobilization of child soldiers in 2014 and 2015, and reprimanding officers who allow children to serve. There are also concerns about the creation of "non-combat category" protection units for children aged 16-17.

The Crisis of displacement

The displacement crisis has been exacerbated internally and externally by continued artillery shelling, widespread and systematic arbitrary detention, illness, torture and enforced disappearance. The crisis has further compounded the shortfall in international humanitarian funding. Neighboring countries, including Lebanon, Jordan and Turkey, sought to reduce the influx of large numbers of refugees by placing administrative, legal and even illegal physical obstacles. Despite the bilateral open-door treaty, Lebanon has imposed restrictions since early 2015, such as a visa for Syrians seeking entry and maintaining strict conditions for renewing residency, negatively affecting refugees' freedom of movement, access to education and access to health care. During the year Jordanian border authorities prevented the entry of migrants and asylum seekers along the eastern border with Syria, except in early summer when 20,000 were allowed to enter with their security checks. The Syria-Region Support Conference held in London on February 4 raised more than \$ 12 billion, half of it for 2016. Countries attending the Geneva Conference of the UN Refugee Agency on March 30 failed to commit to more than a modest increase in repatriation resettlement of refugees.

Many Syrian refugees have chosen to try to enter the European Union by sea because of protracted procedures and limited resettlement, as well as declining aid resources and restrictions on access to the European Union by land.

Major international actors

Efforts to push the UN Security Council to take more effective action in Syria have failed. Peace talks held by the International Group to Support Syria to resolve the conflict in Syria ended in February 2016, with the exception of some bilateral meetings that have been resumed between the heads of the international community, Russia and the United States. The cessation of hostilities was negotiated at the end of February, which saw a reduction in civilian casualties, but quickly collapsed. Another cessation of hostilities was negotiated in September, but collapsed after an air strike bombed a UN aid convoy, killing at least 20 people.

The Syrian government has continued to violate Security Council resolutions demanding the safe and unimpeded access of humanitarian assistance across the conflict and across the border. It stipulates that all parties cease "indiscriminate use of weapons in populated areas, including artillery shelling and aerial bombardment, such as the use of explosive drums", an end to arbitrary detention practices, enforced disappearances and abductions, as well as the arbitrary release of all detainees.

Russia and the Iranian government continued to provide military assistance to the Syrian government in 2016, in addition to hindering genuine proposals for action in the UN Security Council to limit violations of the Syrian government, or rejecting these proposals in advance.

Conclusion

Finally, we conclude that human rights are one of the most important rights that have been known since ancient times, at the global, regional and even local level. All countries have used conventions, charters and mechanisms. However, the European system of human rights is one of the most advanced regional systems in the field of protecting human rights and fundamental freedoms.

The Arab system is slowly taking steps. The idea of an Arab charter for human rights dates back to 1969, but this idea did not come into existence until 25 years later when the Council of the League of Arab States adopted a draft charter in September 1994, which was rejected by the Arab states and updated to be ratified in May 2004. However, it did not enter into force until March 2008. This is a very important first step towards the drafting of an Arab human rights system, pending new additions to the Charter that makes it more effective. The Arab Court for Human Rights and its exclusivity to the Committee as a single mechanism for monitoring it.

The following suggestions and recommendations should be made:

- Countries with their various institutions should work with the educated Arab elites to make their intellectual and scientific capacities available to serve Arab human rights issues by facilitating ways to educate citizens about their rights and freedoms through the media and human rights education for future generations.
- Arab Countries shouldn't put special restrictions on the exercise of political freedoms, which is known as exceptional laws
- Supporting independent human rights organizations, which are embodied in civil society organizations from political parties, federations and trade unions (NGOs)?
- The Arab states should work to develop Arab efforts in the field of human rights through the enforcement of existing agreements and the conclusion of other conventions specialized in certain types of rights.
- Accelerate the activation of the Arab Court for Human Rights and add a protocol to the Arab Charter on Human Rights.
- The Arab countries must reform their systems by making them respect the principles of democracy, which are at the same time fundamental to human rights and public freedoms.
- Arab states must reform local laws by amending laws restricting rights and freedoms.
- an Arab or Islamic human rights system is possible only through the establishment and strengthening mechanisms to monitor the implementation of Islamic and Arab human rights documents, and adhere to and comply with the recommendations or decisions issued by them.

Finally, we would like to note with regretting the negative view of the West towards the Arab-Islamic civilization. While the Arabs recognize the degree of exaggeration of Western civilization, science, ideas and theories ... Westerners deny the influence of the Arab-Islamic civilization on them, and to portray them to the maximum extent possible of negativity.

This is because the image painted for Arabs or Muslims in the world is the image of violence, terrorism and underdevelopment, violations of public freedoms, oppression of women, anti-progress and the threat of human civilization. The great powers today are armed with the weapon of globalization. They try to dominate the world. For the Muslims, to make it a pretext to mobilize the world to confront the enemies of civilization, progress, development and human rights... But it must also be recognized that the mistakes and gaps on the basis of our political and even legal systems have helped them a lot to achieve this.

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