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From Utopia to Reality:
Human Rights Activism in Arab Countries

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In doing so, the Institute provides training workshops and programs beside regular teaching at AUB, encourages and provides evidence-based research in areas related to political participation, accountability and good governance, produces policy/ practice recommendations to improve citizens' engagement and civil society roles in mediation, deliberation and self-organization.

It also promotes public awareness of civil society and civic engagement best practices in the region through its monthly meetings and seminars and stimulates fruitful dialogue among the region's varied publics through its programmatic activities of workshops, conferences, blog and publications.

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Bridging Academia and Activism

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Introduction

Khalid Mansour[1]

During the heyday of 2011 social protests in Arabic-speaking countries, the human rights movement had apparently reached a zenith in mobilizing the masses. It seemed that the language of rights and the influence of its advocates have succeeded and that authoritarian regimes are giving in and either collapsing or reforming. From Morocco to Bahrain, slogans centered on socioeconomic, civil and political rights. "Bread, Freedom and Social Justice" chants reverberated from Cairo to Casablanca, from Manama to Benghazi, and from Damascus to Sanaa. This ushered in the end of the postcolonial regimes that established the republics of this region in the 1950s. The ruling elites who came on stage with promises for their peoples who were seeking freedom, dignity and social justice ended up with abject failure on all fronts. The ideologies of state socialism and Arab nationalism have decayed and were abandoned leaving in place brutal kleptocracies.

It was in the 1980s, the same decade that saw the consolidation of the human rights on the global scene, that these Arab republics started to visibly deviate from state socialism and nationalism. Meanwhile, Arab activists started to organize for civil and political rights against repressive states that had long curtailed he rights to free association and assembly and used torture and legal persecution claiming this was the price for independence and social justice. [1]

The 2011 uprisings were the beginning of the end of such regimes but probably also of the classical forms and ethos of human rights activism as known in this region for decades.

Few years later, by the end of the same decade and despite another wave of protest in 2019, such a seemingly tectonic shift appears to have been largely reversed in the face of a tremendous backlash and under the weight of internationalized civil wars. Instead of dignity and freedom, many Arab cities are either devastated by internecine conflicts at worst or

back to the status quo ante and subject to repressive and whimsical rule dominated by security agencies at best. Neoliberal police states are firmly in control in countries like Egypt, Bahrain, Algeria and Morocco while networks of elites glued together by socioeconomic interests and leaning on external support are engaged in bloody civil wars in Syria, Libya and Yemen. Lebanon is melting down while Iraq, Sudan and Tunisia are on very shaky transitional grounds.

Human rights are under attack not only from repressive governments imposing more legal restrictions on registrations, taxation and funding, but also from right-wing conservative, populist and/or nationalist movements. This has been coupled with rising securitization, especially since the Syrian conflict sucked in thousands of jihadis and spewed out millions of asylum seekers.

But this bleak view, though accurate to one extent or another, misses how human rights as a world view has seeped into the mores and value system of more people and social formations. Human rights defenders do not only work in professional organizations in metropolitan centers seeking policy reforms and legal redress but their ecosystem includes individuals and loose networks which are winning (or ceding) ground in daily struggles that are focused on specific rights related to everyday experiences.

The formal world of human rights is populated by a plethora of Non-Governmental Organizations (NGOs) or Civil Society Organizations (CSOs) at a national level and then of transnational networks, and regional and international organizations on another level. They all deploy advocacy strategies and legal challenges buttressed by online and media campaigns against human rights violations as seen largely from the point of view of international law, especially when it is reflected in domestic codes. This world has a large fringe inhabited by loose non-hierarchical networks

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[1] Journalist, writer, professor, and an independent activist of human rights, humanitarian aid and peacekeeping.

and groups which work on socioeconomic and/or cultural issues. The formal groups might have shrunk under pressure or indifference from both governments and societies to varying degrees, but the discourse itself and the informal components seem to be gaining ground incrementally. The old tools of using local and international advocacy and other international mechanism seem to have lost a lot of traction while social media and a mix of advocacy and radical actions of protest seem to have gained influence.

How did this transition in the nature and relevance of human rights actors take place and what does it mean?

This paper attempts to answer this broad question while arguing that the hyper-legal language and framing of human rights as embodied in a body of international law and organizations are no longer as effective under the current global world order. This does not mean the end of this utopian vision but rather to seriously reconsider our narratives about the origins and linkages of the human rights paradigm in this region and worldwide and to probably readjust expectations and changing strategies and tactics.[2]

Opposing the view that predict a looming end to the human rights project as we knew it, others see a transformation and expansion whereby complex configurations of loose networks, single issue and social media groups, and campaigns, mushroom and deploy a language of rights language but in a focused manner while entering coalitions with political groups and social movements. Some of these new rights actors sometimes even discard the principles of indivisibility and universality of all rights and adopt seemingly 'contradictory' positions such as advocating for a more progressive personal status law upholding women's rights but staying silent on LGBTQi rights.

These evolving changes over the past ten years can be analyzed by looking at the changing socioeconomic and political contexts that affect human rights activism (scope), how embedded human rights work is (localization), and the measurability of human rights actions (impact).

