

Helpdesk Research Report: The Arab Spring and its impact on human rights in the MENA region.

14 October 2011

Query: What is the current human rights situation in the MENA region and how has it changed as a result of the Arab Spring? Who are the risk groups in the region in regards to human rights abuses, with particular focus on ethnic and religious factions?

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1. Overview

The Middle East and North Africa region is a large and diverse region and it is difficult to make regional generalisations about the impact of the Arab Spring on human rights. Long-standing authoritarian rulers have been overthrown in Tunisia and Egypt where elections are due, and in Libya, where conflict rages on but with a new interim government controlling much of the country. In other countries, changes have been less radical but authorities in most cases have announced some degree of political reform in response to demands made by demonstrators. However, the broader picture is that it is too early to tell whether reforms will have any tangible impact in practice. The largest

political changes are occurring in Egypt, Tunisia and Libya, but more time is needed to see how the political processes in those countries pan out before an accurate assessment can be made.

This report looks at the human rights situation on a country-by country basis. Not all MENA countries have been included here, but all of those included here have been affected by pro-democracy or political reform movements to differing degrees.

The following conclusions can be drawn from the country case studies:

- Authorities have responded to pro-democracy demands, and reforms with a human rights element have been announced in the majority of cases. However, it is too early to tell whether reforms on paper or in rhetoric will translate into tangible change in practice;
- Demonstrations were almost without exception met by excessive force from security forces resulting in deaths and injuries. Therefore, the human rights situation deteriorated in the immediate aftermath of demonstrations during the early part of 2011;
- Some practices that run contrary to internationally accepted human rights norms continue, such as the use of military trials for civilians arrested during the period of the uprising;
- Security forces notorious for committing human rights abuses under former regimes in Egypt and Tunisia have been disbanded. However, remaining security forces across the region, including in Tunisia and Egypt, continue to use heavy-handed tactics against protestors;
- In many cases, security forces have not yet been held to account for human rights abuses committed in response to protests, including the excessive use of force, arbitrary arrests and torture of detainees;
- A state of emergency was announced in a number of countries during the early part of 2011, including in Algeria, Syria and Bahrain. Some of the practices conducted during this period by authorities and security forces were contrary to internationally accepted human rights norms. In some cases, such as Syria, the lifting of emergency law has made no discernable difference on the treatment of critical voices by authorities and security forces. In Egypt, emergency law has actually been broadened;
- On the whole, freedom of speech and freedom of association are still restricted across the region. In some cases, authorities have actually sought to restrict critical voices through legislation, fines and arrests. Where freedom of speech reforms have been announced, such as in Algeria, they have been criticised by human rights groups.

Efforts have been made to identify groups that are particularly vulnerable to human rights abuses for each country covered. Some regional conclusions can also be drawn:

- Widespread discrimination of women still exists across the region but advances have been made in Tunisia and Saudi Arabia;

- Migrant workers make up a large proportion of the workforce in the region (especially the Arab Gulf States). They remain excluded from labour laws (with the exception of Jordan) and are subject to an immigration sponsorship system that makes it difficult to leave abusive employers. There is no indication that their situation with regards to human rights has improved or will improve as a result of the Arab Spring;
- Conflict in Libya and Syria has led to a growth in the numbers of refugees in neighbouring countries such as Tunisia, Egypt and Jordan. Many are living in refugee camps with inadequate facilities and without access to basic needs.

2. Algeria

Algerian authorities lifted a nineteen-year long state of emergency in February 2011. However, more progress is needed to restore basic civil liberties. Particularly problematic are the repressive laws that restrict freedom of expression, association, and assembly (BBC, 2011a; HRW, 2011a). On the 15th April, the President announced reforms to strengthen democracy, including: the revision of electoral law; the appointment of a constitutional reform committee; a new law on information; and a reform of the law on civil society organisations (AI, 2011a). However, the law on information has been criticised by human rights organisations. Whilst the imprisonment penalty has been abolished, freedom of opinion and expression are still restricted due to large fines, which range from EUR 300 to 5000, an extortionate sum for most Algerian journalists (Sanchez, 2011).

At risk groups

A number of Sahrawi refugee camps are located in the Tindouf region of Algeria and administered by the Popular Front for the Liberation of Saqiat al-Hamra and Rio de Oro (POLISARIO). Human rights groups have criticised the POLISARIO for marginalising those who directly challenge its leadership or general political orientation. The rights of residents of the Tindouf camps remain vulnerable and there is a lack of oversight by Algerian authorities (HRW, 2008; Bikyamasr, 2011).

