

Contribution submitted by: Maat for Peace, Development and Human Rights (Holding special consultative status with the UN Economic and Social Council)

Submitted to: The Forum on Human Rights, Democracy and the Rule of Law

Submitted on: “Strengthening democracies to build back better: challenges and opportunities”.

Maat for Peace, Development and Human Rights welcomes the convening of the fourth session of the United Nations Forum on Human Rights, Democracy and the Rule of Law, and its theme decided in Resolution No. (4/64) adopted by the Human Rights Council on March 23, 2021, which is “**Strengthening Democracies to Build Back Better: Challenges and Opportunities**.”

Maat praises the Office of the High Commissioner for Human Rights’ call of to civil society organizations, including non-governmental organizations, for input on the topics discussed by the Forum on Human Rights, Democracy and the Rule of Law during its fourth session, which will be held from November 24 to 25, 2022. In this contribution, Maat focuses on the topics proposed to enrich the discussion sessions that form the agenda of the Forum in its fourth session, based on the challenges that may hinder the promotion of democracy and obstruct building in the post-pandemic period, in addition to the opportunities that can be built upon for a diverse, wealthy, and inclusive democracy, including vulnerable groups and members of racial and ethnic minorities.

First: Challenges to strengthening democracy

1. Failure to hold free and fair election

Holding elections, whether legislative or presidential, is a necessity that does not accept procrastination or delay, particularly in countries that are going through transitional periods. However, holding elections is not an end in themselves, the electoral process must be conducted in the light of fair and transparent procedures and subject to effective judicial oversight and follow-up by civil society organizations. On this basis, preventing the holding of elections in these countries requires continuous discussions, Maat suggests that there be a panel discussion in the light of the forum for this issue, provided that the discussion includes aspects of support and assistance that the High Commission can provide to countries that are going through critical periods in their history due to the failure to complete the electoral path.

The failure to hold elections in these countries often leads to an increase in armed confrontations and an exacerbation of social, economic and political grievances¹. This undermines development efforts in all cases and threatens to leave most of the population lagging behind.

¹ Elections ‘Not an End in Themselves’, Says Under-Secretary-General as Third Committee Continues Discussion on Human Rights, <https://www.un.org/press/en/2013/gashc4081.doc.htm>

For example, the failure to hold the presidential elections in Libya, which was planned for December 24, 2021, under an “agreement” led to the outcomes of the political dialogue forum, and was relied upon to reunify the security and military institutions, rebuild confidence among the population and the exit of all foreign forces and mercenaries from Libya. The postponement of these elections indefinitely resulted in the presence of two prime ministers, as the Parliament of Libya, which is held in Tobruk, eastern Libya, elected Fathi Bashagha as Prime Minister on February 10, 2022², to replace Abdul Hamid al-Dbeibeh, whose term had expired, but he still refused to hand over power to exercise the de facto authority from Tripoli, western Libya, and the presence of two governments led to the mobilization of different groups operating outside the framework of their gunmen, which sometimes developed into violent clashes in areas crowded with civilians who faced a barrage of heavy and medium weapons and live bullets, which led to the occurrence of deaths, but Maat could not confirm that the dead were civilians or from these groups. Therefore, holding elections in countries recovering from armed conflicts can enhance national reconciliation and peace-building efforts, especially if all parties accept the election results, which calls for a wide area of discussion on this issue by international human rights mechanisms.

At the level of parliamentary elections, elections were held in 2021 and the first half of 2022, in several countries such as Qatar, Lebanon, and Iraq. Parliamentary elections in the occupied Palestinian territories were postponed by a presidential decree issued by Palestinian President Mahmoud Abbas in May 2021 for an indefinite period, which are elections that have not been held for 15 years³ - In Qatar, about 40% of the population of the State of Qatar, most of whom are members of the Al-Murrah tribe, were excluded from running or voting in legislative elections under the discriminatory election laws⁴. These elections took place in October 2021, and in protest against the adoption of these laws, rare demonstrations called for citizenship and non-discrimination on the basis of national origin, as stated in the Universal Declaration and the International Covenant on Civil and Political Rights.

