Background Paper for the

Regional Consultation for the Middle East and North Africa

Beirut, Lebanon
21 and 22 December 2017

**The Equal Right to Participate in the Conduct of Public Affairs**

**in the Arab Region**

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This study is a contribution to current efforts by the Office of the United Nations High Commissioner for Human Rights to elaborate international guidelines on equal participation in the conduct of public affairs, as mandated in Human Rights Council Resolution 33/22 of 30 September, 2016. The resolution reaffirmed the right of all people to be fully involved in and to effectively influence public decision-making processes that affect them, equally and without discrimination on any basis, as stipulated by international human rights law and by relevant General Assembly and Human Rights Council resolutions. This study is a preliminary assessment of the status of this right in 18 countries in the Arab region.[[2]](#footnote-2)

The process of developing the guidelines included *notes verbales* and letters seeking information from member states and other stakeholders on guarantees of this right in their respective countries,[[3]](#footnote-3) regional meetings, and studies of which this paper on the Arab region is one. The paper will begin with a restatement of the normative framework, which situates this right within the overall framework of interdependent and indivisible human rights. It will then proceed to provide a broad overview of the constitutional provisions and guarantees of the equal right to participate in the conduct of public affairs as well as related rights that are essential to its effective exercise. A discussion will follow on legislative provisions and policy efforts in the countries under consideration and the regional framework relevant to the exercise of this right. The study ends with a few recommendations that may be useful to consider in the proposed guidelines.

**The normative framework for the equal right to participate**

The right to participate in public affairs, and the overarching principle of equality and non-discrimination in doing so, are predicated on Article 21(3) of the Universal Declaration of Human Rights, which affirms that “the will of the people shall be the basis of the authority of governments” to be expressed in “periodic and genuine elections which shall be by universal and equal suffrage…”

Subsequent international human rights treaties have confirmed and further elaborated this concept, acknowledging the right of all people to be involved in and to effectively influence public decision-making processes that affect them. Article 25 of the International Covenant on Civil and Political Rights further detailed the scope of this right as to include taking part in the conduct of public affairs directly or through freely chosen representatives in a process of election by secret ballot. This is understood to mean a right to elect and be elected through “universal and equal suffrage” in order to guarantee the “free expression of the will of the electors.” Article 25 also stipulated that equal access to public service is an essential component of the right to participate. Nearly all other core human rights treaties have also incorporated elements of the right to participate in their provisions.[[4]](#footnote-4)

The Human Rights Committee interpreted the obligations of states under Article 25 of the ICCPR as to include adopting positive measures to ensure the full, effective and equal enjoyment of this right, including through inclusive, meaningful and non-discriminatory processes and mechanisms. Such measures begin with this right being guaranteed by national constitutions and legislation.[[5]](#footnote-5) The Committee on the Elimination of Discrimination Against Women further noted that an important aspect of participation is membership in civil society organizations and forums.[[6]](#footnote-6)

The right to participate and inclusion of beneficiaries in the articulation and implementation of development policies and programs is also a core feature of The Declaration on the Right to Development. In defining this right in its article 1, the Declaration affirmed that “every person and all peoples are entitled to participate in, contribute to and enjoy economic, social cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”[[7]](#footnote-7) It further affirmed the principle of equality of opportunity and the role of women in the development process and the importance of “popular participation in all spheres (article 8 paras. 1 and 2).

The requirement of participation is one of the four pillars of U.N. Security Council Resolution 1325 on women, peace and security. The resolution stipulates in articles 1-4 and 8(b) the equal and full participation of women in the prevention, management and resolution of conflicts, and requires states and the U.N. Secretary General to implement active measures to appoint women at leadership levels in these processes.[[8]](#footnote-8)

The foregoing clarifies that the right to *equal* participation is based in the overarching customary law character of the prohibition of discrimination on any basis. But prohibition alone is not enough and states are called upon to be vigilant and to take active measures to ensure equality and non-discrimination. This requires that special attention be given to women and to historically marginalized groups and communities in order to ensure their participation and to reduce discrimination at the same time.

The U.N. Special Rapporteur on Minority Issues elaborated on the right to “effective participation.” Persons belonging to ethnic, religious and other minorities, particularly women, must be able to participate not only in political decision-making at both the local and national levels, but also should be given the means to participate effectively in the cultural, religious, social and economic spheres of their societies. Participatory mechanisms to that effect should be established by law and ensure equal access to information in a timely manner, and may include the adoption of special measures and affirmative action such as quotas, for example, and the taking into consideration of minority particularities such as language and culture.[[9]](#footnote-9)

Participation rights encompass the right to be consulted at each phase of legislative drafting and policymaking, to voice opinions and criticism, and to submit proposals aimed at improving the functioning and inclusivity of all State bodies. Along with the other international treaties and declarations, the declaration on human rights defenders’ article 8 reaffirms the right, “individually and in association with others” to non-discriminatory participation in the conduct of public affairs, which includes the right to submit to governmental institutions criticisms and “proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.”[[10]](#footnote-10)

In a number of resolutions, the Human Rights Council reaffirmed that a number of related rights were “among the essential conditions for equal participation in political and public affairs and must be promoted and protected.” These include the rights to freedom of expression and association, of peaceful assembly, education, and access to information and the related freedom of the press and media, as well as inclusive economic empowerment.[[11]](#footnote-11)

In the best of all possible worlds, full exercise of the right to participation requires an open and democratic society that recognizes the indivisibility and interdependence of all human rights, and where public policies in all spheres are openly discussed and debated, and decision makers are accountable to the people.

**The regional context**

In the Arab region, political systems have generally not been conducive to democratic participation. Eight countries are monarchies with hereditary accession of the head of state and in most of those countries, the Monarchy has near absolute decision-making authority. This authority is partially shared with - and more often than not – supersedes that of the elected and/or appointed legislative bodies.[[12]](#footnote-12) The remaining 10 countries in this study have republican forms of government and nominal periodic elections, but have been governed by the same party or coalition and/or the same head of state for decades.

Arguably, it should have therefore come as no surprise that the uprisings for “freedom, dignity and social justice,” which shook the region in early 2011 took place in five Arab states that had had no change in government for 30 or more years. While most of the revolts did succeed in toppling their regimes, they have since descended into internal armed conflict with hundreds of thousands of civilians and combatants killed, massive destruction of economies and infrastructure, the impoverishment of millions and the creation of one of the worst refugee crises in contemporary history affecting not only the region but also the international community as a whole.

Tunisia has seen the only peaceful and successful transition towards a democratic governance system even as it continues to struggle for stability and permanence. It was also the only Arab country to rate a “partly free” determination by Freedom House’s Freedom in the World index in January 2018, scoring an aggregate 70/100. All other Arab States scored under 50/100, with half of those even below the 25-percentage point mark.[[13]](#footnote-13)

It is difficult to speak of people’s right to participate in the conduct of public affairs with such a democracy deficit and in such an environment of conflict, human insecurity and constant shifts and movements yet so little positive change. This study will therefore have to content itself with a more theoretical overview of what the texts of constitutions and what some legislative provisions provide in terms of guarantees and openings, bolstered by more generalized information.

**Constitutional provisions on the equal right to participate** [[14]](#footnote-14)

Since the Arab states gained independence in the late 1940s, most of their constitutions have gone through periodic updates, amendments and revisions but a marked flurry of developments occurred as a result of the 2011 upheavals in the region. Changes were introduced affecting nearly two-thirds of the states: six new constitutions were promulgated,[[15]](#footnote-15) and six constitutions saw significant revisions and amendments within just a few years.[[16]](#footnote-16)

Whether republics or monarchies, Arab states’ constitutions are different from one another in many respects, but markedly similar in others. Most of them in fact include provisions that nominally accept or facilitate citizens’ participation in the conduct of public affairs, equality and non-discrimination clauses that vary in detail. They also include chapters on public rights and freedoms that guarantee human rights and fundamental freedoms relevant to the exercise of participation.

