

## Statement on Shrinking Civic Space in Arab countries

*By MENA Chapters of Transparency International and the UNCAC Coalition, submitted by the Coalition on behalf of civil society organisations from the region*

Shrinking civic space is a global phenomenon.<sup>1</sup> In the Arab countries, however, the situation is alarming.<sup>2</sup> Citizens of these countries are tired of decades of impunity from their leaders, and lack of political will to conduct serious anti-corruption reforms.

We call on the UNCAC Conference of States Parties to adopt a resolution encouraging States Parties to take steps to protect and safeguard freedom of expression and civil society space in order to boost anti-corruption efforts in the Arab countries, in line with the preamble and Article 13 of the United Nations Convention against Corruption (UNCAC), which highlight the importance of civil society contribution to anti-corruption efforts.<sup>3</sup>

Although Arab countries are not all homogenous, there is an overall crisis of democracy in the region. This is manifested in the repressiveness of its governments and parliaments, with authoritarian systems limiting basic civil liberties, freedom of expression, the right to information, independent media, and the functioning of civil society organisations (CSOs), especially when their work is related to human rights and the fight against corruption.<sup>4</sup> Political violence, mass arrests, and restrictive legislation are the norm. Without the strong political will to combat corruption in the public sector, the political rights of people in countries across the region are being undermined.<sup>5</sup>

Not a single Arab country has an *open* or even *narrowed* state of civic space.<sup>6</sup> Four countries have *obstructed*, six countries have *repressed*, and seven countries have *closed* civic spaces.<sup>7</sup> Corruption thrives in environments where the social contract between states and their citizens has been broken for decades,<sup>8</sup> and where speaking truth to power<sup>9</sup> is a risky and daunting task.

Various governments in the region have taken other routes to undermine and weaken civil society's role by establishing government-organised non-governmental organisations (GONGOs), with the aim to defuse pressure and weaken civil societies' rising demands for democracy, accountability and transparency.<sup>10</sup>

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<sup>1</sup> See [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578039/EXPO\\_STU\(2017\)578039\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578039/EXPO_STU(2017)578039_EN.pdf)

<sup>2</sup> See <https://www.gc4hr.org/report/view/82>

<sup>3</sup> United Nations Convention Against Corruption (UNCAC). See [https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)

<sup>4</sup> See <https://www.transparency.org/news/feature/regional-analysis-MENA>

<sup>5</sup> See <https://www.transparency.org/news/feature/regional-analysis-MENA>

<sup>6</sup> See <https://monitor.civicus.org/Ratings/>

<sup>7</sup> With constant analysis of multiple streams of data on civic space, each country is assigned a rating by CIVICUS, as follows: *Open*: none in Arab region; *Narrowed*: none in Arab Region; *Obstructed*: Jordan, Lebanon, Morocco and Tunisia; *Repressed*: Algeria, Iraq, Kuwait, Palestine, Oman and Qatar; *Closed*: Bahrain, Egypt, Libya, Saudi Arabia, Syria, United Arab Emirates (UAE), and Yemen. See <https://monitor.civicus.org>

<sup>8</sup> See [https://www.transparency.org/news/feature/will\\_rampant\\_corruption\\_spark\\_an\\_arab\\_autumn](https://www.transparency.org/news/feature/will_rampant_corruption_spark_an_arab_autumn)

<sup>9</sup> See [https://www.transparency.org/news/feature/rampant\\_corruption\\_in\\_arab\\_states](https://www.transparency.org/news/feature/rampant_corruption_in_arab_states)

<sup>10</sup> <https://www.washingtoninstitute.org/fikraforum/view/the-hard-reality-of-civil-society-in-the-arab-world>

## ***Current situation in the Arab countries***

Since the start of anti-government demonstrations in Iraq this year, reports have indicated that hundreds of people have been arrested, kidnapped or killed, thousand wounded, and several volunteer medics have disappeared.<sup>11</sup> Thousands have been detained in a violent crackdown on protests in Egypt.<sup>12</sup> Bahrain, once viewed as an encouraging model for democracy, has regressed in democracy and free speech.<sup>13</sup> Countries like the UAE, Qatar and Saudi Arabia lack accountable democratic institutions and show little respect for political rights, leaving the control of corruption completely up to the political will of the incumbent ruling class which undermines any improvements in anti-corruption efforts made so far.<sup>14</sup>

In Occupied Palestine, non-for-profit companies, as well as CSOs, are severely restricted in their ability to operate in the current political situation.<sup>15</sup> In Lebanon, activists in the revolution have been targeted, putting their safety at stake.<sup>16</sup>

Free speech on social media channels is criminalized, using anti-terrorism and cybercrime laws in several countries, including Jordan, Palestine, Sudan, Oman and the UAE. Dozens of citizens in Jordan have been detained to stand trial for hate speech and other unjustified charges due to vague definitions and the broad scope of the aforementioned laws.<sup>17</sup> Despite glimmers of hope in Tunisia<sup>18</sup>, the road to strengthening civic space and championing anti-corruption in the region, however, is a long one.

## ***Key points contributing to shrinking civil society space***

UNCAC's Article 13 requires that each State Party promotes the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organisations and community-based organisations, in the prevention of and the fight against corruption.<sup>19</sup> Civic space is the foundation of any democratic society and freedom of expressions is a key human right. When civic space is safeguarded, citizens and CSOs can organise, participate and communicate without hindrance, and without fear of retaliation. In doing so, they can exercise their rights and determine the political, economic and social structures around them. However, this is only possible when states respect and facilitate the fundamental rights of its citizens to associate, assemble peacefully, and freely express views and opinions, in the physical as well as the digital world.<sup>20</sup> Civic spaces thus become crucial in fighting corruption and promoting transparent and accountable societies.