These are the three main themes we will consider in this paper.

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[2] In a workshop that grouped 25 human rights activists from seven Arab countries in February 2020, a majority of participants agreed that the global human rights discourse and practices had been under tremendous pressure in terms of compliance with rule-based systems, accountability, and integration into global and national political agendas. In parallel, they admitted that popular support of human rights as a universal project and an entry point into politics of reform and justice has declined while exclusionary populism has surged at a time of heightened securitization. Some pointed out the elitist nature of most human rights organizations and actions, which failed to take deeper roots in their societies or outside main cities, while others blamed repressive regimes bankrolled by oil rentier states in the Gulf or fearful Western capitals, which applied tremendous pressure on rights groups. A few focused on organizational failures and the need to restructure and work on issues of representation and accountability. For a detailed report see Khaled Mansour (2020), "مستقبل وتحديات العمل الحقوقي في المنطقة العربية" Beirut: Asfari Institute for Civil Society and Citizenship.

Political scientists and sociologists would assign almost all MENA countries to what they describe as hard cases in terms of their receptivity to the spread and deepening of human rights. Established democracy is the major predictor of a broad and deep observance of civil and political rights in any given country. Democratic systems mean stable rule of law norms and institutions and an underlying culture of individualism in as far as civil and political rights are concerned. Hard cases are countries which do not have independent judiciary, lack strong parliaments, and their media are largely censored. The MENA region has arguably several cultural impediments especially to certain personal and identity rights as well as political rights since sovereignty is still not really vested in the individual, hence the difficulty of asserting the personal above group or religious rights. The political arena in most Arab republics until the Arab spring, often appeared as a site of contestation between two groups, those who captured the state in the name of national independence and their successors on the one hand, and those who advocated an Islamist rule on the other hand. This confrontation reached a head in the 1980s and 1990s with the early failure signs in these regimes. Both camps restrict most civil and political rights to varying degrees and have a mixed history when it comes to social and economic rights.

The 2011 Arab Spring was partly a manifestation of the fallacy of this dichotomy as it was fueled and started by a third ambiguous group which largely adopted the language of rights. Mounting public anger and frustration after many years of political failure or stagnation showed how the two main protagonists had been incompetent, repressive and often kleptocratic (at least those in power) and the failure of the Islamists to provide a feasible and meaningful alternative, let alone enter a real political compromise with the other sociopolitical forces in their countries.

These protests also resulted from years of political mobilization by various social and political groups. The protests were led by disillusioned middle class youth and supported after some reluctance by organized Islamist

groups though the poor and disenfranchised served all along as the cannon fodder for confrontations with the security agencies or pro-government vigilantes – these poor and marginal youth were probably the ultimate force that enabled the partial success of these uprisings.

The secular and broad rights-based slogans in the early days of the protests helped mobilize more people by glossing over varying and at times clashing social positions and economic interests. They also appeared less threatening to several regime components, such as in Egypt, Tunisia and Morocco, thus allowing state bureaucracies and segments of the elites to survive with minor changes once they decided to sacrifice the leadership and a small circle of senior advisers and politicians. Regimes in which such circumscribed transitions were extremely difficult marched inexorably towards civil war as happened in Syria, Yemen and Libya.

Eight years later, unrest broke out again in several Arab countries in 2018/2019, mainly Algeria, Sudan, Iraq and Lebanon. It had become evident that the first generation of protests did not change much to the better with increasing inequalities, poverty, and in general a dismal state of civil and political rights as shown by any cursory scan of annual reports issued by organizations such as the World Bank, the Freedom House, Amnesty International and Human Rights Watch. Tunisia remains the usual outlier in these tables in terms of civil and political rights.

Almost all Arab states had been authoritarian since independence in the 1950s and 60s and then became also neoliberal in terms of economic policies since the mid 1980s. Security agencies deploying repressive tools and tactics slowly became the heart of these regimes. They were initially pivotal to ensure stability but then later became indispensable to also protect state capture by elite networks.

Human rights organizations did not play a major visible role in the 2011 uprisings but their contributions to

their outbreak and the following developments at least at the rhetorical and policy advocacy levels was clear.

After 2012, human rights defenders have been violently targeted by state agencies or armed militias in turbulent countries such as Syria and Iraq, while relatively more stable countries resorted to increasing restrictions on civil space and a mix of judicial harassment and public vilification such as the case in Egypt and to a lesser extent Morocco. Laws and regulations were enacted to restrict the registration of NGOs, curtail foreign funding, and intervene more often in their work. Even in Tunisia's shaky democratic transition, rights advocacy groups were often not given the privilege of registering as public interest organizations thus benefitting from public funding. Only charities and service-provision groups were given this advantage.[3] Tunisian and Moroccan human rights activists have relatively had freer working conditions compared to Arab counterparts.

These rising restrictions, especially since 2015 have pushed most human rights organizations in the region into documentation, reporting and legal aid with their advocacy efforts winding down and public mobilization coming to a near halt. This shrinking of the civil space for action can be attributed in countries such as Egypt to a flagrant resurgence of repressive policies but in general this closure was also caused by a lack of anchorage in social coalitions and inadequate relations with state institutions. This was exacerbated by regional and global shifts that encouraged an active backlash domestically. These forces which feel threated by human rights range from security agencies involved in all kinds of violations to the rich state-backed oligarchs, and from Salafi Islamist groups to patriarchal norms.

