

# Human Rights Movements in the Middle East

Written by Catherine Baylin Duryea

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The Middle East is often portrayed as an outlier when it comes to human rights, but rights are an important part of the political, diplomatic, and social fabric of the region. This chapter summarises regional trends in human rights advocacy at both the international and domestic levels. Popular movements for independence, equality for women, and protections for workers have deep roots in the region. When the United Nations began to enshrine these values into law after World War II, representatives from the Middle East were at the centre of the debates. In the following two decades, human rights largely played out in the international political realm. Middle Eastern governments contributed to diplomatic efforts to shape emerging treaties and norms and often mobilised human rights rhetoric against colonialism.

In the 1970s, however, the locus of human rights shifted to non-governmental organisations (NGOs) that used human rights to pressure their own governments for change. Activists created organisations promoting the rights of prisoners, leftists, Islamists, dissidents, women, and the poor. Human rights became more threatening to Middle Eastern regimes that were overwhelmingly undemocratic. States had little tolerance for institutions that could challenge them and often responded violently. Even though widespread violations continue, human rights have become an important framework across the region. Most states now address human rights concerns in response to domestic and international pressure. Rights have increasingly become the language of popular protest and were one of several ways that people articulated grievances before and during the uprisings in several Arab countries in 2011.

### Treaties in International and Domestic Politics

Middle Eastern diplomats played key roles in the codification of human rights. Charles Malik, a Lebanese diplomat, was one of the architects of the Universal Declaration of Human Rights (UDHR), the foundational document of human rights law. Along with Peng-chun Chang of China, Malik was considered the intellectual force behind the document (Glendon 2001, 44). The UDHR established baseline protections for individual rights. It was adopted as a resolution of the UN General Assembly on December 10, 1948 with support from 48 countries. Eight countries abstained, including the Soviet bloc, Saudi Arabia, and South Africa. At the time of its signing, many current-day countries were not represented because they were occupied by foreign powers, presenting an obvious challenge to the idea that the values enshrined in the UDHR are universal. Since 1948, most states, including those that are former colonies, have signed treaties agreeing to implement the Declaration.

Middle Eastern participation in drafting and advocating for early treaties went beyond Malik (Waltz 2004, 801). Arab and Asian representatives to the UN advocated for both self-determination and human rights as part of their struggle against colonialism (Burke 2010, 41). For many of these smaller states, human rights and anti-colonialism were mutually reinforcing concepts. With strong support from Egypt and other delegations from the Middle East and Southeast Asia, and opposition from Great Britain and other imperial powers, Article 2 of the UDHR contains a strong statement that the rights enshrined therein apply to individuals living under colonial rule: 'Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty'.

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Though it was a formative document of the United Nations with broad support, the UDHR was not a binding treaty. After its adoption, negotiators began to draft treaties that would implement the values of the UDHR with the force of law. These resulted in two covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Like the UDHR, both covenants contained strong language against imperialism that was included with the support of delegations from non-imperial powers, including Middle Eastern countries. Many Middle Eastern countries were also among the early signatories of these two treaties. Algeria, Egypt, Iran, Iraq, Israel, Jordan, Lebanon, Libya, and Tunisia all signed both treaties in the late 1960s or early 1970s. Morocco followed in 1977. Merely signing a treaty is, of course, no indication that a state actually changed its practices, particularly as the enforcement mechanisms of human rights treaties are weak. Many of the states listed above had abysmal human rights records. However, the widespread acceptance of these treaties across the region, with the exception of the Gulf States, illustrates at least the surface endorsement of the concept of human rights across the diplomatic sphere.

Throughout the 1960s and 1970s, human rights became divisive across developing countries and within Middle Eastern politics. By 1968, when the first UN International Conference on Human Rights was held in Tehran, some government officials expressed open animosity towards the emerging rights regime. This contrasts notably with statements made at the Bandung Conference in 1955, where representatives from Iran, Iraq, Yemen, and Jordan, and no less a figure than President Nasser of Egypt, expressed support for human rights (Burke 2010, 13–34). The short Proclamation issued from the conference included little substance and revealed declining governmental interest in engaging with individual human rights beyond criticising Israel and apartheid South Africa. States that had already achieved national liberation from colonialism were focused on economic development, not individual liberties that could threaten their grip on power. As state interest decreased, private individuals and organisations became the main actors in the human rights sphere. Human rights advocacy increasingly shifted from the United Nations and diplomatic channels to NGOs (Moyn 2010, 129). The opening for ratification of the ICCPR and the ICESCR in 1966 and their entry into force in 1976 meant that these tools were now widely available and could be used to generate negative publicity for states that violated their principles. NGOs increasingly used these treaties and other human rights laws to call for change within their own societies. As more states gained independence and colonial regimes were replaced with domestic rulers, many of them autocratic, human rights increasingly became a tool of citizens to use against domestic governments.

