

Input on the topics to be discussed during the fourth session of the Forum on Human Rights, Democracy and the Rule of Law

Since 1999 the Amman Center for Human Rights Studies (ACHRS) monitors the MENA region and advocates democratization and human rights. Human rights and their compliance thereby play a key role and precondition for functioning democracies. The common understanding of democracy ascribes political authority to the people themselves through voting. One critical principle to enable such an autonomous rule by the people is their equality before the law and equal access to power and legislative processes. Guaranteeing this equality forms the necessity of civil rights and liberties, such as the freedom of assembly, religion, and speech, or the right to life, liberty, and security but also the separation of powers, including a free and independent media. These principles of democracies constitute basic human rights and the fundament on which equal access to power for all the people can grow. In years of monitoring the Middle Eastern region, our center has observed multiple shortcomings in these preconditions for functioning democracies, whereof some will be discussed below. Despite democratic uprisings such as the Arab Spring happened, today the vast majority of Middle Eastern states cannot be considered democracies due to a lack of the mentioned conditions. Even the state of Israel - often classified as “the only democracy in the Middle East” - is massively violating democratic principles. Through its reckless actions against Palestinians within Israel as well as in the occupied Palestinian territories, the deprivation of their rights, the abstinence of fair trials, arbitrary detention based on vague accusations, the oppression of Palestinian identity – over all the implementation of an apartheid regime on Palestinians – Israel rather constitutes an ethnocracy than a democracy, a state in which a certain ethnicity rules, not all the people with equal access to power.

In the following, certain critical challenges for democracies will be discussed, based on experiences from the MENA region as well as international developments. The topics include corruption, economic participation, independent judiciary, women’s rights, safety, and minority groups.

Corruption

Corruption depicts one major threat to democracies and occurs in various manners. It comprises bribery of politicians, the influence of economic elites on political decision-making, better access to public services, such as health care or education, or to the judiciary. On the corruption perceptions index (CPI), the MENA region is still perceived as highly corrupt, with little progress made towards controlling corruption. In many states, the importance of personal and social connections – so-called “wasta” – remains significant and in some societies, there are still deeply anchored and influential tribal structures, which often undermine the state authorities. A massive lack of transparency offers a breeding ground for flourishing corruption. Studies by the Arab Barometer, citizens in the region regard government officials and members of parliament as the most corrupt, as well as Transparency International, which states that 44 % of people in the MENA region think that most or all members of parliament and government officials are involved in corruption. Especially during the Covid-19 crisis, the high levels of corruption in the region became more evident. The use of “wasta” provided some with easier access to health services and deteriorated a fair public service delivery. Positions in the

public sector are frequently very politicized and allocated based on loyalty rather than merit. This often prompts citizens who can afford it to pay bribes to get access to these public services. Years of such practice led to unprepared health systems as the crisis struck the region. Overall, the significant corruption in the region caused the trust in the public sector and politicians to plummet and poses one major obstacle on the path of democratization.

Economic Participation

Corruption is often fostered by economic power in the hands of a few. Not only can they afford bribes, frequently they can also employ under their arbitrary will, based on their relations and loyalty, rather than qualifications. Further, the ones with economic power provide jobs, or own relevant parts of countries' economic sectors, or even the media, and can use these means for the exertion of influence on political decision-making. Economically privileged have access to better education, better health care, a higher level of security, fewer mental and physical issues, a higher level of freedom of movement or speech and they can afford to run for an election. When these observations are being compared to the basic principle of democracy as well as human rights – equality of all humans – a massive discrepancy becomes evident. In many contemporary societies with such tremendous inequalities of wealth, equal access to power for all remains wishful thinking. Rarely a working-class person has the time or means to run for an election, not to mention access to necessary education in the field of politics, nor do they own relevant media or important networks to succeed in an election campaign. In capitalism, access to political power is not only determined by access to votes. Political power is in fact in multiple ways distributed in favor of the economically privileged. On these grounds, the necessity of economic participation seems obvious. Trade Unions play a significant role in this topic. They organize the working class and can make up a stabilizing force against the economically privileged and even achieve political power for the benefit of the lower-income people. Apart from the Union's task to discuss wages, the structures within the companies are mainly organized strictly hierarchical rather than participative and need to be restructured to achieve equal access to power. Altogether, in countries all over the world, economic participation depicts the main barrier to achieving democracies with equal access to power, whilst necessary changes in the economic system seem currently unlikely.