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<sup>11</sup> See <https://www.independent.co.uk/news/world/middle-east/iraq-protests-government-disappearances-death-toll-tahrir-square-a9201506.html>

<sup>12</sup> See <https://www.nytimes.com/2019/10/04/world/middleeast/egypt-protest-sisi-arrests.html>

<sup>13</sup> See <https://freedomhouse.org/report/freedom-world/2019/bahrain>

<sup>14</sup> See <https://www.transparency.org/news/feature/regional-analysis-MENA>

<sup>15</sup> See <http://www.pngo.net/wp-content/uploads/2018/09/Report-Attacks-on-Palestinian-civil-society-organizations-PNGO.pdf>

<sup>16</sup> See <https://www.hrw.org/news/2019/11/08/lebanon-protect-protesters-attacks>

<sup>17</sup> See <https://www.accessnow.org/cybercrime-law-in-jordan-pushing-back-on-new-amendments-that-could-harm-free-expression-and-violate-privacy/>

<sup>18</sup> See [https://www.transparency.org/news/feature/will\\_rampant\\_corruption\\_spark\\_an\\_arab\\_autumn](https://www.transparency.org/news/feature/will_rampant_corruption_spark_an_arab_autumn)

<sup>19</sup> See [https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)

<sup>20</sup> See <https://monitor.civicus.org/whatis-civicspace/>

The key points surrounding the shrinking of civic spaces in the region are as follows:

- Lack of an enabling environment with democratic systems and checks and balances that allow for participation – space for civil society actions and contributions towards any change, including combatting corruption, is dependent largely on the will of power brokers in the respective countries.
- The systematic stifling of the safeguards for freedom of speech and expression, freedom of the press, and human rights – from Egypt, where the right to protest has been suspended since 2013, to countries across the region using cybercrime and counter-terrorism laws<sup>21</sup> to silence expression online, civic spaces for citizen and CSO engagement in the region are being corroded.
- Opacity and a lack of accountability in governance – with the region made up of many authoritarian political systems, oftentimes ruling with an iron fist, accountability of governments to its people is often lacking. Only three countries in the region are part of the Open Government Partnership: Jordan, Morocco and Tunisia.<sup>22</sup>
- Weak or inadequate national legal frameworks and lack of proper implementation mechanisms – while human rights, access to information, and whistle-blower protection laws are not wholly absent from the region, they are ignored, contain various loopholes, and are not properly implemented. In addition, governments resort to the use of an unclear definition of classified documents to restrict the right to information.<sup>23</sup> In Egypt, for example, while employees and citizens have a right to report on wrongdoings in government institutions, they can be fined and jailed for up to six months if their report is found to be false.<sup>24</sup>
- Attacks on CSOs and independent media – CSOs are often targeted on the grounds of funding, blocking their access to the public by closing them down, blocking their websites, or by restricting the movement of their staff. Across the region, travel bans have emerged as a tactic to limit civic spaces, as in the case of Bahrain in the past years.<sup>25</sup> Criminal justice systems are being used as a tool of repression. Human rights defenders face charges of propaganda against the state. Journalists reporting on impunity are harassed, arrested and even murdered.<sup>26</sup>

### ***Recommendations put forward to the UNCAC Conference of State Parties (CoSP)***

The civil society organisations are calling on the Arab countries to:

- **Uphold their commitments under international treaties, including the UNCAC**, to safeguard human rights, allowing citizens to monitor and hold their governments accountable without fear of retaliation.

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<sup>21</sup> See <https://www.eff.org/pages/crime-speech-how-arab-governments-use-law-silence-expression-online>

<sup>22</sup> See <https://www.opengovpartnership.org/our-members/>

<sup>23</sup> See <https://www.eff.org/pages/crime-speech-how-arab-governments-use-law-silence-expression-online>

<sup>24</sup> See <https://mena.thomsonreuters.com/content/dam/openweb/documents/pdf/mena/white-paper/the-case-for-whistleblower-protection.pdf>

<sup>25</sup> See <http://www.bahrainmirror.com/en/news/38439.html>

<sup>26</sup> See <https://www.gc4hr.org/report/view/82>

- **Enact and implement strong anti-corruption frameworks in line with UNCAC provisions and best practices** such as the criminalization and prosecution of illicit enrichment (Article 20), asset recovery (Chapter V), whistle-blower protection (Articles 8.4, 13.2, 32 and 33), access to information, open data and open governance (Article 10) and transparency of budgets and public procurement (Article 9), allowing for civil society participation in the prevention of corruption and strengthening public confidence in governments.
- **Build democratic systems based on the principle of separation of powers and independence of the judiciary** (Article 11) to foster an enabling environment for active civil society and citizens' participation in the prevention of and fight against corruption (Article 13).
- **Engage proactively and constructively** with civil society on national strategies, actions and plans, including participatory budgeting, and plans based on needs assessments (Articles 5, 10, 13), supporting civil society coalitions and engaging in regular dialogue with policy actors.
- **Report and provide data on all state institutions**, to ensure transparency and accountability of the government to its people (Articles 7, 9, 10, 13).

**We also call on the international community to use pressure** that includes measures for legal reform to protect the right to assembly, freedom of expression and protest, and for such issues to be tackled on a more consistent equal basis. The global community ought to ensure that their relations with other governments include requirements of safeguarding the space for civil society.