Consistent with Article 21(3) of the UDHR, the majority of Arab constitutions affirm that sovereignty and/or authority resides with the people and exercised through elections to representatives, through referendums and as some constitutions reference, through “constitutional institutions.”[[17]](#footnote-17) This provision is missing from the constitutions of the hereditary monarchies of Jordan, Kuwait, Oman and the United Arab Emirates where authority resides with the King or Emir. The Basic Law of Saudi Arabia is unique in clearly stating in article 7 that the regime “derives its power from the Holy Qur’an” rather than citizens, who are required to pledge allegiance to God and the King (art. 6). In all of the monarchies of the region, the King, Emir or Sultan is the head of State whose person is inviolate and cannot be questioned.[[18]](#footnote-18)

In every constitution except for that of Lebanon, Islam is the religion of the State, and most of them clearly state that Islamic Shari’ah is either a primary source or *the* main source of legislation.[[19]](#footnote-19) The Basic Law of the Kingdom of Saudi Arabia affirms that the “Constitution of the Kingdom is the Holy Qur’an and the Prophet’s Sunnah.” This raises the question of interpretations, which are not necessarily consistent, either in the Arab states or in other Muslim majority countries. Indeed, most constitutions stipulate that the King, Emir or President must be a Muslim. The constitutions nevertheless have provisions for the protection of religious and other minorities in general terms (see below), but they are seen as communities to be protected, not necessarily in a position to exercise participatory rights.

***Political participation, elections and the right to form political parties and associations***

It is generally recognized in Arab constitutions that citizens have the right to participate in the conduct of public affairs through election of representatives or directly, through participation in referendums. Nearly all constitutions affirm this right and interpret it as the right to elect and be elected to public office, some more clearly and in more detail than others. In the Egyptian Constitution’s article 86, participation in public life is “a national duty” while the Algerian constitution’s Article 10 affirms that no limitations on people’s representation may be imposed except by the constitution and the election law. Morocco’s art. 136 stipulates that its regional and territorial organization “assures the participation of the populations concerned in the management of their affairs and favors their contribution to complete and lasting human development.”[[20]](#footnote-20) Less than half of the constitutions, however, make reference to direct voting by secret ballot.[[21]](#footnote-21)

Lebanon’s article 21 only refers to everyone’s right to be an elector. The Saudi Basic Law makes no mention of participation, and members of the Shura Council are all appointed by the King (art. 7, Shura Council Law). The King also appoints the Emirs for each of the provinces, according to article 4 of the Kingdom’s Law of the Provinces.[[22]](#footnote-22)

The right to establish political parties, unions and civil society organizations is also included but not uniformly guaranteed across the constitutions.[[23]](#footnote-23) Some constitutions specifically refer to the right to hold public office, which presumably may also mean to be either elected or appointed.[[24]](#footnote-24)

Some constitutions also include a specific provision on citizens’ rights to address public authorities or to present complaints, but limit the right for citizens’ associations and organizations to those that are duly registered and licensed. Exercise of this right is in all cases to be regulated by law.[[25]](#footnote-25) Morocco’s constitution also notes in article 12 that CSOs can contribute “within the framework of participative democracy” to the decisions and initiatives of elected institutions and public authorities. Article 13 follows up with the promotion of dialogue to “associate the different social actors with enactment, implementation, execution and evaluation of public policies.”

Those guarantees of political participation, however, are undermined in many of the political systems in the region for two reasons. First, legislative authority is often jointly exercised by the elected legislature and appointed legislative bodies such as upper houses and Shura Councils.[[26]](#footnote-26) The Kuwaiti constitution considers appointed Ministers as members of the elected National Assembly “by virtue of their functions” (art. 80). Qatar’s constitution establishes an Advisory Council one-third of which is appointed by the Emir and may include Ministers (art. 77). The Saudi constitution’s three powers are the Executive, Judicial and “Organizational” rather than legislative power, and the King is “the ultimate source of all these authorities.” (art. 44). In Syria, the President has the power to legislate by decree when the People’s Assembly is not in session (art. 113). Secondly, in most monarchial systems, the King/Emir has the authority to dismiss the representatives elected by the population, subject to conditions in some but not in all cases.[[27]](#footnote-27) Even in Morocco, the King still has authority to dissolve both chambers of the legislature which are elected, one directly and one by region. In the Presidential system of Mauritania, the National Assembly can be dissolved by the President with “no need for discussion.” (art. 31).

***Equality and non-discrimination provisions***[[28]](#footnote-28)

Arab constitutions are almost unanimous in including the provision of equality before the law in general terms and include a non-discrimination component, but they do not consistently define the types of prohibited distinctions. Several do not include prohibition of discrimination on the basis of gender for example, or national origin. Some of the constitutions include additional articles that guarantee equal opportunities and access to public posts.[[29]](#footnote-29)

While the constitutions generally provide for gender equality, very few include any mechanisms or temporary special measures for implementing it. The Algerian and Tunisian constitutions (articles 31 and 46 respectively) include the principle of parity in representation in elected bodies and in employment. The Moroccan 2011 constitution uniquely incorporates gender sensitive language in article 6 and many of its subsequent provisions throughout the text, referring to “men and women citizens.”[[30]](#footnote-30)

The Iraqi constitution’s article 49 introduces a quota for women in the Council of Representatives, upholding “the representation of all components of the people,” to be regulated by law and aiming to achieve at least 25% representation of women. A similar provision is found in art. 180 of the 2014 Egyptian constitution defining the composition of local councils as to ensure include 25% representation of women, 25% for youth and 50% for workers and farmers, plus “proper” representation of Christians and people with disabilities. This new constitution in fact had eliminated the previous constitution’s inclusion of a guaranteed number of seats for women in the People’s Assembly, exchanging it for the above representation in the municipal elections.[[31]](#footnote-31)

In many of the constitutions, there is repeated reference to the assumed role of women as mainstays of their families, and of societal morals in general, with the state playing the role of religious, moral and social guardian. In the Bahraini constitution, for example, article 5(b) guarantees “reconciling the duties of women toward the family with their work in society and their equality with men in political, social, cultural and economic sphere without breaching the provisions” of Islamic Sharia.[[32]](#footnote-32)Similarly, the Jordanian constitutional article 6 aims to “protect motherhood and childhood and the old aged.” The Saudi Basic Law’s article 8 affirms the foundations of the State on “justice, shura [consultation] and equality in compliance with the Islamic Sharia” and the Yemeni constitution’s article 31 states that women are the sisters of men; they have rights and duties “guaranteed and assigned by Sharia and stipulated by law.”

These persistent cultural and religious attitudes regarding the equality of women, their role in society and their equal participation in public life and the conduct of public affairs, are enshrined in the constitutions of many Arab states. One outcome of these attitudes is the percentage of women actually serving in Arab parliaments, which is the lowest in the world, averaging 17.5% as of December 1, 2017, according to the statistics of the Inter-Parliamentary Union.[[33]](#footnote-33)

***Human rights guarantees that enable the exercise of the right to participate*** [[34]](#footnote-34)

Nearly all Arab constitutions include provisions guaranteeing human rights and public freedoms and as with other constitutional provisions, legislation is assumed to be promulgated to regulate those rights. The language related to the exercise of freedoms of opinion, expression, assembly and association is clearer than other provisions in that those rights are to be “regulated by the law,” “in accordance with the law” or within the limits of the law.” Previous studies have shown that in fact, legislation puts serious limitations on those rights, and the executive regulations implementing legislation further erodes them.[[35]](#footnote-35)

The language of those provisions in many constitutions can be overly general and vague and puts broad limitations that are open to subjective interpretation even before legislation is enacted.[[36]](#footnote-36) The Bahrain Constitution’ article 23, for example, guarantees freedom of opinion “provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.” The Saudi Basic Law frames rights more as duties of both the state and the citizen. Its article 26, for example affirms that “The state shall protect human rights in accordance with Islamic Shari’ah” and in article 39, media, publications and freedom of expression “shall function in a manner that is courteous and fair and shall abide by state laws”, prohibiting “mischief and discord.” A court of law would find it very difficult to interpret ‘mischief and discord’ except politically.

Constitutions differ on human rights guarantees of association and assembly. Some take a proactive role, as Iraq’s does in its article 45 affirming that the state will strengthen the role and independence of civil society organizations, as regulated by law of course. The amended constitution of Morocco guarantees “notably to political opposition” a set of rights that includes opinion, expression, assembly, air time in official media, public finance, participation in legislative procedures, and representation in parliament (art. 10). On the other hand, in Kuwait’s constitutional article 44 freedom of assembly is not a right; public assemblies, processions and gatherings are only “permitted” within conditions stipulated by the law and as long as they are peaceful and not incompatible with “morals.”