This shift on the international stage coincided with a time of evolving ideologies and increasing repression of opposition politics in the Middle East. In Egypt, the marginalisation of leftists and Nasserists under Anwar Sadat (1970 – 1981), the re-introduction of torture under Hosni Mubarak (1981 – 2011), and the increasing violence against secularists, Copts, and foreigners prompted some elements of the left to re-organise under the banner of human rights (Hassan 2006, 43). In Morocco, dissension against the monarchy was brutally suppressed from the 1960s to the 1980s during what became known as the Years of Lead, when as many as 50,000 people were victimised (Loudly 2014, 73). The regime of King Hassan II (1961 – 1999) used disappearances, torture, and imprisonment to discourage opposition political parties, trade unions, coups, and rebellions. At the same time, across the region, secular Arab nationalism was declining after the loss of the 1967 war with Israel (Dawisha 2002, 253–4). Socialism became less salient through the 1980s as power shifted away from the Soviet Union. The wake of these ideologies provided fertile ground for new approaches to cope with the social and economic changes brought about by state violence, neoliberal economic policies, and a surge in oil revenues in the 1970s (Beinin 2005, 112). Intellectuals and others were increasingly looking for alternative modes of organisation. Human rights advocacy provided an avenue that appealed primarily to leftist opposition activists because it reflected many of their values while avoiding the risks and downsides of overt partisan politics.

## The Age of NGOs

The contemporary era of human rights organising in the Middle East, marked by its reliance on international treaty law and claims of universal standards, began in this milieu in the 1970s and accelerated into the 1980s and 1990s. Lawyers, political partisans, and intellectuals across the region created new organisations devoted to human rights advocacy. While many of these NGOs expressed support for the Palestinian struggle or other issues abroad, their primary focus was domestic reform. Whether their audience was domestic, international, or both, their goal was to

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generate change within their own governments and societies. Many early activists were motivated by personal experiences of repression, and international law gave them a common language with which to challenge state action.

The earliest human rights NGOs emerged in countries with histories of contentious nationalist politics and strong communal institutions, such as political parties and labour unions. Activists in Tunisia, Morocco, Palestine, and Egypt were among the first to form national NGOs focused broadly on human rights. The Tunisian League for Human Rights (LTDH) was founded in 1976 and officially registered with the government the following year. LTDH (like many North African NGOs, it is known by the acronym for its French name) immediately began working on prisoners' rights and advocating for the right of association, the right to a fair trial, and press freedom. These civil and political rights were key to carving out space for political opposition, which was marginalised and then outright banned as Habib Bourguiba (1957 – 1987), nationalist leader turned president, consolidated power. By the early 1980s, LTDH had thousands of members and local branches around the country (Waltz 1995, 137). LTDH cultivated a reputation for independence, both from the state and from various political groups. Its early leadership was politically prominent, providing some protection from state intervention. Like many secular human rights groups, LTDH faced the tricky question of if and how to advocate for the rights of Islamists, who were often seen as political enemies of human rights but were also persecuted by the state. LTDH eventually took prominent stances in favour of releasing Islamist political prisoners. The organisation also faced internal disagreement over its positions on sensitive issues, such as the right of Muslims to convert to another religion and the right of Muslim women to marry non-Muslims. LTDH weathered criticism from both Islamists and Arab nationalists that human rights were foreign, and it suffered from a general government crackdown on civil society, though it was protected by Tunisia's international commitments to human rights to a certain extent (Garon 2003, 35–6).