The leaders of these gatherings were arrested and severely unfair sentences were passed on them⁵. Maat believes that if elections do not guarantee the right of everyone to run for office and vote, they will entrench undemocratic institutions, squander the principles of good governance and accountability, and deepen impunity.

2. Unaccountable institutions and widespread corruption

² Statement attributable to the Spokesperson for the Secretary-General - on Libya, <https://unsmil.unmissions.org/statement-attributable-spokesperson-secretary-general-%E2%80%93-libya-0>

³ THE GLOBAL STATE OF DEMOCRACY 2021 Building Resilience in a Pandemic Era, Page 5, <https://idea.int/gsod/sites/default/files/2021-11/global-state-of-democracy-2021-summary.pdf>

⁴ Political participation index in GCC States 2021, Page 7, <https://gulfhouse.org/wp-content/uploads/2021/09/PPIGCC-2021-En.pdf>

⁵ <https://drive.google.com/file/d/15lpAxK-GH3TVKdlbDuhpRoblsHQaMFJx/view>

Democracy can only flourish in a framework based on accountability of institutions and lack of exclusion in the decision-making process, and that the rule of law already exists, and this is the goal of the sixth target of the sixteenth goal of the sustainable development goals to build effective and accountable institutions, but it seems that this goal is elusive in the Middle East, where impunity is still dominant in low-income and least developed countries, particularly those experiencing armed conflicts and countries undergoing post-conflict building back. For example, in Iraq, the capacity of the judiciary and fact-finding committees set up by the Prime Minister is still limited to investigate intimidation and assassination practices against protesters and human rights defenders. In a short period, 32 protesters and human rights defenders were killed, 21 injured, and 32 kidnapped by unidentified armed elements⁶. Family members, alongside investigative judges and activists who demanded accountability for threats and intimidation, were confronted by persons known to the state⁷.

The fifth target of Goal 16 is related to preventing corruption and bribery, which are acceptable practices in non-democratic regimes. Corruption, including bribery, undermines progress towards the previous goal and harms democracy and human rights. It is believed that bribery is demanded in low-income countries five times higher than in high-income countries, as the average prevalence of bribery in about 120 countries was 37.6%, compared to 7.2% in high-income countries. These practices not only affect the non-accountability of institutions, but they harm the national economy, widen the gap in the income of individuals and undermine domestic and foreign investment⁸, by supporting efforts aimed at combating corruption, adhering to the principles of the United Nations Convention against Corruption and integrating them into public policies, and supporting efforts towards reducing lack of accountability and strengthening integrity and the rule of law. Also, the establishment of independent and transparent mechanisms, in cooperation between all actors in countries experiencing armed conflicts and countries in recovery stages from conflicts, has become an urgent necessity to build effective institutions as stated in the sixth target of Goal 16 of the Sustainable Development Goals, and the mandate of these mechanisms should not be limited in any way in the investigation of allegations of corruption only, but should include the investigation of violations of basic human rights, and the above would reduce all the grievances inherited by generations in these countries, which enhances democracy and rebuilds trust between opposition.

3. Poor rule of law

There is a direct relationship between the rule of law and democracy, both of which are reinforced by the other. In some countries in the Middle East and North Africa, the rule of law has declined, and this decline has intensified with the various mutations of the Corona epidemic. Most of the countries in this region ranked lagging behind in the Rule of Law Index for 2021 issued by the

⁶ Update on Accountability in Iraq, June 2022, https://iraq.un.org/sites/default/files/2022-06/OHCHR%20UNAMI%20Update%20on%20Accountability%20in%20Iraq_ENG.pdf

⁷ Ibid

⁸ <https://unstats.un.org/sdgs/report/2021/The-Sustainable-Development-Goals-Report-2021.pdf>