**Legislative and policy frameworks on participation and related rights**

Implementing constitutional guarantees requires an adequate legislative and policy framework that enables participation in public affairs, individually and in association with one another, including the formation of civil society organizations, and the freedom to express their views on public policy matters. There are problematic issues in this regard in most of the Arab states where the environment does not enable civic engagement. The following are only some examples.

According to the CIVICUS Monitor index tracking civic space around the world, not one of the countries under consideration here can be said to have open space for civil society to participate effectively or express its views. Space is ‘obstructed’ in five of them, ‘repressed’ in another seven, and ‘closed’ in the remaining five.[[37]](#footnote-37)

The lack of an enabling environment is due in large part to a legislative framework in most of those countries that places heavy and undue restrictions on civil society in the form of excessive governmental control, creating a significant gap between constitutional guarantees and implementation on the ground.[[38]](#footnote-38) Algeria provides an example where the Law of Associations 12 (2012), provides government with wide powers of licensing and registration, including power to dissolve or suspend CSO activities, requires prior approval for receiving financial support, and holds association activists personally liable for a broad range of criminal offenses related to the work of their organizations. Further restrictions are placed by the 2012 Law on Information which contains more than 32 provisions that can be used to repress free expression, including the requirements that CSOs submit publications and public information to censorship in the form of approval by regulatory authorities. They also prohibit them from addressing a number of issues including the economy, national security, “national identity” or “sovereignty;” all rather vaguely worded restrictions.[[39]](#footnote-39)

Similar language can be found in the new 2015 Saudi Law on Associations and Foundations, which places restrictions on the registration of CSOs on the basis of broadly worded prohibition of violations of Islamic Sharia and threats to national unity and public morality. The government exercises a high degree of interference in the work of organizations, prohibits foreign foundations and associations, and makes it difficult for national CSOs to seek foreign funding.[[40]](#footnote-40)

The new Egyptian Law 70 of 2017 on Associations and Other Foundations Working in the Field of Civil Work also requires prior approval for funding and prohibits affiliation or cooperation with international organizations. For example, Article 13 of the law prohibits associations from working “in any field or practice any activity that is part of the work of political parties, vocational or labor syndicates, any work of political nature, or any work that may cause harm to the national security, law and order, public morals, or public health.” In Qatar, Law 12 (2004) puts onerous conditions on the formation of civil society organizations, including the deposit of upwards of $2.75 million, and CSOs are not allowed to engage in political activity.[[41]](#footnote-41) Most recently, Oman’s new Penal Code was signed into law by Royal Decree No. 7 on 11 January 2018, which appears to be vaguely worded and consequently highly restrictive to freedom of association, expression, assembly and of the press.[[42]](#footnote-42)

Such provisions effectively disallow any public participation or contribution to public policy, limiting the role of CSOS and associations to provision of services. As a result, many civil society and human rights activists are at risk of detention and/or are subject to travel bans and criminal investigations for violating the provisions that unduly restrict their rights to freedom of opinion and expression and of assembly.

Media and Internet freedoms suffer as a result of vague wording in the law as well as specific restrictions on opinion and expression, with blogs, news and other web sites blocked for content in many of the countries of the region. Indeed, all but three countries in the region ranked in the bottom one third of rankings for freedom of the press, and five of them were ‘blacklisted’ as positively dangerous for journalists and the press, according to Reporters Without Borders’ press freedom index.[[43]](#footnote-43)

Ensuring adequate participation of women remains a problematic issue. Countries in the region have adopted policies to improve the status of women, including the establishment of ministries and/or higher councils for women in a number of countries, and national human rights institutions in the region also include women’s rights and their participation as a component of their work.[[44]](#footnote-44) Yet traditional values and gender roles still limit women’s capacity for active participation in public life, with a continued tendency to include women’s issues within committees on “women, families and children” as in the case of Iraq for example, or simply committees on women and children as in Lebanon and Libya. As of 2015, only Iraq had actually adopted a national strategy for the implementation of U.N. Security Council Resolution 1325 with its relevant component of increasing women’s participation at all levels, although there are draft action plans in several countries in that regard.[[45]](#footnote-45)

Some countries have undertaken initiatives to increase the involvement of women in the policy making process. These initiatives include education and awareness raising, trainings and capacity building programs and provision of resources to support specific under-represented groups in the political and policy making processes.[[46]](#footnote-46)

***The potential of technology to increase participation***

The growth of Internet and social media platforms offers great potential for government engagement with citizens, offering a two-way dialogue that can enhance governmental understanding of citizen needs, “improve policymaking and regulatory reform, and create opportunities for better engagement by and with citizens”. [[47]](#footnote-47) Such platforms can effectively increase transparency and access to information, and indeed many Arab governments have opened online platforms for such engagement, but most appear to be only platforms to inform citizens of governmental service and programs with little opportunity for direct engagement or participation.

Some signs are encouraging. The United Arab Emirates’ government portal includes pages for adding comments and suggestions, opinion polls on various subjects and a discussion forum that, according to the site, has 175 topics.[[48]](#footnote-48) The Omani portal also has a page titled the *Shurkum Initiative* designed as an open discussion forum with periodic polls and access to information possibilities, “to benefit from [citizens’] ideas and suggestions… as appropriate to the needs of society and strategic goals.”[[49]](#footnote-49) Lebanon’s governmental portal includes a link to e-participation and to e-services, including online platforms to submit complaints, and notes a 2013 decision by the Council of Ministers to publish all draft laws on the governmental web sites for 15 days “in order to allow the public to participate” electronically. Efforts to locate such publication, however, have failed.[[50]](#footnote-50)

For many others, the portals seem to be only platforms to inform citizens of policies or to facilitate access to services, but do not include active participation. Qatar’s *Hukoomi* portal is perhaps the most extensive, with significant access to information potential, but appears to be designed to digitize users’ access to information and services like permits, with sub-links to particular sectors of society.[[51]](#footnote-51) On the Egyptian portal, when clicking on the ‘citizen complaints and queries’ link (in Arabic), one is surprised to get the message “content is unavailable in this language.”[[52]](#footnote-52) Bahrain’s portal purports to be an “open data platform,” which seems to be an attempt to improve access to information, yet the portal offers only statistical information with no page where citizens can discuss or complain about policies.[[53]](#footnote-53) Kuwait’s government portal also has no possibility of citizens’ engagement except as recipients of information and services, but goes a step further by providing a database of Kuwaiti legislation.[[54]](#footnote-54)

Several Heads of State now have Facebook accounts, including the Kings of Jordan, Saudi Arabia (KSA), Bahrain, and Morocco, and the Presidents of the United Arab Emirates (UAE), Palestine, Syria, Yemen, Egypt, and Lebanon.” Yet “when it comes to facilitating public contributions to policymaking, examples of Web 2.0 usage in the Middle East – and elsewhere – are scarce.” [[55]](#footnote-55)

**The Arab regional framework on participation**

***League of Arab States***

The most prominent of the Arab regional institutions is the League of Arab States (LAS), the oldest of the regional bodies. Its effectiveness as a cooperative body of states is limited in so far as its binding decisions can only be taken by full consensus. Even more difficult and inconsistent has been the implementation of its decisions by individual Member States. Historically, the LAS had provided limited space for participatory decision-making, but in the middle of the last decade, growing recognition of the contribution of civil society to the achievement of sustainable development in the region, and consequently to its own deliberations, prompted some changes.