3. Bahrain

Peaceful protest, which began on the 14th February, was met by overwhelming force from security forces. As a result of the crackdown, it is estimated that there are over 1500 detainees, over 180 civilians sentenced by martial court and more than 40 killed.¹

Extreme force

The state of emergency imposed in March was lifted on the 1st of June. During the emergency period, armed forces were authorised to use extreme measures, including the use of shotguns, teargas and rubber bullets.

¹ Figures quoted on the 13th October 2011 on Bahrain Centre for Human Rights website. See: <http://www.bahrainrights.org/en>

Arrest and persecution of protestors

Hundreds of people who went on strike or attended protests have been dismissed from work whilst many remain in incommunicado detention with the possibility that they have been subjected to torture. The conviction of 20 doctors, who were arrested for treating injured protestors, has been particularly prominent in the international news (HRW, 2011b; Fordham, 2011)

Freedom of information

There have also been restrictions on the freedom of information. Numerous websites, including that of the Bahrain Centre for Human Rights (BCHR), have been banned whilst journalists and bloggers, including the editor of the country's only opposition newspaper, have been arrested (HRW, 2011b; RSF, 2011).

Independent commission to investigate abuses

In what is considered to be a positive move, King Hamad announced an independent investigative commission on the 29th June. This includes four internationally recognised human rights experts, including Nigel Rodley, the former UN Special Rapporteur on Torture. The Commission's mandate is to investigate the events occurring in Bahrain in February/March 2011 (HRW, 2011b).

At risk groups

Shia Muslims, who make up about 70 per cent of Bahrain's population, face systematic discrimination and are prevented from taking top government and political posts. A national dialogue was initiated by the King in July as a means to ease tensions between the country's majority Shias and minority Sunnis. However, concerns remain of sectarian divisions in the aftermath of the uprising (Fordham 2011; Al Jazeera, 2011a).

During the protests, there were reports of xenophobic attacks by opposition Shia elements against migrant workers. Grievances exist because of the Bahrain police, used to repress protestors, contains a significant number of South Asian Sunni Muslims. Human rights organisations have also criticised the regime's poor track record on migrant-rights and the issuance of several anti-migrant resolutions (Migrant Rights, 2011).

4. Egypt

Some progress with respect to human rights appears to have been made in Egypt. Parliamentary elections are set to begin on the 21st November 2011 and former officials charged with killing demonstrators and engaging corruption are being tried. In addition, the notorious State Security Investigation Service (SSIS), which has been blamed for decades of human rights abuses, has been disbanded (BBC, 2011b).

However, for many, the pace of progress has not been quick enough and some would argue that new measures introduced by the Supreme Council of the Armed Forces (SCAF), have actually curbed some aspects of human rights. Human rights abuses continue in the form of the used of excessive violence against protestors, a clamp-down

on free expression and criticism of the military government, accompanied by increased rhetoric and restrictions on NGOs and human rights organisations, and the continuing use of military trials (AI, 2011b).

Restricted rights of NGOs and Human Rights Organisations.

There has been a recent increase in public rhetoric from the cabinet and the military against organisations that receive foreign funding, many of which have been criticising the military for torture and military trials. For example, in September, the Justice Ministry accused 39 groups, including many reputable human rights organisations, of illegally receiving foreign funding without prior authorisation, with executives and employees facing imprisonment and fines if convicted (HRW, 2011c).

Restricting criticism of the government

The authorities are using the same provisions as previously used by the Mubarak regime to curb criticism of the government's human rights record. A recent example is the case of Asamaa Mahfouz, a former leader of the April 6 Youth Movement, who received a summons in August to appear before the military prosecutor (HRW, 2011d).

Excessive use of force and torture against protestors

During the uprising, up to 6,467 protestors were injured due to excessive force, with thousands being detained and several tortured (AI, 2011b; Elmeshad, 2011). Furthermore, clashes occurred in Cairo between the Central Security Forces (CSF) and protestors on the 28th and 29th of June 2011, in which more than 1,000 people were injured (HRW, 2011e).

Military tribunals

Since taking over public safety duties from the police in January 2011, Egypt's military has arrested almost 12,000 civilians and brought them before military tribunals. This is more than the total number of civilians who faced military trials during Mubarak's 30-year rule (HRW, 2011f).

Reactivation of the Emergency Law

In September, the SCAF broadened the application of the Emergency Law following clashes between demonstrators and security forces at the Israeli embassy. Those arrested under the emergency law are tried before special courts known as Emergency) Supreme State Security Courts. In addition, provisions of the Emergency Law allowing the Minister of Interior to order the indefinite detention without charge or trial of individuals suspected of constituting a "danger to public security and order" remain in force (AI, 2011c; 2011d).