Though some state institutions in certain countries have acquired some autonomy since the Arab spring, the judiciary in general remained largely conservative and/or controlled by the executive branch. The conditions are much worse for the Egyptian justice system while the Syrian judiciary is an absolute rubber stamp for the executive. The judiciary is but one of the various institutions that human rights actors need to engage with to build alliances and advocate policy reform. In Egypt, for example, the parliament, the

media, professional unions, and what is left of Islamist movements have become far less interested in the human rights discourse and its activists. Generally, whatever institutions survived the reshuffle and inferno of the Arab uprisings became less receptive to rights advocacy.

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Most Arab republics embraced neoliberalism and almost none has undertaken any serious measures for redistributive justice or stopping the deterioration of public services and successive cuts to subsidies and social protection measures.

Some republics adopted globally-marketed approaches to alleviate the impact of neoliberalism such as microfinancing and vocational training for poorer and hard-hit communities. These programmes were sold to western donors as means to combat violent extremism and rising irregular migration. If anything, the Arab spring is a clear proof of their failure. Organizations advocating for socioeconomic rights find no listening ears from donors or the government when they advocate for distributive justice through, for example, reformed taxation. This has pushed these rights CSOs to work more with provincial and community based organization in the impoverished districts to apply meaningful pressure on local and central authorities for probably narrower demands at the outset and then macro policy reforms in due course. For them such small steps promise more return compared to the difficult and unlikely macro and radical policy changes by central governments or donor countries. In other words, the near impossibility of pressing domestic or foreign institutions for meaningful domestic CSOs to focus on working with local communities from the periphery.[4]

Demands for socioeconomic justice dominated social protests since 2017 in Morocco, Tunisia, Egypt, Sudan, Lebanon and Iraq. Demonstrators faced a legal backlash in north Africa and bullets in Iraq. But old and new human rights organizations in most of these countries have a renewed focus on working on these issues.

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[3] Khaled Mansour (ed.) (2019), "The Rugged Road: The Emergence, Evolution and Challenges of Human Rights Action in Arab Countries," Arab Reform Initiative .

[4] Interview with Alaa Talbi, Director of the Tunisian Forum for Social and Economic Rights (FTDES), 1 September 2020

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The boomerang effect started to diminish in the 2010s. Human Rights organizations (HROs) or Defenders (HRDs) which work on an offending regime had long used to appeal directly or through transnational networks to other governments through their publics. This then generated pressure from western capitals on the offending regime back home. This circle has broken down to a large extent. Washington DC and London no longer care that much about such reputational damage of their associations with violating regimes such as Saudi Arabia and Egypt, let alone long-time ally Israel. Brutal leaders and ruthless authoritarian regimes in Gulf countries, Egypt and Algeria, for example, care much less about international reputational damage or critical articles in western media. "Duterte in the Philippines, Erdogan in Turkey, or Trump in the U.S. to name just a few, are not moved by claims that they violated international law; on the contrary, they thrive on it, and use it to their advantage." [5]

The boomerang effect had been rarely efficacious for ambitious changes in policies such as capital punishment or freedom of expression especially after the short-lived push by the US and the European for 'democratisation' in the region in 2003-2007. HROs and HRDs opted to move away from major changes to low-lying fruits such as the release of political prisoners or even their improved treatment. International advocacy works sometimes in countries like Tunisia, Egypt, Lebanon and Jordan, but only marginally and sporadically, while larger capitals like Algiers, Riyadh and Abu Dhabi just ignore western governmental goading or public shaming on rights related issues. Nothing else rather than this drastic reduction in commitment to human rights would have enabled the Saudi intelligence to escape any real accountability in the gruesome murder of dissident journalist Jamal Khashoggi in the Saudi embassy in Ankara in 2018, let alone the massacre of over 800 Egyptian protestors in Cairo in a single day in 2014, or the hundreds of thousands of civilian deaths in Syria, Yemen and Libya, some at the hands of European and American allies.

The old assumption that western capitals were positive actors and would lobby for large reforms as everybody seemed to think in the mid 2000s no longer held true. Local dynamics, however, vary from a country to another. For example, Tunisia is less susceptible to international pressure in certain aspects but more approachable on others. The external pressure has decreased some since the hegemonic political forces now are anti-western and conservative in terms of individual rights. However, the Tunisian government still responds to some external pressure on human rights to make the country more attractive for foreign loans and grants, especially from Europe. [6]

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Western governments started cautiously in the late 19990s to use national security prerogatives to justify violations of human rights or limit the types of people who are entitled to them. This helped erode legal protections for non-citizens and undermined them for citizens through torture, surveillance all the way to extrajudicial killing. In due course this meant that the consensus position on human rights among foreign policy handlers and parliamentarians in Western countries, was no longer unassailable. Washington DC or London no longer has the same bandwidth for organizations like Human Rights Watch, while China and Russia never did. Meanwhile the EU is showing less interest in seriously considering human rights issues as they struggle with domestic pressure that gives priorities to slowing down migration and fighting the persistent threat of violent extremsim, even if such attacks are few and far in-between. [7]