The year 2004 was a significant one for civil society participation in the Arab League. During the Arab Summit on 23 May in Tunis, the LAS took decision No. 280 agreeing for the first time to the participation of NGOs and CSOs – only those recognized by its Member States– as observers in the meetings of the League and its Committees, “on invitation of the Secretariat and in accordance with the criteria established by the Council [of ministers] and the Secretary General.”[[56]](#footnote-56) The criteria for acquiring observer status were put in place by the League’s Economic and Social Council on 6 January 2005. They include the requirement that NGOs be only regional ones properly registered and working in at least three Member States; that their resource and funding come entirely from within the region with financial and activity reports submitted to the League very two years; that their application for observer status be passed through the foreign ministry of their country of registration and approved by the Council of Ministers. Even when approved, NGOs can only present suggestions to LAS meeting agendas two months ahead of time, if at least one of the Member States agrees. With such onerous criteria, there are currently only 23 regional NGOs accepted with observer status in a region that has more than 400 million people.[[57]](#footnote-57)

In early 2016, an Arab Charter on Civil Society Organizations was launched at the Arab League. The Charter aims at creating a “favorable environment for Arab civil society organizations to enable them to play a role in development alongside Arab governments.” What’s to be noted in the language of the Charter is that the role of NGOs is perceived to be in development rather than in the political or human rights arenas. To date, efforts to acquire a copy of the charter were to no avail.[[58]](#footnote-58)

***Participation and The Arab Charter for Human Rights***

The LAS has its own Permanent Committee for Human Rights and was also the forum for discussion and adoption of the Arab Charter for Human Rights in 2004.[[59]](#footnote-59) The Charter came into force in 2008 and has acquired the ratification of 14 states to date.[[60]](#footnote-60) The Arab Charter includes guarantees of equality and non-discrimination (art. 11) and its article 24 has clear requirements for participation in the conduct of public affairs. The article first provides a blanket right for every citizen “to freely pursue a political activity” (art. 24.1); to take part in the conduct of public affairs, directly or through chosen representatives” (art. 24.2) to elect and be elected on conditions of equality “that guarantee the free expression of his [*sic.*]will” (art. 24.3); access to public office on equality of opportunity (art. 24.4); freedom of associations and assembly (arts. 24.5, 24.6).

Like its international counterparts, the Charter establishes the Arab Human Rights Committee (art. 45) to review and comment on periodic state reports on the implementation of the charter.[[61]](#footnote-61) The Committee in turn reviews and seeks further information then finalizes the process with concluding observations and recommendations. Taking only one example, the Committee made concluding observations to Jordan’s report that relate to the issues of voting districts (para 31); freedom of peaceful assembly (para 32); access to information (para 35); freedoms of opinion, expression and the media and the right to receive and impart information (para 36) and the freedom of association (para 47). The reports and concluding observations for eight of the 14 states parties that have undergone the process to date are openly accessible on the LAS portal.[[62]](#footnote-62)

Another department of the LAS is the Election Monitoring Directorate, which has since its inception engaged in 57 election monitoring missions in Member States, and can play an important role in ensuring transparent and free elections. Like all such monitoring missions internationally, it is bound by the election laws within each country, but can help make recommendations to ensure access by the electorates to the right to vote and to be elected.[[63]](#footnote-63)

The LAS also adopts declarations and actions plans on various issues that are usually agreed either within the Economic and Social Council, the Council of Ministers or at a Heads of State summit level of the League. These include, by way of example, the Arab Action Plan for Human Rights Education (2009-2014), agreed by LAS summit decision 391D on 29 March 2007; the Action plan to Enhance Human Rights Culture (Agreed in LAS session 22 on 28 March 2013). Around 14 inter-Arab agreements with relevance to human rights were concluded and a draft Arab human rights strategy is currently under discussion.

Of note is the Regional Strategy on The Protection of Arab Women: Peace and Security, adopted by the Arab League, UN Women and the Arab Women’s Organization, which aims to give regional impetus to UN Security Council 1325. The Strategy is comprehensively framed with goals and procedural mechanisms to enhance participation, protection and prevention of conflict. It also includes a call for Member States to adopt national action plans for implementing the strategy. As of this writing, there is no information on the adoption of a regional action plan, although a number of individual countries have either adopted or are in the process of developing a plan to implement UN Security Council 1325.[[64]](#footnote-64)

***The Organization of the Islamic Conference***

The Arab states play an important role with the Organization of the Islamic Conference (OIC), which in 2011 launched its Independent Permanent Committee on Human Rights as established by the new charter adopted by the organization on 13-14 March 2008. This mechanism bases its work on “internationally recognized human rights standards and the additional values of the Islamic principles of justice and equality,” referring not only to international human rights treaties but also the Cairo Declaration on Human Rights in Islam, the Child Rights Covenant in Islam, and a number of other documents adopted within the organization.[[65]](#footnote-65)

The OIC has placed women’s rights as one of its priorities and adopted in 2008 an action plan for the enhancement of women’s situation. The plan calls for taking “legislative measures for women with the aim of enabling them to effectively participate in all aspects of life” (para 1.4) and to “strengthen the representation and participation of women in economic decision-making” (para 3.1.s) and in other decision-making mechanisms (para 3.2), including a commitment to strengthen the political representation of women.”[[66]](#footnote-66) The Committee in 2013 called on States to “take the necessary measures to guarantee the participation of the greatest possible number of women in public life.”[[67]](#footnote-67)

***Arab Inter-parliamentary Union; a minimal role***

The Arab Parliamentary Union (AIPU) is a non-binding association composed of members serving in their countries’ parliaments. The structure of the Union includes a Legal and Human Rights Committee, but its web page has no content and no reports of its activities. There is also a Women and Childhood Committee, and its page only contains a report of a meeting held in Cairo on 6 September 2016 to prepare for “an Arab parliamentary conference to enhance the role of Arab women.” The meeting report contains a decision to strengthen the legal protection of women and to include them in national policies to implement sustainable development (para 5.c). The meeting also decided to undertake a study on women’s participation in Arab parliaments (para 13).[[68]](#footnote-68) No other information was available on activities of the AIPU that may be relevant to the right to participate.

**Relevant concerns and recommendations arising from human rights treaty bodies and other U.N. human rights mechanisms and procedures**

As the following table indicates, with a few exceptions, the 18 Arab States considered here are party to most of the international human rights treaties and therefore have a legal obligation to implement their provisions, certainly to the ones most relevant to this study.[[69]](#footnote-69)

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Country | **ICCPR** | **ICESCR** | **CERD** | **CAT** | **CEDAW** | **CRC** | **CRPD** | **CED** | **CMW** |
| **Algeria** | x | x | x | x | x | x | x |  | x |
| **Bahrain** | x | x | x | x | x | x | x |  |  |
| **Egypt** | x | x | x | x | x | x | x |  | x |
| **Iraq** | x | x | x | x | x | x | x | x |  |
| **Jordan** | x | x | x | x | x | x | x |  |  |
| **Kuwait** | x | x | x | x | x | x | x |  |  |
| **Lebanon** | x | x | x | x | x | x |  |  |  |
| **Libya** | x | x | x | x | x | x |  |  | x |
| **Mauritania** | x | x | x | x | x | x | x | x | x |
| **Morocco** | x | x | x | x | x | x | x | x | x |
| **Oman** |  |  | x |  | x | x | x |  |  |
| **Palestine** | x | x | x | x | x | x | x |  |  |
| **Qatar** |  |  | x | x | x | x | x |  |  |
| **Saudi Arabia** |  |  | x | x | x | x | x |  |  |
| **Syria** | x | x | x | x | x | x | x |  | x |
| **Tunisia** | x | x | x | x | x | x | x | x |  |
| **U.A.E.** |  |  | x | x | x | x | x |  |  |
| **Yemen** | x | x | x | x | x | x | x |  |  |
|  | **14** | **14** | **18** | **17** | **18** | **18** | **16** | **4** | **6** |

The Arab states’ engagement with the U.N. human rights system as whole mirrors that of the rest of the world. National reports to the treaty bodies are often late and implementation from one cycle to another is not always sufficiently tracked.[[70]](#footnote-70) Therefore, the information herein should be seen as indicative rather than exhaustive or entirely demonstrative of the full discussions of their reports. The treaty bodies have expressed the following concerns to Arab states regarding the exercise of rights relevant to the exercise of the equal right to participate in public affairs. Included in the summary below are also some of comments made by the mandate holders of the special procedures of the Human Rights Council as well as relevant recommendations of the more recent cycles of the Universal Periodic Review.[[71]](#footnote-71)

1. Concerns regarding the persistence of traditional views and stereotypical representations and expectations of the role of women in society, consequently limiting their role as independent agents and equal participants who can contribute to the political, economic and social life of the country.[[72]](#footnote-72)
2. The under-representation of women in public life and in leadership positions was mentioned repeatedly in nearly all of the treaty bodies’ concluding observations and other mechanisms’ commentaries. The references therein were not only in terms of the inclusion of women in electoral lists or their eligibility to elect and be elected, but also to the minimal appointment of women at all levels of leadership throughout. [[73]](#footnote-73)
3. Recommendations to actively promote the participation of women at all levels was by far the most frequently mentioned across all of the U.N. mechanisms. The recommendations included the implementation of special temporary measures, including but not only the use of quotas. Many of the recommendations were specific in recommending that percentages for women’s representation should not fall below 30%.[[74]](#footnote-74)
4. Recommendations to amend provisions in domestic legislation that discriminate against women, including electoral laws, personal status laws and others.[[75]](#footnote-75)
5. Recommendations to facilitate the independent work and participation of civil society organizations and to ensure in particular the exercise of freedoms of opinion, expression, association and assembly.[[76]](#footnote-76) A few included improvements in public access to information and freedom of the press and media.[[77]](#footnote-77)
6. The participation of minorities in public life, and not only in matters concerning their own welfare and wellbeing, also came in for some discussion in the U.N. human rights mechanisms.[[78]](#footnote-78)
7. Four countries received recommendations to strengthen mechanisms for the participation of children,[[79]](#footnote-79) and two received recommendations to ensure the adequate representation and participation of people with disabilities.[[80]](#footnote-80)

Conclusions

The 18 Arab States under consideration in this study do not yet have political systems that are conducive to everyone’s right to participate in the conduct of public affairs. A democratic deficit exists to limit such participation, which is further exacerbated by armed conflicts, human insecurity and general instability.