Early efforts to start a human rights NGO in Morocco were stymied by state repression. A division of the Istiqlal (Independence) Party known as the Human Rights League took stances on government action, observed trials, and published reports, but its actions were limited (Sater 2007, 42–3). In the early 1970s, a number of different unions and professional syndicates created a committee against repression, but many of its members were arrested and imprisoned (Amine 2015). In 1979, members of a wing of the Social Union of Popular Forces (USFP) party and others formed the Moroccan Association for Human Rights (AMDH) as an alternative form of civic organising. AMDH was not created as a wing of the USFP, but the makeup of its early supporters tied it to the party organisation. Interconnections with political parties were an ongoing struggle for Moroccan human rights organisations. They tried to demonstrate independence not only from the monarchy but also from partisan politics. Their level of independence fluctuated (Sater 2007, 48) but the greatest barrier at this time was state repression.

The end of the 1980s brought a new era of activity for human rights NGOs in Morocco with the creation of the Moroccan Organisation for Human Rights (OMDH) and the revival of both the League and AMDH. Though OMDH was initially barred from holding an opening meeting, it was able to formally launch in December 1988 and began advocating for political prisoners (Waltz 1995, 148). The organisation won an early success in 1989 when several prisoners were released. Its activities paved the way for the League and AMDH to begin operations again, and the three organisations worked together, along with lawyers' associations and with support from international groups, to create a common National Charter of Human Rights in 1990 (Granzer 1999, 122). Though they collaborated on the Charter and other communiqués, AMDH and OMDH operated quite differently. AMDH grew into a mass, membership-based organisation that pursued direct confrontation with the state. OMDH was perceived as less partisan and less threatening (Sater 2007, 56).

In the same year as the creation of AMDH, three young professionals in Ramallah formed the first human rights organisation in Palestine, a non-profit corporation called Law in the Service of Man, later known as Al Haq. The founders wanted to oppose the Israeli occupation non-violently, and law was a natural avenue as two of them were lawyers. Rather than focus on a particular issue, such as political prisoners, Al Haq had the dual aim of inculcating respect for human rights among Palestinians while working to end the Israeli occupation. Al Haq became known for the high quality of its research and fieldwork, which it used to author dozens of reports and pamphlets for both domestic and international audiences. The organisation was an international leader in documenting rights abuses and its reports were widely respected. By its nature as a Palestinian organisation documenting Israeli action, Al Haq operated in a more international sphere than many other Middle Eastern NGOs. It pursued a number of local

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educational and service programs, but its advocacy work was largely directed at foreign governments and NGOs, as well as international organisations. Al Haq had close relationships with both the International Commission of Jurists (ICJ) and the Ford Foundation. Perhaps due to its international profile, Al Haq was able to operate for a number of years without significant retaliation; however, this changed during the Palestinian intifada in the late 1980s when Al Haq's fieldworkers were detained.

The first regional association of Arab human rights activists was formed shortly after these early groups, at a gathering of dissidents and human rights supporters in Hammamet, Tunisia in 1983. Egyptian intellectual Saad Eddin Ibrahim, one of the founders, attributed the timing of the meeting to the release of political prisoners in Egypt. These men spanned the spectrum of political beliefs but had all been detained in the waning years of Sadat's presidency (Crystal 1994, 437). With their release under President Mubarak in 1982, they found common ground in support for political and civil rights, particularly those related to political participation. Their Declaration, agreed to at the initial meeting, proclaimed: 'Democracy and the fundamental freedoms it implies are not merely means of achieving vital goals, but constitute a fundamental goal in themselves'. At its second meeting, held in Cyprus because no Arab government would permit it, this group formed the Arab Organisation for Human Rights (AOHR) (Crystal 1994, 439). Egypt eventually permitted the AOHR to open an office in Cairo, though its position there was insecure. The AOHR began publishing annual country reports, receiving complaints, and launching international campaigns. It eventually established chapters in eight Arab countries as well as several European nations and the United States (Crystal 1994, 443).

These NGOs were merely the vanguard. Over the next two decades, dozens of other organisations joined the human rights landscape. Some were offshoots of these early pioneers. Both the Egyptian Organisation for Human Rights (EOHR) and the Kuwait Society for Human Rights (KSHR) began as chapters of AOHR. Egypt soon had a diverse collection of groups working on the rights of children, women, victims of torture, and others. Even in Gaza, where working conditions were quite difficult, a new human rights NGO formed in 1995 with support from Al Haq and the Ford Foundation. Other NGOs began in Algeria (Waltz 1995, 140) and Jordan in the 1980s and early 1990s (Crystal 1994, 436). Turkey had a long history of human rights NGOs, but the late 1980s and 1990s brought a much larger field of activism (Çalı 2007, 223). Human rights even eventually had a limited presence in Gulf States, which largely did not have a history of organised contentious politics, with KSHR and the Bahrain Centre for Human Rights.