Global Justice Project. Iran ranked 119 and Turkey 117 out of 139 countries included in the index. The decline of the two countries came due to the lack of control over government performance and policies, in addition to the lack of the ability of national human rights institutions to monitor, evaluate, and follow up on practices related to basic human rights, in addition to the fact that government officials are not subject to investigation or questioning by the national parliaments in these countries or are dismissed if they do what calls for that⁹, and this is in contradiction with the concept of democracy contained in a study of the Commission The High Commissioner for Human Rights, which it considered as a system of government in which rulers are held accountable for their practice in public life by citizens.¹⁰

Second: The opportunities to strengthen democracy

1. Partnership with civil society

The Coronavirus pandemic has revealed the pivotal role of civil society in working side by side with governments, so the post-pandemic building back phase is a historic opportunity for government institutions to reduce the fragmentation between them and civil society and consider it as a partner and not as an adversary, by following a participatory approach that focuses on bridging the social gaps that increased among the population due to the pandemic, understanding the basic needs of individuals as a basis for sustainable recovery, ensuring that no one is left behind, prioritizing vulnerable groups such as women, children, persons with disabilities and members of racial and ethnic minorities, reducing the closure of civic space, and providing basic freedoms to all on an equal basis. Maat proposes the topic of partnership between civil society and governments in a reasonable space in the discussion panels of the Forum on Democracy, Human Rights and the Rule of Law in its fourth session.

2. Conducting national dialogues with the opposition

Maat noted the intention of some countries in the Middle East and North Africa, such as Egypt, Tunisia and Sudan, to hold national dialogues with the political opposition. These dialogues, if conducted in a transparent atmosphere and with equitable representation of the opposition and civil society, including political parties, may lead to creating an appropriate environment for the promotion of democracy and may constitute a building approach to promote national reconciliation and enrich political and public participation for groups whose representation was limited in previous years. Maat believes that these dialogues, if held in earnest, give political institutions and systems flexibility and restore confidence in them by citizens.

⁹ Rule of law index 2021, World justice Project, <https://worldjusticeproject.org/sites/default/files/documents/WJP-INDEX-2021.pdf>

¹⁰ Study on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective,

3. Establishing the principle of quota in legislative elections

According to the Inter-Parliamentary Union, the participation of women in legislative assemblies reached an unprecedented rate in March 2021, at 25.5%, i.e. more than a quarter of parliamentarians in the world¹¹. Perhaps this percentage thanks to some countries adopting the principle of quotas, according to which they represent the most vulnerable women or groups such as minorities and persons with disabilities in a reasonable way. The principle of quotas is intended to ensure that women, for example, and because they often make up 50% of the total population in any country, are a large minority i.e. hold between 20-40% of the total seats or even ensuring gender equality in these parliament. Some countries, such as the United Arab Emirates, where women are represented in equal proportions, in accordance with executive decisions of the President of the State.

Some countries have started to apply this principle as a temporary measure, that is, until the barriers that prevent women from entering political life are removed. Maat considers that establishing this principle in countries that are in transitional stages or in the process of recovering from armed conflicts is an urgent necessity, due to the inability of women in these States to have limited access to legislatures due to electoral alliances and the tribal nature that often favors males over women.

Maat recommends the following:-

- **Giving importance in the forum panel discussions to providing technical advice and support to countries in transition to hold presidential and legislative elections;**
- **Supporting the efforts of civil society to follow up on the performance of countries within the framework of achieving the sustainable development goals, especially Goal No. 16, which enhances democracy and the rule of law;**
- **Encouraging countries to adopt a constructive approach to partnership with civil society, especially NGOs;**
- **Encouraging countries to ensure the establishment of executive mechanisms entrusted with implementing the outcomes of the national dialogues to be held in some countries.**

¹¹ للمرة الأولى، النساء يمثلن ربع البرلمانين في العالم، أخبار الأمم المتحدة، 5 مارس 2021، على الرابط التالي: <https://bit.ly/3sIWkr1>