Most of the constitutions of those countries incorporate or include specific reference to the right to participate in the conduct of public affairs, as well as guarantees of equality and non-discrimination and of rights that are essential to the exercise of participation, including freedoms of opinion, expression, association and assembly.

These guarantees, however, remain theoretical as they are undermined by several factors: the near-absolute authority of Heads of State in many countries over the elected legislatures; vaguely-worded caveats or restrictions on the exercise of those rights; legislative provisions that do not meet the constitutional standard; and the lack of policies specifically aimed at ensuring participation in an equal and non-discriminatory manner.

While minorities are generally protected in the texts of the constitutions, they are not uniformly guaranteed an equal right of access to decision-making positions. There are few exceptions where minorities are guaranteed a voice in public discussion through reserved parliamentary seats or other such measures.

Similarly, despite constitutional equality provisions and the fact that all of the States subject of this study have ratified the CEDAW, women’s participation remains minimal and too few countries have implemented special measures such as quotas to ensure this participation. Traditional cultural values and stereotypes of the role of women (as mothers and mainstays of their families) persist and have the effect of further limiting their participation in the political and economic spheres.

Most of the Arab States considered have ratified the core human rights treaties and conventions. Initial review, however, shows that national legislation is not yet in harmony with the requirements of those conventions in terms of protecting the rights relevant to the equal exercise of participation.

Political, financial and administrative restrictions on the freedoms of expression, opinion, association and assembly contained in domestic legislation do not provide for an enabling environment for participatory rights. The States herein score very low on most of the press and democratic indexes that are available internationally.

While there are some moves within the region to incorporate Internet-based technology to facilitate access to information and – to a degree – participation in public policy discussions, the platforms and web sites appear to be designed more as service delivery mechanisms rather than participatory mechanisms.

The same attitudes and approaches prevail at the regional level. NGO participation in the deliberations of the League of Arab States is restrictive and highly regulated, limiting the number of NGOs with observer status and their ability to contribute to regional policy discussions.

The Arab Charter for Human Rights offers an important opportunity for the 14 States that have ratified it. NGOs contribute to the deliberations of the Arab Human Rights Committee under the Charter, and its recommendations are public and available. Whether States actively implement the recommendations of the Charter Committee, however, remains to be properly studied.

Other important regional mechanisms, such as the Organization of the Islamic Conference and the Arab Inter-Parliamentary Union have not risen to their potential in strengthening a regional approach to participation.

The Treaty Bodies and Special Procedures of the United Nations Human Rights Council, as well as the Universal Periodic Review process, have all made a number of recommendations relevant to the exercise of the equal right to participation to the 18 States under review here. The salient issues that arise from those concluding observations and recommendations as stated above mirror the conclusions of this study.

