



PROJECT *on* Middle East Democracy

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"Looking Back & Moving Forward: Human Rights in the Arab World in 2009 and Beyond"

Project and Middle East Democracy and
the Cairo Institute for Human Rights Studies
1779 Massachusetts Avenue NW
February 16, 2010, 12:00 – 2:00 PM

The Project on Middle East Democracy and the Cairo Institute for Human Rights Studies (CIHRS) hosted an event to examine the current state of human rights in the Arab world. Last month, CIHRS released a report stating that human rights in the Arab region have deteriorated compared to 2008. The report, which features 12 country studies by regional authors, paints a detailed picture of trends and developments over the past year that have threatened personal freedoms and regional progress towards improved human rights standards. These trends include the persistence of "widespread impunity and flagrant lack of accountability" in addition to a variety of repressive legal measures regimes have taken to undermine basic liberties, such as emergency and anti-terrorism laws. The report also takes a closer look at the state of women's rights at a time when Arab governments have actively engaged on that issue. Finally, it reviews the behavior of Arab governments in regional and international organizations. To examine and discuss the report, **Andrew Albertson**, Executive Director of POMED, moderated a panel of three experts in Middle Eastern studies: **Nathan Brown**, Nonresident Senior Associate for the Middle East Program at the Carnegie Endowment for International Peace; **Bahey Eldin Hassan**, General Director of CIHRS; and **Radwan Ziadeh**, Director of the Damascus Center for Human Rights Studies.

Bahey Eldin Hassan kicked off the panel by detailing the report's extensive research, which drew upon twelve country case studies, Arab advisors within and outside the region, and reports from more than 80 human rights organizations. Its main conclusion, according to Hassan, is that **"the human rights situation in the Arab region has deteriorated in comparison with last year," and is expected to decay further in the years ahead.** "Unfortunately, this is almost the same conclusion of the Cairo Institute's report last year," Hassan said, identifying a number of "worrying signs":

- ❖ Human rights defenders and reformists are the target of increasing attacks in places like Yemen, Bahrain, Saudi Arabia, and elsewhere.
- ❖ There are grave assaults on freedom of expression in a majority of the countries under examination in CIHRS' report.
- ❖ Repression of all forms of political and social protest exist throughout the region.
- ❖ Torture and extrajudicial killings are routine in Egypt, Sudan, Yemen, Saudi Arabia, and coming back into practice in places like Morocco and Bahrain.
- ❖ There are region-wide abuses in the name of counterterrorism and security.
- ❖ No mechanisms exist for the peaceful and fair transfer of political power – constitutions are amended to secure the transfer of power only to the ruling elite, the ruling party, or the ruling family.

- ❖ Occupations and armed conflicts have led to human rights abuses that maximize the suffering of civilians caught in the cross-fire.

Shifting to specific instances of abuse, **Hassan highlighted Egypt's exploitation of its "Emergency Law" – a provision originally established to deal with suspected terrorists – to detain bloggers and dissidents who criticize the regime.** One blogger remains in jail despite 17 court-orders for his release. Another was sentenced to four years in prison, even though he was a well-known secularist who was not involved in terrorist activities.

Hassan also bemoaned the U.S. and European obstructionism with regard to the Goldstone Report in the UN, which he believes empowered Arab governments to continue abusing human rights without fear of retribution or severe condemnation.

Radwan Ziadeh spoke next, describing what he believes is the main problem in the Arab world: the "human rights circle." The **first element** of this construct is the never-ending emergency state, which at least five Arab countries have used to justify draconian policies for years or even decades. This leads to a deficit of constitutional rights, the **second element**. Both the emergency state and flexible constitutionalism lead to the **third element**: impunity and a lack of accountability.

Ziadeh then explored three country case studies. First, he relayed that Egypt continues to top the list of countries in which torture is routinely and systematically practiced. Its emergency law has been widely used to harass and detain bloggers without charge. Second, he looked at Syria and described how its government has failed to take even one step to reconsider laws that are inimical to human rights, leaving it in a much worse situation than Egypt. Finally, Yemen is an example of a country where U.S. aid has increased significantly, but the human rights situation has yet to improve. **Ziadeh diagnosed U.S. foreign policy as having a "lack of understanding of the nature of authoritarian regimes in the Arab world."** He provided three recommendations: Democratization must become a goal for this administration; the U.S. needs to establish a long-term commitment to this goal; and efforts to advance democracy in the region should be unique to each country's level of development and social and economic rights.

Wrapping up the panel, **Nathan Brown** highlighted the unique elements of this report that differentiate it from many human rights organizations. First, he noticed that the report's tone was significantly more pointed. **It tackled the politics directly instead of simply citing law in a "diagnostic, dry, antiseptic way"** – which is often the modus operandi of international human rights organizations. Aside from the tone, he emphasized three distinctive features of the report specifically, and the Arab human rights field more generally. **First**, he observed that the Arab world is not just experiencing a proliferation of all-powerful executive branches, but also the **decaying of political infrastructures**. It's not just a matter of getting states to live up to obligations, he said, but in some cases the deteriorating state structures are "throwing up all kinds of challenges to human rights and making it a far more difficult environment in which to realize any protections." **Second**, he pointed to the **increasing "savvyness of states."** Many Arab governments are learning that "subtlety" is a much more effective and disarming tool than their more familiar tactics of *ad hominem* and personal attacks. **Third**, Brown talked about the difficulty of researching and understanding women's rights in the region. Not only is it an incredibly sensitive subject (for religious, familial, and personal reasons), but **it's an extremely complicated area that includes a mix of laws from different fields that are difficult to disentangle.**

Albertson asked Hassan to address the UN's Universal Periodic Review (UPR) and describe how the CIHRS engages in that process. Hassan replied that the UN human rights system is very politicized; it's an expression of the political will of the UN's main players. "Our experience," he said, "is that this process has more benefits inside the country, because a government has to submit a report and local organizations are actively involved – **but at the end of the day, it also depends on how vibrant the civil society is of any country.**"

In response to a question about how electoral reform advocacy fits into the equation, Hassan maintained that electoral reforms should not be prioritized over basic human rights, freedom of expression in particular. He also argued that minority rights should be a point of focus.

Brown joined the discussion and **conveyed his fear of an American policy that risks losing a central political focus by coming up with a variety of technical areas for programming.** "There has to be some kind of integration of the most political aspects of democracy promotion, not as a central focus, but as a part of a larger policy."

Finally, Ziadeh, in response to a question about how to prioritize reform advocacy, **emphasized the value of enhancing civil society capacity through cooperation and partnership with international organizations.** Although other problems in the Middle East may have defused some of the intense focus upon democracy, Ziadeh believes that if the U.S. can push for some democratic progress in Egypt – which can then serve as a regional model – that will have some impact on other countries.