Independent Judiciary and Executive

A third challenge for democratization in the MENA region is the exertion of influence on the judiciary, mainly by political authorities. As mentioned earlier, MENA states can mainly not be considered democracies, most of them have more or less authoritarian character. At least on weekly bases, these regimes influence the judiciary, stage fake trials, or abstain completely from a trial, convict and detain oppositional actors, activists, and critical journalists. Through this practice, the regimes try to perpetuate their rule, suppress oppositional voices, and avoid democratic uprisings. If local activists and critical journalists keep being arbitrarily arrested and convicted based on invented accusations, democratic movements emerging from the local society stay unlikely.

Women and democracy

When it comes to strengthening already existing democracies one can analyze the women's and youth participation as a challenge for democracy which at the same time embodies the most significant opportunity as well. As the United Nation already resolved the Beijing declaration during the fourth world conference for women in 1995:

"The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security." (United Nations 1995:57).

Globally, women have better educational qualifications in school and university and women participate more in continuing education. As early as 10 years ago, the Corporate Governance Code recommended that the composition of supervisory bodies should be more diverse to achieve more independent decision-making and optimize a regulatory system. It is also assumed that an unrestricted right of co-determination and decision-making power can strengthen the peacekeeping of a state or nation. According to the political conflict situation across the world, but also specifically in the Arab world, women are in need of being empowered to be able to take up higher political positions. As the former United States Secretary Madeleine K. Albright has said judicially: "So let me be clear: for women, violence is not a rightful or inevitable cost of participation in politics. Participation in politics is the way we end violence against women." While there is already an increasing number of female actors in the fields of peace and conflict strategies and foreign affairs, women are still significantly underrepresented in decision-making processes. Women can demonstrably, by having a political voice, lead more peaceful negotiations, but nevertheless still play an underrepresented role in them.

It is crucial to support women running for elections without women feeling the need of equalizing to male leadership methods. Social science has proven that male leadership styles often creep into female leadership styles due to several reasons. As the dominant and rigorous style of leadership in politics is often associated with strength, empathy and communal communication are often perceived as weaknesses. Nevertheless, women in politics and civil society engagement have come to outstanding results.

For these reasons, it is important to address the characteristics and advantages of a female leadership style in politics. On the one hand, to be heard and on the other hand, through the conscious focus on this, sensitization can happen on an institutional level which shows the advantages of communal female leadership in politics. Democracies will be strengthened tremendously by the empowerment of women in politics but also by raising awareness of active female participation and its advantages.

Local Civil society groups, as well as local women empowerment organizations, have the ability to raise awareness in a cultural-sensitive way, therefore are needed to be more supported.

Suppression and state safety

Suppression is a threat to democracy as civilians might throw over their civil liberties in a state of threat and fear which could temporarily harm democratic values. Therefore, civilians could rather choose safety over democratic participation in face of real intimidation. A challenge to the active application of real democratic values is the insurance of the state to protect citizens within a functioning legal system.

As we can see in Sudan, since the Coup in October 2021, Sudanese citizens are raising their democratic voice through peaceful demonstrations against the military forces. Nevertheless, over 100 people have been killed by doing so. A challenge is ensuring safety for all citizens who are making use of their right to protest.

Minority groups

Protection needs to be ensured for every citizen without any restrictions. This all-encompassing security system leads to another challenge when it comes to strengthening democracies. A democracy is just as strong as the equalization of minority groups. Included in those groups are religious minorities, the LGBTQI* community, and further ethnic minorities. Those groups often experience disadvantages compared to the prevailing majority groups. As already stated above, free, and fair elections as well as society and communal participation are crucial parts of a functioning democracy. If minorities are being considered for neither running an election with equal chances nor being supported for full participation in free elections, democracy is not being lived out actively. A democratic state with limitations on one group, such as Palestinians in the occupied Palestinian territories cannot be called a democratic state, following democratic values.

Examples are the minority of Sinti and Roma, the minority of Kurds, Palestinians, and many more minorities in the world. A challenge for many nations in the world is the upholding of non-discriminatory practices of all groups without exceptions. The support of civil society groups and local human rights organizations is essential in order to support minority rights and support democratic values.

Conclusion

To conclude the paper, it is crucial to strengthen already existing democracies through the following aspect: fighting corruption, monitoring fair elections, economic participation, women's and youth participation, independent judiciary as well as independent media.

Those aspects are currently considered challenges in many nations of the world but could also be transformed into great opportunities.

Nevertheless, as recently shown in Afghanistan, nations need to develop those values in their own space. Failed Eurocentric nation-building, and democracy-building is a task that needs to be supported but not led by already existing democratic states. Democracy building can just be successful by supporting local organizations with a bottom-up principle rather than a top-down system.