At risk groups

The most vulnerable ethnic/religious group in Egypt appears to be the Coptic Christians. Sectarian clashes have increased since the downfall of Mubarak. A severe eruption of violence occurred on the 9th October 2011 in Cairo, when security forces attacked a protest against the government's failure to stem rising sectarian tensions and a spate of hate attacks on Coptic churches. 24 were left dead and more than 300 injured due to the

use of live rounds and heavy military vehicles, which ploughed into the crowd of protesters (The Economist, 2011a; 2011b).

There are also around 1000 asylum seekers and refugees, mostly from Sub-Saharan countries, who are stranded at the Saloum Border Post as a result of the conflict in Libya. The border post is a militarised area and refugees have been stranded without adequate facilities for long-term stay, unable to return to their countries because of the risk of persecution, (AI, 2011e).

5. Iran

Iran is regarded as one of the worst human rights abusers in the Middle East. The 2009 Iranian presidential election, widely perceived in Iran as fraudulent, led to a dramatic increase in Iranian state repression. Unrest occurred again on the 14th February, when thousands of people protested in Tehran in solidarity with pro-democracy demonstrations across the region. The protests were met by excessive force – two people were killed and many more injured. Rallies held in the following days were also suppressed (Nader, 2011, BBC, 2011c).

Iranians who oppose the regime are routinely harassed, jailed, tortured, raped, and executed. Extra-judicial killings, arbitrary arrest and detention, torture, restrictions on freedom of expression and association and the targeting of ethnic and religious minorities continue. The leaders of the opposition Green Movement, including former Prime Minister Mir Hussein Mousavi, have been placed under house arrest. The regime has actually increased its use of force - fearful of Arab Spring type revolts and the fact that upcoming parliamentary elections in 2012 could trigger further demonstrations (Rand, 2011, HRW, 2011g)

At risk groups

Women remain vulnerable to abuses and are denied equal rights despite their educational, economic, and civic accomplishments (Nader, 2011).

The Bahá'ís have no recognised status as a religious minority in Iran and members of the community face arbitrary destruction of their homes, arrests, and confiscation and destruction of property. In addition, their access to employment is restricted (Minority Rights, 2011)

6. Jordan

For several weeks from mid-January, hundreds and sometimes thousands of Jordanians staged peaceful protests. Demands initially focused on economic reforms but evolved to calls for the resignation of the Prime Minister, political reforms (including full elections), and freedom of speech and association (AI, 2011a).

Excessive force

In March, government supporters and security forces attacked peaceful demonstrators in Amman – leaving one dead and many others injured. In July, at least 10 people were injured in Amman as police used batons to disperse protests. This was all part of a clampdown prompted by fears of mass crowds as seen in Egypt and Tunisia (Al Jazeera, 2011b).

Political reforms

King Abdullah II responded to demands by replacing his prime minister with Marouf al-Bakhit, a former general and ambassador to Israel, together with a new cabinet. In a speech marking the 12th anniversary of his rule, the King also promised to give up powers to appoint prime ministers and cabinets, though he has not given a precise indication as to when this will take place (BBC, 2011d).

Freedom of expression

Human rights challenges remain, and free speech is still being stifled. In June, an anti-corruption agency was created with powers to punish people with up to six months imprisonment who spread “unjustified” rumours about corruption (Wilcke, 2011a)

At risk groups

As in many other Middle-Eastern countries, migrant workers are vulnerable to human rights abuses. Although it is the only country to include domestic migrant workers under its labour laws, in practice, migrant workers often face abuses in the form of beatings, confiscation of passports, confinement to the house, non-payment of salaries and overlong hours (Wilcke, 2011b)

Religious minorities in Jordan include Christians, and small numbers of Bahá'ís, Druze and Shia Muslims. Muslim–Christian relations are generally good, but Bahá'ís in particular face ongoing official discrimination (Minority Rights, 2011).

7. Libya

Conflict continues in Libya and the key issue here is whether parties involved are respecting international humanitarian law and applicable human rights law. There are an array of security forces operating in Tripoli and western Libya without effective oversight or experience, and with varied human rights records. There is evidence that militia groups aligned to the National Transitional Council (NTC) have been making arbitrary arrests and abusing detainees in prisons and make-shift detainee centres across Western Libya (HRW, 2011h). Many of Gadaffi's loyalists have been rounded for interrogation in detention centres without legal representation or formal charges (BBC, 2011e). Meanwhile, the task of setting up a justice system able to provide prompt judicial review of all detainees has not been given high priority (HRW, 2011g).