Human rights advocacy was not limited to NGOs that identified as part of the international human rights movement. Labour unions, professional syndicates, journalists, and political parties also pushed for rights-based social change, whether using the language of international law or not. Women's organisations were often at the forefront of efforts to secure full legal citizenship for women, though not all of them fully endorsed international law on women's rights. Many women's organisations combined social services or development work with advocacy. For example, the Association for the Development and Enhancement of Women in Egypt and the Women's Cultural and Social Society in Kuwait are both service organisations that also advocate for women's rights. Similarly, supporters of the environment, children, prisoners, and other marginalised groups formed NGOs that mixed advocacy with social services. This wide array of activity, only some of it explicitly focused on human rights, contributed to the growth of NGOs across the region (see Norton 1995).

## Regional Human Rights Regimes

As non-governmental advocacy increased and human rights became the dominant way of conceptualising individuals' interactions with the state, governments increasingly embraced rights language, irrespective of whether this was accompanied by changes in practice. There were several efforts within Arab and Muslim states to develop a regional or religious human rights document, analogous to the treaties governing human rights in Europe and the Americas. Those agreements, however, impose stricter requirements on states and create more robust enforcement mechanisms. The agreements adopted by Arab and Muslim states did not. The Cairo Declaration on Human Rights, endorsed in 1990 by every nation of the Organisation of Islamic Cooperation, neglected to mention a number of rights enshrined in international treaties, including freedom from torture and the right to a fair trial (Masud 2012, 114). The Arab League adopted a Charter on Human Rights in 1994 that contained no provisions for enforcement and was not ratified by any state. A decade later, the League adopted a revised Charter that came into force in 2008 when seven

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member states ratified it. The updated Charter guaranteed a number of key rights, including equality between men and women, though there was still no enforcement mechanism such as a court. In addition to these regional efforts, national governments increasingly created offices of human rights, though these often provided more window-dressing than true accountability.

## Challenges for Human Rights Advocates

Despite the proliferation of NGOs, human rights activists faced a number of challenges from both within and outside the movement. The influx of foreign funding, the prospect of government co-optation, and in-fighting among organisations generated disillusionment with human rights networks. This was particularly pronounced in Palestine, where an explosion of NGOs in the 1990s became associated with the decline of the Palestinian nationalist movement (Allen 2013, 65). Palestine is perhaps emblematic of the perceived failed promise of human rights; while NGOs were successful in changing the discourse around the Israeli occupation, particularly internationally, the occupation itself persisted. Around the region, rights violations continued unabated even as awareness increased.

Human rights activists were also criticised for retreating from partisan political life and arguably backing away from calls for systemic change (Browers 2004). Many NGOs were also susceptible to allegations that they represented foreign interests because they accepted foreign funding or had close relationships with foreign and international NGOs. The Ford Foundation was particularly active in funding and developing human rights initiatives throughout the Middle East, including Al Haq and AOHR, in addition to organising conferences and trainings (Crystal 1994, 444). Amnesty International, the International Federation for Human Rights, and the ICJ all partnered with and supported Arab NGOs. Participating in foreign and international networks opened Middle Eastern NGOs to criticism because human rights were associated with foreign interests and neo-imperialism. At the same time, these networks provided a degree of protection from local governments, which were less likely to crack down on NGOs that could mobilise the international press and foreign governments.

Associations with foreigners also opened human rights to criticism for being un-Islamic. The relationships between political Islam and human rights vary widely, but all human right activists had to navigate political spectrums that included Islamist elements (Hassan 2006, 42). Some Islamists rejected the substance of human rights law and its subordination of religion to international law. Conflicts were often political as well as ideological – Islamists and human rights activists were generally associated with different bases of political support. Even so, Islamists and human rights activists have aligned over shared values, such as support for prisoners' rights. Islamists and human rights activists were also both frequent targets of state repression, creating shared experiences and overlapping interests. Many Islamist political parties and organisations embraced human rights and created their own rights organisations (Hicks 2002, 372, 378; Slyomovics 2005, 187–192). Some, such as Mazlumder in Turkey, advocated for the religious rights of Muslims as part of a broader framework in solidarity with more leftist human rights groups (Çalı 2007, 226).