The rise to power of nationalist populist regimes which deploy a xenophobic discourse has also undermined the human rights paradigm in the west. The new right has long condemned liberal norms such as universal rights, but it currently attacks verbally and administratively the press, the judiciary and international civil society. Large segments of the population in industrialized western democracies still support equal civil and political rights but limit them to their own citizens, resting on the principles of democratic sovereignty, thus rejecting the universal applicability of human rights law and norms as embodied in international

[5] Loeffler, James and Mila Versteeg (2018) "The Future of Human Rights Scholarship: Forward," Law and Contemporary Problems, Vol 81:4 pp. i-xi

[6] Interview with Rami Khwaili, Director of Tunisian Organization for Democratic Women, 7 September 2020

[7] HRW Director Kenneth Roth was denied entry into Cairo in 2015, an unimaginable act for the long-time and world renowned human rights activist, while his colleague Sarah Leah Whitson was denied entry into the UAE in 2014.

conventions, especially the right to asylum as well as economic and social rights across borders.[8]

The ongoing global political competition among Russia, China, the US and the EU led to a confluence of interest among MENA regionally influential regimes, especially the UAE and Saudi Arabia on the one hand and globally powerful capitals on the other hand to subject human rights to the prerogatives of narrowly-defined security and political objectives as well as market-led economic interests.

The so called "humanitarian intervention" or the Responsibility to Protect (R2P) principles that reached a nadir in the NATO-led and UN-sanctioned bombardment of Libyan leader Muammar Gaddafi troops in 2012, has thus largely evaporated since 2014. This was evident in broken threats by former US president Barak Obama to protect civilians in Syria and react if the murderous dictator Bashar Al-Assad used chemical weapons against his people. Human rights violation cropped up in Syria, Libya, Egypt and Bahrain with little if any reaction from western capitals limiting their chiding to formal HRC sessions while continuing strategic relations including arms supplies which fueled tensions even further in places like Yemen. This exposed the limitations and hypocrisy of an international principle that is selectively applied in a way that serves global capitalist and geopolitical interests or at least does not clash with them.

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It can be argued that there have been various gains from working with international and regional human rights mechanisms. The Universal Periodic Review undertaken at the HRC of all UN member states has created an unprecedented peer review system and an opportunity for CSOs to report on failings and violations of their own governments as well as make recommendations for reform. Complaints to special rapporteurs and other mechanisms still push states into modest behavioral changes. The reports issued by HRC-appointed Groups of Experts [9] or Commissions of Inquiry still legitimate domestic advocacy and fuel

popular indignation. There is a space here for more quantitative research on successes and failures of all these tools to better understand how valuable these institutions still are.

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This rising hostile environment domestically and the declining efficacy of international advocacy or the boomerang effect have both pushed local actors to lower expectations from external allies, be more distant from domestic institutions and to take less risks. But this also exposed the limitation of conventional human rights work for social change and revived calls and efforts for different modalities and approaches, largely through working with local constituencies and at community-based levels as well as working on more popular themes, such as urban space, housing, health care and other seemingly less sensitive issues domestically. In the next section, we will look at localization in human rights literature and explore how activists addressed this issue on the ground in various MENA countries.

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[8] Interview with Nader Andrawos, 20 August 2020. See also Michael Igantieff, (2017) "Human Rights, Global Ethics, and the Ordinary Virtue", The Journal of International Law and International Relations, Vol 13:1.

[9] Interview with Radhya Al-Mutawakel, Director of Mwatana Organization for Human Rights, Yemen, 31 August 2020. Mutawakel outlined how the HRC-appointed group of experts in Yemen took three years of hard work by several NGOs and allies within Western governments to set up. Though the Group has a relatively narrower mandate, she thinks this was a major success and fighting for the mandate renewal every year provides a platform for further advocacy and networking.

II - Localization

The human rights movement originated in several Arab countries as of the late 1970s when leftists or Nasserite (nationalist) political activists and/or lawyers started to organize legal aid and public communication and advocacy for political prisoners, striking workers and other dissidents. This coincided with the slow demise of Arab nationalism and socialism in parallel to the growing resistance to large-scale state repression. This evolution mimicked what transpired in the Western world where human rights advocacy developed in the ruins of civil rights organizing and socialist agitation. The movement bloomed with the decline of the welfare state in the west and state socialism in the east in the 1980s as Reaganism and Thatcherism dismantled the first and bled the latter. The human rights movement enjoyed an important place inside and outside the Arab region until the middle of the 2010s, especially after the Arab Spring uprisings in 2010/2011.

By localization of human rights in this paper, I mean its articulation with domestic political, economic and cultural interests and institutions to encourage more demand and support for civil, political, social and economic rights within domestic norms, institutions and the political and economic arrangements at large.