At risk groups:

Dark-skinned Libyans and Sub-Saharan African migrant workers have been accused of being ‘mercenaries’ and remain vulnerable to abuse by militias aligned to the new interim

authorities. Tawergha, a town mostly inhabited by dark-skinned Libyans has been emptied of its entire population with inhabitants either been killed or having fled. Those captured have been subject to human rights abuses and torture. Furthermore, hundreds of Sub-Saharan African migrants workers have been imprisoned with reports of their houses being looted and women and girls being beaten and raped (HRI 2011b; 2011b; HRW 2011h; BBC, 2011f)

8. Morocco

Constitutional reform

On the 9th of March, King Mohammed VI announced constitutional reform, which was subsequently voted in by referendum with 98 percent in favour of the reforms (BBC, 2011g; 2011h). Key human rights reforms include: (1) New powers for the parliament, including more oversight of civil rights, electoral and nationality issues; (2) Strengthening and protecting the independence of the judiciary; (3) Guaranteeing women's "civic and social" equality with men; (4) Guaranteeing freedom of religious practice to all faiths; and (5) Recognising Amazigh, the language spoken by the Berber minority, as an official language (BBC, 2011g; Achy, 2011; Ottaway, 2011). In addition, in March, the King set up a new National Human Rights Council (Middle East Online, 2011).

Elections

Elections are due to be held on the 25th November but pro-democracy and anti-corruption demonstrations resurfaced in September. An estimated 3000 protestors marched through the streets of Casablanca, with reports stating that few police were in evidence and there were none of the attacks by government supporters that have marred past demonstrations (Reuters, 2011; Forbes, 2011; USA Today, 2011)

At risk groups

The dispute between Morocco and the independence-seeking POLISARIO over Western Sahara remains unresolved and advocates of self-determination continue to face oppression (Arieff, 2011). The Moroccan government continues to oppose the inclusion of a human rights monitoring component in the long-standing UN Mission for the Referendum in Western Sahara (MINURSO) (AI, 2011a).

9. Oman

In February 2011, demonstrators gathered to demand jobs and political reform in Oman's main industrial centre, Sohar, staging a month-long sit-in at a major public roundabout. Sultan Qaboos responded quickly by promising more jobs, raising the minimum wage and providing benefits (BBC, 2011i).

However, protests and clashes with the authorities have continued in the face of lethal force which has been used by police, including teargas and rubber bullets. There are also reports of beatings and abuse whilst in custody of protestors (HRW, 2011i).

Calls by protestors for increased freedom of expression have gone unheeded -several bloggers and journalists have been targeted and sentenced to prison after criticising the government (AI, 2011f).

10. Saudi Arabia

In response to the February protests, King Abdullah bin 'Abdul 'Aziz Al-Saud announced USD 37 billion in handouts and another package worth over USD90 billion after further protests in March. However, there have been reports of the use of intimidating tactics, which have served to dissuade people from organizing or attending further demonstrations (AI, 2011a).

Womens' Rights

In a surprise but long overdue move, the King announced that women will be able to participate in municipal elections in 2015. He also announced that women may become full voting members of the consultative Shura council (Khalife, 2011).

Human rights impacts of anti-terror legislation

There is concern about the human rights implications of the draft Penal Law for Crimes of Terrorism and Its Financing of 2011. It has serious flaws, which will further undermine freedom of speech, peaceful assembly and association, and the right to a fair trial (HRW, 2011j).

At risk groups

Saudi Arabia's Shia minority make up about 15 per cent of the population and remain subject to systematic discrimination in education, employment and political representation (Minority Rights, 2011). Sporadic protests by the minority Shia Muslim community continued to be reported in February, March and early April in the oil-rich Eastern Province. Protesters demanded the release of political prisoners and voiced grievances about discrimination that bars them from senior government posts and benefits enjoyed by other citizens. In response, authorities arrested more than 100 people (HRW, 2011k).

11. Syria

The regime in Syria has sought to ride out the uprising through violent crackdowns, propaganda blaming terrorism, foreign and other 'armed elements', sectarianism (inciting sectarianism and manipulating public fear of it), increased spending, and promises of reform. Some of the offers made by Assad include: an amnesty on political prisoners (although thousands remain in jail); constitutional reform including a national dialogue on a new election law; and media reform (BBC, 2011j).