Despite these challenges, state repression remained the greatest threat to human rights NGOs. Most active organisations faced sustained and significant efforts to curtail their work when they raised issues that threatened the state – torture and citizens' bodily autonomy, the legitimacy of the ruler, and the legality of state operations. AMDH in Morocco, for example, was prevented from operating for several years in the mid-1980s after it inspired calls for changes in the treatment of prisoners (Waltz 1995, 145). Even when organisations were permitted to operate, they faced bureaucratic delays, harassment, intimidation, and smear campaigns. State repression, often violent, was commonplace throughout the region. All of Al Haq's fieldworkers were arrested and detained during the first intifada in the 1980s. In the 1990s, the Tunisian government tried to effectively dismantle LTDH by criticising its leader in the press and requiring the NGO to allow anyone to join, which would open it to infiltration by security forces. International pressure eventually secured LTDH's survival, but its efficacy was severely compromised because it was unable to access the domestic press (Garon 2003, 37). The Egyptian government refused to register EOHR, meaning it had to operate outside the law. In 1989, several of its board members were arrested and tortured after they monitored the security forces' violent response to a strike at a state-owned company (Stork 2011, 91–2). Across the region, state violence limited the scope of human rights activism.

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## Rights and Popular Uprisings

Popular demonstrations in the 2000s and 2010s called for respect for human rights despite their complicated and compromised position. In 2009, Iran witnessed the largest protests since the 1979 revolution following complaints of voting irregularities in the presidential election (Adelkhan 2012, 17). This Green Movement brought together disparate social movements seeking government reform. Some reformers had increasingly used rights language in the 2000s and even created human rights NGOs advocating for prisoners and an end to the death penalty (Navabi 2012). In Egypt, women, students, judges, and leftists organised protests against sexual harassment and in favour of more political openness throughout the 2000s (El-Mahdy 2009).

In both Egypt and Tunisia, workers mobilised throughout the decade. In Egypt alone, there were more than 3000 collective actions involving hundreds of thousands of workers (Beinin 2016, 66). Though distinct, the Arab uprisings in 2011 built on these earlier protest movements and succeeded in toppling regimes in Egypt and Tunisia, forcing constitutional reform in Morocco, and sparking ongoing violent conflict in Syria, Yemen, and Libya. Though human rights were central to the desired social changes, rights NGOs were not at the forefront of the uprisings (El Naggari 2012). In general, the organisations had not built a substantial social base. This was due to a number of factors, including foreign funding, violent suppression at the hands of unsympathetic states, reliance on elite lawyers and technocrats, and popular sentiment that human rights advanced Western interests over Islamic or other values. Though some organisations, like AMDH, explicitly embraced mass action, others were simply too small to take on this role or did not see it as part of their mission. Nevertheless, rights language was common among protesters. In Egypt, popular protest slogans called for the end of the state of emergency and eliminating military trials for civilians, fairly technical demands that echoed concerns of human rights organisations (Morayef 2015, 9–13). In Tunisia, the slogan 'A job is a right, you pack of thieves' (Beinin 2016, 4) highlighted both the centrality of economic injustice and rights to demands for social change. The prevalence of rights language demonstrates the extent to which human rights framing had permeated public discourse.

## The Future of Human Rights

The shifting role of human rights in Middle Eastern politics illustrates how dramatically both the discourse and practice of human rights have changed throughout the second half of the twentieth century and into the twenty-first. After decades of activism and the recent protest movements, there has been little progress in changing state action to comply with international human rights law. There is little enforcement at the regional level, and widespread repression of domestic rights NGOs continues. The prospects for human rights NGOs in Turkey, Iran, and most Arab countries are bleak as states continue to suppress their activities and activists languish in jails. As the legitimacy of human rights frameworks declines and they are increasingly associated with Western imperialism, even domestic calls for respect for human rights are less resonant. Nevertheless, activists in every Middle East country continue to advance their platform of social change through governmental reform, public education, international pressure, and domestic advocacy.

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