**Some recommendations**

* For States that have not done so, ratify human rights conventions and treaties and adopt other available norms and standards to clarify the substantive meaning of the equal right to participate in the conduct of public affairs.
* Undertake a thorough review of domestic legislation with a view to implementing the constitutional provisions guaranteeing the equal right to participation in the conduct of public affairs and to harmonize State legislation with international human rights treaty obligations. In particular, tighten the language on exceptions and derogations to the right so that the concepts such as “national security” are more narrowly defined and clarified, and removing vague references to “harming the reputation” of the State and the inviolability of Heads of State to allow more open debate and criticism.
* Strengthen domestic oversight mechanisms to enable challenges to the constitutionality of legislation and interpretation of the constitutional guarantees of rights relevant to the equal right to participate in the conduct of public affairs.
* Adopt specific policies and measures to implement the concluding observations and recommendations of the Treaty Bodies, Special Procedures and Universal Periodic Review recommendations.
* Adopt and implement more active policies to ensure the participation of women, at both the public debate and decision-making levels, on an equal footing with men in the political, economic, social, cultural and all other aspects of public affairs work is needed.
* Remove administrative and financial restrictions on activities of civil society actors and organizations, to better enable their contribution to policy debates and ensure a balance between the duty of everyone to protect national security and public order and the exercise of free and open policy debates.
* Establish special measures – temporary or otherwise – to enhance the open participation of women, minorities and marginalized communities in the discussions and debates of policies generally.
* Consider establishing mechanisms to enable non-citizens, such as migrant workers, refugees and others, to participate in and contribute to decisions that affect them
1. Human Rights Consultant. The author is responsible for all content and views. [↑](#footnote-ref-1)
2. Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates and Yemen. [↑](#footnote-ref-2)
3. To date, only Bahrain, Egypt, Jordan and Qatar have sent responses to the letter sent by the Office of the High Commissioner for Human Rights, dated 16 January 2015 pursuant to Human Rights Council Resolution A/HRC/RES/27/24. [↑](#footnote-ref-3)
4. See, *inter alia*, ICESR article 8; CEDAW articles 7 and 8; CERD articles 1 and 5(c and d(vii-ix)); CRC articles 12-15 and 23(1); CRPD article 29. All of the equality and non-discrimination provisions of those instruments are also relevant to the right to participate. [↑](#footnote-ref-4)
5. Human rights Committee General Comment No. 25, paras. 5, 12, 26 and 27. See also A/HRC/27/51, para. 61, and A/HRC/23/36, para. 24. [↑](#footnote-ref-5)
6. CEDAW General Recommendation No. 23, para. 5. [↑](#footnote-ref-6)
7. A/RES/41/128. [↑](#footnote-ref-7)
8. S/RES/1325(2000). The four pillars of the resolution are: participation, prevention, protection and provision of aid. [↑](#footnote-ref-8)
9. Report of the independent expert on minority issues, Gay McDougall, A/HRC/13/23. See paras. 31-33 and 43-51. [↑](#footnote-ref-9)
10. *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*; A/RES/53/144, article 8 paras 1 and 2. [↑](#footnote-ref-10)
11. See, A/HRC/RES/30/9, preamble para. 8, A/HRC/RES/33/22, preamble para. 9. [↑](#footnote-ref-11)
12. This is the case in Bahrain, Jordan, Kuwait, Morocco, Oman, Qatar, Saudi Arabia and the United Arab Emirates. In Kuwait and Morocco, the elected legislatures have a relatively higher degree of autonomy from the executive than the others do. [↑](#footnote-ref-12)
13. <https://freedomhouse.org/report/freedom-world/freedom-world-2018>; last accessed 21 January 2018. The Freedom Index is taken only at face value, as an indicator of sorts, and not a final judge on the amorphous determination of “freedom” in any country. [↑](#footnote-ref-13)
14. All constitutional texts referred to herein are English translations provided by the Constitute Project, <https://constituteproject.org>, except for Palestine’s Basic Law which can be found at <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>. [↑](#footnote-ref-14)
15. Morocco (2011) Syria (2012), Egypt and Tunisia (2014), Yemen (2015) and Libya passed a constitution for the transitional period in 2012, with a new proposal presented but not adopted in the fragmented country in 2017. [↑](#footnote-ref-15)
16. Jordan and Oman (2011 revisions), Bahrain and Mauritania (2012), Saudi Arabia revised its Basic Law in 2013 and Algeria (2016). [↑](#footnote-ref-16)
17. See Algeria’s constitution, arts. 6-11. See also the constitutions of Bahrain (art. 1.d); Egypt (art. 4); Iraq (art. 5); Jordan (art. 24); Lebanon (Preamble, para. D); Libya (art. 1); Morocco (art. 2); Mauritania (art. 2); Palestine (art. 2); in the Qatari constitution, article 59 states that the people are the source of ‘powers’; Syria (art. 2); Tunisia (art. 3); and Yemen’s article 3. [↑](#footnote-ref-17)
18. See for example, the constitutions of Bahrain (art. 1(b)); Jordan (arts. 26); Kuwait (arts. 4, 54); Morocco (arts. 34, 42 and 46); Oman (arts. 5, 41); Qatar (arts. 8 and 64); Saudi Arabia (arts. 5-7)). The U.A.E. is a federation of seven Emirates, each of which is governed by a hereditary Emir. [↑](#footnote-ref-18)
19. This provision is the very first article in the constitutions of Bahrain, Egypt, Iraq, Kuwait, Oman, and Yemen, and the second article of the Constitutions of Jordan, Libya, Mauritania, Qatar, Saudi Arabia, and Tunisia. It slips to Article 3 in Syria’s 2012 Constitution, Article 4 of Palestine Basic Law and 7 of the UAE’s Constitution. [↑](#footnote-ref-19)
20. Algeria (arts. 31, 42, 101); Bahrain (arts. 51-56); Egypt (arts. 5, 83, 85, 87); Iraq (art. 5, 20); Jordan (art. 22); Lebanon (art. 21, see also arts. 24 and 49 on sectarian representation); Palestine (art. 26); Qatar (42); Syria (art. 49); Tunisia (art. 34, 53, 54 and art. 74 grants electoral right to emigrant Tunisians); Yemen (art. 42, 43). [↑](#footnote-ref-20)
21. Algeria (art. 101); Egypt (art. 102 covering parliamentary elections and art. 180 for local council elections); Iraq (general art. 5 and art. 49 specifically addressing elections to the Council of Representatives); Jordan (art. 67); Kuwait (art. 80); Oman (ar. 58bis10); Syria (arts. 57, 131);Tunisia (art. 55 also adds transparency as a criterion) and Yemen (art. 63). [↑](#footnote-ref-21)
22. The Shura Council Law and the Law of the Provinces re both components of the Saudi Basic Law. [↑](#footnote-ref-22)
23. Algeria (art. 43); Iraq (art. 39); Libya (art. 15); Mauritania (art. 11); Morocco (art. 7, which also outlaws one-party regimes); Palestine (art. 26); Syria (art. 8 refers the “principle of political pluralism” and to “licensed” political parties); Tunisia (art. 35); [↑](#footnote-ref-23)
24. For example, in Jordan (art. 22); Morocco (art. 30); UAE (art. 35); [↑](#footnote-ref-24)
25. For example, Bahrain (art. 29); Egypt (art. 138); Morocco (art. 14); Oman (art. 34); Qatar (art. 46); UAE (art. 41); Yemen (art. 51). [↑](#footnote-ref-25)
26. Bahrain (arts. 51-56); Jordan (art. 25); Oman (art. 58); Qatar (art. 61, 77); [↑](#footnote-ref-26)
27. See the constitutions of Bahrain (art. 42); Jordan (art. 34); Kuwait (art. 107); Morocco (arts. 51, 96); Mauritania (art. 31); Oman (art. 58bis19); Saudi Arabia (art. 68); [↑](#footnote-ref-27)
28. Algeria (art. 29); Bahrain (art. 18); Egypt (art. 4); Iraq (14); Jordan (6.1); Kuwait (art. 29); Lebanon (Preamble para. C, art. 7); Libya (art. 6); Oman (art. 17); Palestine (art. 9); Qatar (art. 35); Syria (art. 33.3); UAE (art. 25); Yemen (art. 41). [↑](#footnote-ref-28)
29. See for example, Bahrain (art. 16.b); Lebanon (art. 12); Libya (arts. 6, 8); Oman (art. 12); Qatar (arts. 19, 34); UAE (art. 14). [↑](#footnote-ref-29)
30. The Moroccan constitution uses the Arabic *muwatenoon* (male citizens) and *muwatenaat* (female citizens) together instead of the generic male *muwatenoon* for the plural. [↑](#footnote-ref-30)
31. See also article 80, defining the exercise of political rights by persons with disabilities “in compliance with the principles of equality, justice and equal opportunities.” [↑](#footnote-ref-31)
32. This was a point of concern in the CEDAW Committee’s concluding observations on Bahrain’s report, in 2014. See CEDAW/C/BHR/CO/3, para. 19 and 20. [↑](#footnote-ref-32)
33. Inter-Parliamentary Union, Women in National Parliaments, <http://archive.ipu.org/wmn-e/world.htm> last accessed January 23, 2018. [↑](#footnote-ref-33)
34. Covered by the constitutional provisions of Algeria (arts. 29-29); Bahrain (arts. 17-31); Egypt has an extensive and detailed list (arts. 8-100); Iraq (arts 14-46); Jordan (arts. 5-23); Kuwait (arts. 27-49); Lebanon (arts. 6-15); Libya (arts. 7-16); Mauritania (arts.10-20); Morocco (arts. 19-40); Oman (arts. 15-40); Palestine (arts. 9-33); Qatar (arts. 34-58); Saudi Arabia (arts. 26-40); Syria (arts. 33-54); Tunisia (arts. 21-49); UAE (arts. 25-44); Yemen (arts. 41-61). [↑](#footnote-ref-34)
35. See Azzam, F, “Civil and Political Rights in Arab Constitutions” in *Human Rights in Arab Thought: Studies in Texts* (Beirut: Center for Arab Unity Studies, April 2002), also published in *Al-Moustaqbal* *Al-‘Arabi* Vol. 24, No. 277 (March-April, 2002) (both in Arabic). Although the specifics of the study may be outdated, the above conclusions remain valid. [↑](#footnote-ref-35)
36. See Mai El-Sadany, “Human Rights in the Constitution: A Survey of the Arab Uprisings;” Arab Center Washington DC, 24 May 2017; <http://arabcenterdc.org/policy_analyses/human-rights-in-the-constitution-a-survey-of-the-arab-uprisings/>; last accessed 25 January 2018. [↑](#footnote-ref-36)
37. <https://monitor.civicus.org>; last accessed 28 January 2018. [↑](#footnote-ref-37)
38. See also study by the Arab NGO Network for Development, *The Enabling Environment for Civil Society in the Arab Region,* Beirut, ANND, 2017 (Arabic). <http://www.annd.org/arabic/itemId.php?itemId=540#sthash.Ae76L9d4.8DWgrnga.dpbs> last accessed January 30, 2018. [↑](#footnote-ref-38)
39. International Center for Non-profit Law, <http://www.icnl.org/research/monitor/algeria.html>; last accessed 28 January 2018. [↑](#footnote-ref-39)
40. *Ibid.* at <http://www.icnl.org/research/monitor/saudiarabia.html>; last accessed 28 January 2018. [↑](#footnote-ref-40)
41. Gulf Center for Human Rights Mission Report, *Qatar, civil society and human rights: Lack of civil society space hinders work of human rights defenders, p. 10;*  <http://www.gc4hr.org/report/view/39>; last accessed January 18, 2018. [↑](#footnote-ref-41)
42. Articles 116, 118, 121, 123 and 125. Gulf Center for Human Rights, 15 January 2018, <http://www.gc4hr.org/news/view/1769>; last accessed January 30, 2018. [↑](#footnote-ref-42)
43. Reports Without Borders, 2017 World Press Freedom Index, <https://rsf.org/en/ranking>; last accessed 29 January 2018. [↑](#footnote-ref-43)
44. Fourteen of the countries considered in this study have established national human rights institutions. See <http://www.ohchr.org/Documents/Countries/NHRI/ChartStatusNHRIs.pdf>; last accessed 5 February 2018. [↑](#footnote-ref-44)
45. See Economic and Social Commission for West Asia, *Assessing Legislative Gaps in Implementing UN Security Council Resolution 1325 in Selected Arab Countries;* E/ESCWA/ECW/2015/Technical Paper.8, *2015, pp. 10-15; available at:* [*https://www.unescwa.org/ar/publications/%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-%D8%A7%D9%84%D8%A3%D9%85%D9%86-%D8%A7%D9%84%D8%B3%D9%84%D8%A7%D9%85-%D8%A7%D9%84%D9%81%D8%AC%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%AA%D8%B4%D8%B1%D9%8A%D8%B9%D9%8A%D8%A9-%D8%A7%D9%84%D9%82%D8%B1%D8%A7%D8%B1-1325*](https://www.unescwa.org/ar/publications/%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-%D8%A7%D9%84%D8%A3%D9%85%D9%86-%D8%A7%D9%84%D8%B3%D9%84%D8%A7%D9%85-%D8%A7%D9%84%D9%81%D8%AC%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%AA%D8%B4%D8%B1%D9%8A%D8%B9%D9%8A%D8%A9-%D8%A7%D9%84%D9%82%D8%B1%D8%A7%D8%B1-1325)*;* (Arabic); last accessed 30 January 2018. [↑](#footnote-ref-45)
46. These countries include Bahrain, Jordan, Morocco, Egypt, Yemen, Palestine, Tunisia, Egypt and Lebanon. OECD MENA Program: *women in Public Life: Gender, law and policy in the Middle East and North Africa* [no date]; [*https://www.oecd.org/mena/governance/women-in-public-life-mena-brochure.pdf*](https://www.oecd.org/mena/governance/women-in-public-life-mena-brochure.pdf) [↑](#footnote-ref-46)
47. “Web 2.0 in Next-Generation Government and Governance: A Middle East Point of View (February 2011); <https://www.cisco.com/c/dam/en_us/about/ac79/docs/ps/Web_2-Mid-East-Governance_IBSG.pdf>, p. 2, last accessed 17 January, 2018. See also Al-Khawasneh and Abu-Shanab, “E-government and Social Media Sites: The Role and Impact;” World Journal of Computer Application and Technology 1(1): 10-17, 2013; <http://www.hrpub.org/download/201307/wjcat.2013.010103.pdf>; last accessed 26 January 2018. [↑](#footnote-ref-47)
48. <https://government.ae/ar-AE/participate>; last accessed 30 January 2018. [↑](#footnote-ref-48)
49. Omanuna, the ‘official portal for electronic governmental services’ [http://www.oman.om/wps/portal/index/interact/shurkum/!ut/p/a1/hc6xDsIgAATQb\_ELOKCh6UiLtZQ2REFtWQyTIdHqYPx-q-mq3nbJu-RIIAMJU3ymc3yk2xQv7x7EyW6poI2FsVXHIXd5qZwHXeeYwTgDfInEv\_2RhA9xrSmdzhhs7Si01E1VSc\_oXiyAYwPYQvfG9xKMH-q26ARXKlvAjw\_364Ck5eoF05iitg!!/dl5/d5/L0lDU1EvUU5RSy80SlNFL2Fy/](http://www.oman.om/wps/portal/index/interact/shurkum/%21ut/p/a1/hc6xDsIgAATQb_ELOKCh6UiLtZQ2REFtWQyTIdHqYPx-q-mq3nbJu-RIIAMJU3ymc3yk2xQv7x7EyW6poI2FsVXHIXd5qZwHXeeYwTgDfInEv_2RhA9xrSmdzhhs7Si01E1VSc_oXiyAYwPYQvfG9xKMH-q26ARXKlvAjw_364Ck5eoF05iitg%21%21/dl5/d5/L0lDU1EvUU5RSy80SlNFL2Fy/); last accessed 30 January 2018. [↑](#footnote-ref-49)
50. <http://www.e-gov.gov.lb/Cultures/en-us/aboutEgov/EParticipation/Pages/Main.aspx>; last accessed 30 January 2018. [↑](#footnote-ref-50)
51. <http://portal.www.gov.qa/wps/portal>; last accessed 30 January 2018. [↑](#footnote-ref-51)
52. <http://www.egypt.gov.eg/General/Confirm.aspx?Status=401&act=general>; last accessed 30 January 2018. [↑](#footnote-ref-52)
53. <http://www.data.gov.bh/ar/>; 30 January 2018. [↑](#footnote-ref-53)
54. <https://www.e.gov.kw/sites/kgoArabic/Pages/Business/InfoSubPages/LawsAndRegulations.aspx>; last accessed 30 January 2018. [↑](#footnote-ref-54)
55. Atari, Stewart-Weeks and Calla, *Ibid.* p. 6, p. 8. [↑](#footnote-ref-55)
56. See <http://www.lasportal.org/ar/Sectors/Dep/Pages/default.aspx?RID=62&SID=12>; last accessed 30 January 2018. [↑](#footnote-ref-56)
57. See <http://www.lasportal.org/ar/sectors/dep/HumanRightsDep/Pages/CommitteeSuperVisor.aspx>; last accessed 30 January 2018. [↑](#footnote-ref-57)
58. Emirates News Wire, “UAE Participants in Arab League’s Launch of Arab charter on Civil Society Organizations,” 23 February 2016; available at <https://emiratesnewswire.com/general/41081/uae-participants-in-arab-leagues-launch-of-arab-charter-on-civil-society-organisations/>; last accessed 30 January 2018. [↑](#footnote-ref-58)
59. Adopted by the League at its Sixteenth Session in Tunis, May 2004. A previous version originally adopted in 1994 gained no ratifications and never went into force. The text of the Charter is available at <http://www.lasportal.org/ar/sectors/dep/HumanRightsDep/Pages/Mechanisms.aspx#tab1>; last accessed 30 January 2018. [↑](#footnote-ref-59)
60. Egypt, Morocco, Oman and Tunisia are not state parties. Mauritanian recently decided to become the 15th state to join but as of this writing it has not yet deposited its instrument of ratification. [↑](#footnote-ref-60)
61. Annual reports of the Arab Human Rights Committee are available at: <http://www.lasportal.org/ar/humanrights/Committee/Pages/CommitteePublications.aspx>; last accessed 30 January 2018. [↑](#footnote-ref-61)
62. States’ reports as well as the Human Rights Committee’s concluding observations are available at: <http://www.lasportal.org/ar/humanrights/Committee/Pages/Reports.aspx>; last accessed 30 January 2018. [↑](#footnote-ref-62)
63. <http://www.lasportal.org/ar/election/Pages/default.aspx>; last accessed 28 January 2018. [↑](#footnote-ref-63)
64. League of Arab States, Arab Women Organization and UN Women, *Regional Strategy for Protection of Arab Women: Peace and Security* (Cairo, 2012); pp. 85-59 and 99-101; available (in Arabic) at <http://www.lasportal.org/ar/sectors/dep/Pages/DepVersions.aspx?RID=22&SID=6>; last accessed 30 January 2018. [↑](#footnote-ref-64)
65. Organization of the Islamic Conference, <http://www.oic-iphrc.org/ar/about/>; last accessed 30 January 2018. [↑](#footnote-ref-65)
66. *Ibid. at*  <http://www.oic-iphrc.org/ar/legal/>; last accessed 30 January 2018. [↑](#footnote-ref-66)
67. *Ibid.* at <http://www.oic-iphrc.org/ar/activities/> last accessed 30 January 2018. [↑](#footnote-ref-67)
68. <http://www.arabipu.org/upload/OrganUnion/2932385847.pdf>; last accessed 26 January 2018. [↑](#footnote-ref-68)
69. Information extrapolated from OHCHR, *Status of Ratification of Human Rights Instruments; available at:* [*http://www.ohchr.org/\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/TB/HRChart.xls&action=default&DefaultItemOpen=1*](http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/TB/HRChart.xls&action=default&DefaultItemOpen=1)*; last accessed 2 February 2018.* [↑](#footnote-ref-69)
70. For a thorough discussion of Arab state engagement with the international human rights system, see Azzam, F. “The U.N. Human Rights Game and the Arab Region” in K. Makdisi and V. Prashad, eds., *Land of Blue Helmets*; (UCLA Press, 2017). [↑](#footnote-ref-70)
71. Treaty body concluding observations and UPR recommendations also recognize progress that reporting countries had made. These were not included here. [↑](#footnote-ref-71)
72. Bahrain CEDAW 2014 CEDAW/C/BHR/CO/3 paras 19, 20; Kuwait CCPR 2011, CPR/C/KWT/CO/2 para 8; Lebanon CEDAW 2008, CEDAW/C/LBN/CO/3 para 24; Yemen CERD 2011, CERD/C/YEM/CO/17-18 para 13. [↑](#footnote-ref-72)
73. *Bahrain:* CEDAW 2014, CEDAW/C/BHR/CO/3 para 27; *Iraq:* CCPR 2015, CCPR/C/IRQ/CO/5 para 13 and CEDAW 2014, CEDAW/C/IRQ/CO/4-6 paras 21.3; *Jorda:n* CEDAW 2012, CEDAW/C/JOR/CO/5 paras 13, 15, 31 and CCPR 2007, CCPR/C/JOR/CO/4 para 19; *Kuwait:* CCPR 2011 CCPR/C/KWT/CO/2 para 8 and CEDAW 2011 CEDAW/C/KWT/CO/3-4 para 34; *Lebanon:* CEDAW 2015 CEDAW/C/LBN/CO/4-5 para 31; *Libya:* CEDAW 2009, CEDAW/C/LBY/CO/5 para 29; *Morocco:* CEDAW 2008, CEDAW/C/MAR/CO/4 para 24; *Oman:* CEDAW 2011, CEDAW/C/OMN/CO/1 para 31; *Qatar* CEDAW 2014, CEDAW/C/QAT/CO/1 para 27; *Saudi Arabia:* CEDAW 2008, CEDAW/C/SAU/CO/2 para 25; *Syria:* CEDAW 2014, CEDAW/C/SYR/CO/2 para 13; *Yemen:* CCPR 2012, CCPR/C/YEM/CO/5para 11, CESCR 2011, E/C.12/YEM/CO/2 para 9 and CEDAW 2009, CEDAW/C/YEM/CO/6 para 22. [↑](#footnote-ref-73)
74. *Algeria:* CEDAW 2012, CEDAW/C/DZA/CO/3-4 Para 25-26, 33-34 and UPR 2012, A/HRC/21/13 rec. 129.26, 28, 36; *Bahrain:* CEDAW 2014, CEDAW/C/BHR/CO/3 para 29; *Egypt:* CESCR 2013, E/C.12/EGY/CO/2-4 para 9, CEDAW 2010, CEDAW/C/EGY/CO/7 para 29-30, 43, and UPR 2010, A/HRC/14/17 recs. 95.31, 33, 60, 85; *Iraq:* CEDAW 2014 CEDAW/C/IRQ/CO/4-6 para 12, 35; *Jordan:* CEDAW 2012 CEDAW/C/JOR/CO/5 paras 31-32 and UPR 2014 A/HRC/25/9 recs. 118.82/83/85/87-93; *Kuwait:* CCPR 2011, CCPR/C/KWT/CO/2 para 29 and UPR 2015 A/HRC/29/17 rec 157.84-187; *Lebanon*; CEDAW 2015, CEDAW/C/LBN/CO/4-5 para 32 and UPR 2011, A/HRC/16/18 rec 81.14/16; *Libya;* CEDAW 2009 CEDAW/C/LBY/CO/5 para 30 and UPR 2015, A/HRC/30/16 Rec 137.82, 178-180; *Morocco;* CEDAW 2008, CEDAW/C/MAR/CO/4 paras 25, 33, WG Discrimination Women 2012, A/HRC/20/28/Add.1