Although the emergency law was revoked in April, Syrian authorities have responded to protests with overwhelming military force and the death toll has risen to 2900 people with up to 10,000 fleeing to Turkey (BBC, 2011j; 2011k). Security forces have also arbitrarily

arrested thousands, subjecting many of them to torture in detention. The UN Human Rights Council has adopted a resolution condemning Syria for grave and systematic human-rights violations and calling for an investigation into possible crimes against humanity (HRW, 2011j; VOA, 2011).

At risk groups

The country's ethnic Kurdish minority (around 10–15 per cent of the population) continue to suffer repression. Kurds are denied Syrian citizenship, and therefore cannot access publicly subsidised food, travel abroad, or access to public education or employment in the public sector (Minority Rights, 2011).

12. Tunisia

Elections are scheduled for the 23rd October, with some 112 parties granted authorisation to run (Al Jazeera, 2011c). It appears that some advances in human rights have been made since the revolution. However, the overall picture will only become clear once the candidates in the forthcoming elections have stated their positions on key human rights issues and the constitution is finalised (HRW, 2011k).

The following have been cited by Amnesty International as key actions that need to be addressed in Tunisia: An overhaul of police and law enforcement bodies, with increased transparency and accountability in the structure of command; the combating of torture; an end to incommunicado detention and ensuring that detainees have access to their families, legal representation and medical care; a repeal of laws that criminalise free assembly, association and expression; a reform of the justice system with the introduction of fair trials and an end to the practice of trial by military court; an investigation of past abuses committed under the rule of former president Zine El Abidine Ben Ali; the introduction of a law forbidding violence against women; and the abolishment of the death penalty (AI, 2011g).

Use of force and abuses by security forces

The State Security Department and the secret police service, which was widely accused of committing human rights abuses, have been disbanded. However, police have not been held to account for past abuses and continue to use heavy-handed tactics (such as beating journalists) in response to protests (The Guardian, 2011a). The UN High Commissioner for Human Rights (OHCHR) estimates that 147 protestors were killed in addition to the 72 who died in prison incidents linked to the unrest (AI, 2011h).

Women's rights

Tunisia has had a relatively good record on women's rights, even under the previous regime where women accounted for 20% of members in the parliament (The Guardian, 2011b). Some advances have been made since the revolution but other discriminatory practices still exist. In April, Tunisia's electoral commission adopted a gender parity law that requires each party to run an equal number of male and female candidates in the forthcoming elections. Additionally, in August, Tunisia became the first country in the region to remove all reservations on the UN Convention on the Elimination of All Forms

of Discrimination (CEDAW). Discrimination still exists in inheritance and Tunisia does not yet have a comprehensive law on family violence. There is also some concern that ground could be lost due to the re-emergence of Islamist parties that were previously banned (HRW 2011k).

At risk groups

There are approximately 3800 refugees and asylum seekers living in camps located approximately eight kilometres from the border crossing of Ras Jdir, on the Tunisian side of the border with Libya. It is UNHCR's third largest operation worldwide (AI, 2011i).

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| 13. Yemen |
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The human rights situation in Yemen has deteriorated rapidly in 2011. Protests calling for reform have been met with brutal repression. Up to 225 have been killed and hundreds injured after security forces have repeatedly used live ammunition to break up demonstrations. The situation has become even graver in recent weeks, with 50 further deaths in September. Investigations have been announced into the killings but inspire little confidence - little has been made public about the nature and scope of the investigation and there are serious questions as to whether the investigating body has the ability to conduct thorough, independent and impartial investigations (AI, 2011a; 2011b)

The pro-democracy movement has been hi-jacked by three elite factions, which brings increased risk of civil war with little hope for improving the human rights situation for civilians (Tayler, 2011, BBC, 2011).

At risk groups

Children and women are particularly at risk in Yemen. Child soldiers recruited by the Yemeni army are now being used by anti-government militias. Women generally have a low social status in Yemen and those involved in protests are particularly vulnerable to attacks by security forces (HRW, 2011i; Kalife, 2011b).

Fighting between Yemeni forces and Ansar al-Sharia, an Islamist armed group who authorities claim are linked to al-Qaeda, in Southern Abyan province has created a humanitarian crisis. Dozens of civilians have been killed whilst many others have been displaced from the provincial capital. Many are camped in rural areas whilst tens of thousands are in Aden, crammed into schools and abandoned homes (HRW, 2011m).

Yemen is home to around 200,000 Akhdam people, who are the country's largest and poorest minority group. Although Arabic-speaking Muslims, Akhdam are considered servants by mainstream Yemeni society and suffer deeply ingrained discrimination. Many live in extreme slum conditions with no access to running water, sewerage or electricity (Minority Rights, 2011).

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