Human rights spread through "persuasive or coercive" initiatives. Persuasion works better for civil and political rights in societies where secularism, individualism and democracy have been enshrined. One can advocate a principled position for rights or even an instrumental one. For example, one push law enforcement agencies to abandon cruel treatment (waterboarding for example) by showing how counterproductive it is and could lead to useless information or false confessions. In parallel, societies can resort to coercion to enforce respect for human rights among spoilers such as slave traders or those who practice torture or abuse women. At the end of the day, those in opposition are thus either "out-argued or outgunned or lured down the slippery slope of compliance". Still the opposition

to human rights persists by actors drawing "on a deep well of social, cultural, ideological, and [other] resources". [10] All these forms of opposition to human rights are still strong in the MENA region.

Vernacularization or grounding international norms and approaches to social change in local culture and institutions rather than simply invoking these norms and treaties either as legal obligation or as standards to be followed in the footsteps of 'more advanced nations' could be a very potent strategy to ensure a deep and stable respect for human rights.

However, reaching out to domestic constituencies while staying anchored in the Internatonal Bill of Rights and pushing back demands from foreign donors is a tricky balancing act. Arab HRDs rejected the pressure to expand support bases at certain junctures fearing that Islamists could take over their organizations or dilute their mission. Some thought there were ultimately accountable to international legal standard and not to local communities. Localization in many countries was also impeded by donors who stressed professionalization and impact without delving into politics. This probably increased organizational efficiency but provided no incentives for these organizations to engage in serious local constituency building which is a politically sensitive task with no clear impact, at least in the short run.

Many organizations, thus, continued to sit on the other side of a large gap from the communities they claim to be fighting for. The state-imposed restrictions reinforced this chasm since most of these organizations had to be registered as companies or law firms, thus becoming unable to steadily mobilize public support and membership or to engage freely in policy advocacy. "So, we compromised with the governments on the one hand and the donors on the other to be permitted by one and supported by the other, to the extent that human rights advocacy became the domain of a group

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[10] Hopgood, Stephen; Jack Snyder and Leslie Vinjamuri (2017), Human Rights Future, New York: Columbia University Press, p. 11.

of professionals rather truly public issues," an Arab human rights defender lamented in an interview.

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A decreasing number of human rights activists in the region resort to domestication of human rights ideology through linking it to established cultural norms and values. Still, this form of domestication has long taken place in the region by, for example, invoking specific historical practices or teachings or religious jurisprudence such as verses from the Quran or certain sayings by the prophet to support the overall values and principles of human rights. This practice has been adopted by some secular advocates but largely by Islamists and traditionalists who believe that most human rights do not clash with an Islamic moral view. This is not unique to the region, nor a submission to a putative unchangeable culture. On the contrary, it has helped as we will show later in historicizing the approach to Islamic texts and practices.

It is almost a mantra now that cultural frameworks and discourses are not immutable structures but rather historical and changeable as they collude or clash with various external economic and political structures. Patriarchy is one good example in this region which though influential has become increasingly contested from within as indicated, for example, in a growing body of work by Islamic feminists.

Islamists entered the field of human rights advocacy in the 1990s primarily to defend their own political detainees and gain support for their causes by from western human rights NGOs and governments. As a Moroccan Islamist politician and a human rights advocate argued: "Rights advocacy is never an objective but a tool. The rights defender can also be a political activist. Due to the liberal origins of the rights advocacy both us and the left found the discourse problematic and reluctantly engaged with it. Islamist lawyers had to engage when liberal and leftist lawyers would not take up cases of Islamist detainees." Having said that, this informant and others like him, liken the difficulties encountered in articulating the rights discourse with the Islamic value systems and cultural norms to the "pains of labour". [11]

There are clear signs of how some Islamists take a deeper though still pragmatic approach to rights under which they would remove the state from the field of monitoring and enforcing restrictions on personal rights including sexual orientation, gender equality, capital punishment and religious freedoms, but still morally and socially reject what they would still consider un-Islamic behavior. Since it was established in 2005 by Islamist lawyers in Morocco, The Moroccan Dignity Forum or Mountada Al-Karama, has evolved through iternal debates and external political pressures around personal freedoms and calls to amend certain legal articles that punish what is seen as un-Islamic behavior such as consensual sexual relations outside marriage. A similar debate on capital punishment few years ago led to Karama calling for the abolishment of this sentence in 43 out of 50 offences in the Moroccan penal code. It also recommended that capital punishment in the seven remaining crimes should be a decision taken unanimously by all the judges in the three levels of adjudication. [12]

These changing positions rely on two overlapping approaches: (1) stressing overarching Islamic values such as dignity and fairness to undermine social but Islamically-embraced practices such as polygamy, an (2) historicizing cultural constructs and religious teaching that allow certain practices such as slavery rendering it and similar institutions anachronistic or incompatible with current social needs and arrangements.

These reformist positions when linked with a supportive public opinion and political opportunities can lead to major progress on sensitive issues such as the separation of religion and state or equality of inheritance among women and men. These are among the most sensitive issues to approach in predominantly Muslim countries. However, Sudan which was ruled by an Islamist regime for thirty years, went as far as sign a government commitment in a peace deal in the summer of 2020 to start negotiation on separating state and religion, while the Tunisian government in 2017 referred a law to parliament for inheritance equality. Though the Sudanese step is just a commitment to negotiation while the draft Tunisian bill has been shelved in the parliament for the past three years, these are gigantic steps in countries in which Islamism either dominated

[11] Interview with AbdelSammad Idrissi, Chair of Mountada Al Karama, 6 September 2020
[12] Ibid.