paras 91-92 and UPR 2012 A/HRC/21/3 recs. 129.78, 88, 93; *Mauritania:* CEDAW 2014 CEDAW/C/MRT/CO/2 3 paras 20-21, 30 and UPR 2011, A/HRC/16/17 rec 90.21, 92.21; *Oman:* CERD 2016, CERD/C/OMN/CO/2-5 paras 17-18, CEDAW 2011, CEDAW/C/OMN/CO/1 paras 8, 21, 23, and UPR 2016, A/HRC/31/11 recs. 129.178, 180-184, 207-208; *Qatar:* CEDAW 2014, CEDAW/C/QAT/CO/1 para 28 and UPR 2014, A/HRC/27/15 recs. 122.29-35, 38, 54, 59; *Saudi Arabia:* CEDAW 2008 CEDAW/C/SAU/CO/2 para 26, Special Rapportuer on Violence Against Women 2009, A/HRC/11/6/Add.3 rec. 95(a), and UPR 2013, A/HRC/25/3 rec. 128.34, 53, 64, 111, 176-177, 179-181; *Syria*: CEDAW 2014, CEDAW/C/SYR/CO/2 para 14; *Tunisia:* UPR 2012, A/HRC/21/5 rec 114.9; *UAE:* CEDAW 2015, CEDAW/C/ARE/CO/2-3 paras 21-22, 33-34, and UPR 2013, A/HRC/23/13 rec. 128.89, 94, 96, 100; *Yemen:* CEDAW 2009, CEDAW/C/YEM/CO/6 paras 8, 23, and UPR 2014, A/HRC/26/8 rec. 115.51, 96, 118-120, 122 [↑](#footnote-ref-74)
75. *Algeria:* CCPR 2007, CCPR/C/DZA/CO/3 para 20, and CERD 2013, CERD/C/DZA/CO/15-19 para 17 (regarding both women and the minority Amazigh); *Egypt*: CESCR 2013, E/C.12/EGY/CO/2-4 para 9; *Iraq:* CCPR 2015 CCPR/C/IRQ/CO/5 para 13 and CERD 2014, CERD/C/IRQ/CO/15-21 para 12; *Libya*: CCPR 2007, CCPR/C/LBY/CO/4 para 11; *Mauritania*: CEDAW 2014, CEDAW/C/MRT/CO/2-3 para 31, and CCPR 2013, CCPR/C/MRT/CO/1 para 9. [↑](#footnote-ref-75)
76. *Algeria:* SR Freedom of Expression 2012, A/HRC/20/17/Add.1 rec. 90, SR Housing 2011, A/HRC/19/53/Add.2