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the state or its proponents have a parliamentary majority in Sudan and Tunisia respectively. Slow and long piecemeal struggles by human rights activists and advocates helped achieve these dramatic steps against fierce resistance from patriarchal Islamists. [13]

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Working with local groups and communities on socioeconomic rights has been another way of domesticating human rights. Generally speaking, most human rights actors in middle and low income countries in the region had been initially disinterested in issues of equality and basic needs. Like counterparts in the west, they did not turn to these issues seriously till the early 1990s with the increasingly visible impact of neoliberal policies. The pernicious effects of austerity and privatization policies on the majority of population from Syria to Morocco were exacerbated by two massive economic crises in 1998 and 2008. Inequality rose and the ability to provide for basic needs declined for most of the poor whose number continue to rise. The urban and rural poor had to accept precarious jobs without social safety networks while paying more and more for deteriorating public services and losing valuable energy, housing and food subsidies.

The debate on the prioritization of civil and political rights versus economic and social rights is tricky and inconclusive. It is also useless to a large extent. There indeed needs to be a minimum ability to associate, assemble and protest for communities and groups to engage in struggle for social justice or human rights. However, people still protest when the right combination of factors materialize without waiting for assurances that they have the right to do this. In this region, people had long mobilized and protested to ensure their dignity and basic needs more often than for their civil and political rights. Still fewer CSOs have worked exclusively or mostly on social justice issue, at least until 2011 when human rights organization started to work more outside capital cities and support protest groups representing small vendors, the unemployed,

the landless, pensioners, and trade unions in general.

The Tunisian Forum for Economic and Social Rights (FTDES) which was established in 2011, works with small local groups in various places in central and eastern Tunisia for access to land, jobs and local wealth. [14]The Democratic Association for Moroccan Women has been active for many years in supporting the land rights of Sulaliyyate (ethnic) women after decades of exclusion by tribes and ethnic groups which control more than 40% of Moroccan lands collectively. [15] Small groups and organizations in Egyptian cities engage in small community-based projects on issues related to common goods, especially urban and public space. [16]Small organizations and loose groups in Egypt have campaigned somewhat successfully on combatting sexual harassment, supporting artistic production, and monitoring health care systems.

By working with small and decentralized groups, larger and more experienced human rights organizations do not necessarily do the conventional awareness-raising to a passive audience but join in partnerships around specific projects. For example, some professional human rights organizations serve as an enabling channel which provides expertise and link frontline activist groups with state structures and market forces through policy papers and macro demands. They also provide small funding, training on social media campaigning, and help community activists and groups finally speak for themselves. This work sometimes becomes paradoxical since some of these groups are narrow in their demands (and can be regressive or conservative regarding other rights) thus requiring pragmatic compromises and prioritization of rights when working with them. On the other hand, some of these interventions could end up in failure such as the attempts by human rights organizations to work with street vendors in Egypt. Both sides failed to establish an organic relationship since the street vendors on the one hand "did not strategically adopt an economic and social rights framing in a way that would have enabled it to get beyond its local, largely

[13] Interview with Rami Khwaili, Director of the Tunisian Society for Democratic Women, 7 September 2020. Also see Saghier Al-Haidari, 13 August 2020, "هل يبقى قانون المساواة حبيس ادراج البرلمان التونسي؟", Alarab Newspaper, accessed on 7 September 2020. On Sudan, see Mohammad Amin Yassin, 5 September 2020, "اتفاق مبدئي في السودان على فصل الدين عن الدولة", Al-Sharaq Al-Awsat, accessed on 7 September 2020. See also Ursula Lindsay, 11 April 2018, "Can Muslim Feminists Find a Third way?", The New York Times.

[14] Interview with Talbi.

[15] UN Women, "Land rights at last for Sulaliyyate women in Morocco", 29 August 2018.

[16] See the work of Megawra in a Cairo dilapidated area or the work of The Human and the City Centre for Social Research in Alexandria.

apolitical and un-institutionalized characteristics in favor of a nationwide targeting of state policies and institutions". On the other hand, "the human rights movement was eventually unable to cultivate strong and continuous organizational or discursive links with the broader contentious movement in a way that could have provided it with the depth and weight needed against potential authoritarian reversals like the ones that happened after July 2013." [17]

As much as rights activists need to engage with socioeconomic issues, they and their detractors need to understand that they cannot replace organized political actors and that in the absence of a public political and associative space, their best contribution would be to continue the many small actions and partnerships they engage in in order to help in the creation of an active political class that embraces human rights. In other words, the work of human rights defenders is part of the necessary meta-political struggle that can lead to reforms or help fuel protests but this struggle is not sufficient if the political sphere is emaciated. This we can clearly see if we compare Morocco and Tunisia where the political sphere is much more lively with Egypt where the political arena has been shuttered.

It is a fallacy to argue that human rights actors detract from the political scene. They are part and parcel of the infrastructure of this scene, an infrastructure that is indispensable for any thoughtful and long term process of social change in support of economic fairness, democracy and status equality. Practically speaking, the claim that the expanding NGO sector has deprived the political terrain from cadres and eviscerated political organization is vacuous at best. It not only strips actors of their own agencies and assumes a finite number of actions/roles for individuals, but it also assumes that activism by CSOs is ultimately and invariable apolitical.