rec. 56, and UPR 2012 A/HRC/21/13 rec. 129.22; *Egypt:* UPR 2010, A/HRC/14/17 rec 95.102; *Iraq*: UPR 2010, A/HRC/14/14 rec 85.19; *Jordan*: CCPR 2010 CCPR/C/JOR/CO/4 para 15, 16; *Libya*: CCPR 2007, CCPR/C/LBY/CO/4 para 23; *Morocco:* UPR 2012 A/HRC/21/3 rec. 129.83, 88, 131.4; *Qatar:* CEDAW 2014, CEDAW/C/QAT/CO/1 para 29 (re women’s rights orgs.); *Syria:* CRC 2012, CRC/C/SYR/CO/3-4 paras 28-29, and UPR 2012, A/HRC/19/11 rec.100.20. [↑](#footnote-ref-76)
77. Jordan UPR 2014, A/HRC/25/9, Rec 118.78; Saudi Arabia: UPR 2013, A/HRC/25/3 rec. 128.154 [↑](#footnote-ref-77)
78. *Algeria:* CERD 2013, CERD/C/DZA/CO/15-19 para 17 (concerning the participation and marginalization of the Amazigh community, especially women); *Egypt:* CERD 2016 CERD/C/EGY/CO/17-22 paras. 27-28; *Iraq:* CERD 2014, CERD/C/IRQ/CO/15-21 paras. 11-12, and UPR 2014 A/HRC/28/14 recs. 127.203-204; *Jordan*: CERD 2012 CERD/C/JOR/CO/13-17 para 13, 16; *Libya*: UPR 2015 A/HRC/30/16rec128.183; *Mauritania*: SR Racism 2009, A/HRC/11/36/Add.2 rec. 73, and UPR 2011 A/HRC/16/17 rec 92.44. [↑](#footnote-ref-78)
79. *Kuwait*: CRC 2013, CRC/C/KWT/CO/2 paras 33, 34; *Syria:* CRC 2012, CRC/C/SYR/CO/3-4 paras. 39-40; *UAE:* SR Sale of Children 2010, A/HRC/16/57/Add.2 rec. 109; *Yemen:* CRC 2014, CRC/C/YEM/CO/4 para 42. [↑](#footnote-ref-79)
80. *Qatar:* CRPD 2015, CRPD/C/QAT/CO/1 paras. 9-10, 51-52 (on legislative measures, and accessibility to vote);*Tunisia:* CRPD 2011 CRPD/C/TUN/CO/1 para 35 and UPR 2012, A/HRC/21/5 rec 114.23-24 [↑](#footnote-ref-80)