More human rights organization such as EIPR in Egypt have shifted in focus after 2011 when opportunities opened up for mobilization and advocacy on socioeconomic rights as well as working more openly with various interest groups and communities on the ground. EIPR and FTDES worked closely with social groups and movements in terms of legal aid, publicizing actions, helping frame demands or turn them into policies, and, ultimately, as a Tunisian human rights defender summed it up: "we always tried to help them move the demands from the micro to the macro level, by which we can work to change policies, laws and engage in strategic litigation."

Working on socioeconomic rights often requires pragmatic compromises and different skills through which human rights activists could latch on to existing political projects at national or community level and become themselves part of larger progressive action (or help create/consolidate it). In one sense, localization is an internal corollary of the international boomerang tactic. By encouraging and working with rights holders and supporting them, they can end up in due course acting as a force to be reckoned with in front of duty bearers or state and market structures. After all, issues of economic justice require "redesigning markets or at least redistribution from the rich to the rest, something that naming and shaming are never likely to achieve." For this to happen, political action and social pressure are required, hence working with local groups and movements, which have the numbers and the drive. [18]

Though most of the engagement of large HROs with socioeconomic rights took place as of 2011, some activists argue that activists, not necessarily affiliated with HROs have fought for the rights of women, workers, children and the disabled using a rights legal discourse since the 1990s in Maghreb countries, while Egypt had workers-related rights activists since the late 1970s. [19]

A turn to socioeconomic rights indeed localizes human rights activism in a deeper fashion. Such a turn probably becomes more efficacious as it also penetrates peripheral urban areas (slums and poor suburbs) and the various provinces which are usually poorer and more marginalized by the centralized governments and market opportunities.

The diffusion of human rights language, values and tactics to outside major urban centers and classical themes has been evident in other parts of the global

[17] Amro Adly, "The Human Rights Movement and Contentious Politics in Egypt (2004-2014)", 16 January 2018, Arab Reform Initiative.

[18] Samuel Moyn as quoted by Pankaj Mishra in "The Mask it Wears: The Wrong Human Right," The London Review of Books, 21 June 2018.

[19] Interviews with Asma Falhi, Fund for Global Human Rights, 31 August 2020 and interview with Amro AbdelRahman, the Egyptian Initiative for Personal Rights, 7 September 2020.

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south, where human rights as values and rules inspire the work of "online activists, religious organizations, think tanks, artists' collectives, scientific associations, film makers" and many other such groups. These actors do not resort to legal tools but rather to online campaigns to put pressure on the government and the private sector. [20]

[20] César Rodríguez-Garavito, "The Future of Human Rights: From Gatekeeping to Symbiosis," SUR - International Journal On Human Rights, Vol 11:20, 2014, p. 504.

Donors always ask human rights organizations and groups to explain their theory of change and how they think they would make an impact. Larger organizations employ experts in writing up funding proposals with logical frameworks, lists of activities, indicators of implementations, expected outputs and envisaged outcomes, and then progress reports as funded projects proceed. The real bone of contentions is related to the outcome or impact of human rights work – how to measure and report it.

The debate over the measurement of the human rights impact is long and tortured. It does suffer from several methodological and theoretical challenges. In the case of this region, it indeed suffers from the difficulty of attribution where causal link between human rights action and change on the ground is tenuous at best. Complex and expensive polls and baseline surveys are rarely conducted and almost always heavily controlled by the state. There is also a major difficulty in measuring an increased awareness of human rights issues and whether it has been integrated in dominant values and expectations or the contribution of human rights activism to social mobilization. It is also difficult to map out trends because data collection methods and reporting accuracy vary over time. Finally, human rights organizations work on areas that are very crowded with various actors and factors that shape the final outcome, hence their contribution cannot be easily separated from others.

The issue of impact is primarily a technical issue of significance to donors who would like to allocate funds to projects that will succeed in a visible or measured way. They also divide up funds among competing organizations and strategies based on their track records but also on their plans and how well they are in terms of their theory of change and evaluation techniques. Predicting and measuring impact is, finally, very important to managers who would like to decide which tactics to follow in their litigation, mobilization

and advocacy activities, and what human resources they should retain for such objectives.

Optimists argue that the success of mainstream rights strategies (naming and shaming, awareness raising, constitutionalisation, etc.) is a long-term outcome because "strengthening global norms through persuasion and institutionalization is necessarily a gradual process".

Shaming might not work anymore for the UAE government or Egyptian police officers but it might work in attracting more support for the ideals of human rights among the young and the public at large in both countries.

On the institutional side, the ICC, for example, is a young institution that one should not take to task over the minimal number of conviction and the heavily African docket. The institution is there and it could work better in the future. Detractors would still lament the several billion dollars that went into international tribunals including the ICC, the HRC and other international mechanisms, as well as additional billions that went from human rights donor foundations to NGOs around the world. They insist something more concrete should be shown as an outcome for this expenditure.

Those who are more interested in international human rights tools try to measure impact by considering how state compliance with relevant treaties change over time. The record is rather mixed, though defenders of an improved human rights situation argue that the "apparent lack of progress is an optical illusion [because] … improved data has turned up violations that previously would have gone unreported." [21]

It is dubious at best that signing international treaties or calling on states to observe international laws makes a huge impact since in democratic states this is unneeded and in authoritarian states this is rejected or given mere

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[21] Hopgood, Snyder and Vinjamuri, op. cit., p. 11.

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lip service. These norms and institutions, thus, become of value only in states in which the transition to democracy or at least respected rule of law is already taking place. So, this would make a difference in countries like Tunisia and Morocco more than in Lebanon and Egypt.

Signing international treaties and being subject to the UPR process can turn into a performative act for repressive countries such as Egypt or Saudi Arabia. These acts do not change much on the ground without actual changes in institutions and norms. Egypt, for example, has consecrated many rights and freedoms in its latest constitution of 2014 but this does not ensure their observance. They are neither translated into implementable laws nor enforced when enacted into legal code regarding issues like torture, gender equality, right of association and assembly, and a litany of socioeconomic rights.

Still some of the international tools especially those related to the HRC make a difference especially in non-conflict countries such as Tunisia and Morocco according to several interviews with human rights activists in these two countries. Even in conflict countries ad-hoc HRC-established mechanisms such as a Commissions of Inquiry for Syria or a Group of Experts for Yemen is seen by local activists to be somewhat impactful as they provide evidence and language for political and rights activists to continue rhetorical confrontations, mobilization and advocacy. [22]

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There is little doubt that human rights groups have contributed in many ways to fueling the cascading waves of the Arab Spring in 2011 and 2019, at least in having formulated and propagated a discourse rooted in the language of rights and social justice. This was also evident in how more visible issues related to the rights of ethnic, religious and sexual minorities have become in mainstream discussions. Rights actors could not impact socioeconomic policies that shape the realms of employment, educations and healthcare but they succeeded relatively in influencing public discourse around various socioeconomic issues.

Proponents of human rights as a moral and ideological struggle do not often focus on having quick results or public mobilization. Few organizations such as Amnesty International globally and the Moroccan Association for Human Rights (AMDH) regionally are membership-based organizations. Many organizations question or pay no attention to issues of representation and accountability to their own stakeholders. Some go as far as to argue that the mandate "of human rights organizations should not depend on the will of the majority or of those in power – in a political party, a movement, the state, an economy or even in the community." For such organizations, measurable impact, as problematic as it is, is reduced to a bureaucratic requirement or a very slow process of social change that cannot be measured for the sake of funding cycles. [23] This seems like a disappearing utopian position that is probably going to disappear if the whole enterprise is not going to suffer the same fate because any form of social activism that fails to yield results risks turning into a minority sect or just dying away.

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[22] Interviews with Falhi, Idrissi, Khuwaili and Talbi on Tunisia and Morocco. See also interview with Fadel Abdul Ghani, Director of the Syrian Network for Human Rights, 3 September 2020.

[23] El-Chichin Poppovic, Malak and Oskar Vilhena Vierra, "Reflections On the International Human Rights Movement in the 21st Century: Only the Answers Change", SUR - International Journal On Human Rights, Vol 11:20, 2014, p. 19.

Several scholars argue that the human rights paradigm has reached its full capacity after a 45-year rally and is in decline, if not dying. Moyn (2010) argues that the human rights approach as an ideology for human change has been compatible with neoliberalism. Hence, it is coming to an end as this very neoliberal project seems to implode. He thinks human rights advocates could still struggle for narrowly defined objectives but that the current real and deep socioeconomic challenges require a different ideology that pays far more attention and has a more nuanced understanding and engagement with politics on issues of inequality, basic needs and sufficiency. [24]

The dominant reaction to the predicament of the global neoliberal project has been nationalist populism as evident in the politics of Trump, Putin, Orban, Modi and hundreds of millions of their supporters. They do not necessarily have support from absolute majorities, but at least from the largest blocs of voters and powerful elites in their countries.

Hopgood, Moyn and several other scholars argue that human rights became a strong paradigm in the 1970s to support ideas around the welfare state and that people should be entitled to meet their needs or have what is sufficient for them while enjoying equal status in terms of their race, gender, religion, and sexual orientation. The guarantor of all such rights remains the nation-state, with little mechanisms if any for enforcing compliance with human rights internationally. Though global human rights enforcement mechanisms such as the R2P and the ICC became the first real legal and even military attack on national sovereignty in the modern times in favour of universal rights, they quickly failed to became divorced from political and economic interests of the more powerful states. In other words, all sovereign states were not subjected to the same rules, even worse these interventionist principles to

support human rights were instrumentalized in the humanitarian intervention paradigm ending with the Libya bombing in 2012 and the selective intervention by several countries in Syria since 2015.

Thus, the human rights activism around the world and in this region seems to be undergoing a major transformation, moving away from grand ambitions, state-centered strategies, apolitical claims, and large professionalized and corporatized organizations into piecemeal reform largely focused on socioeconomic rights (Egypt is a stark exception), and working through various loose organizational forms and networks.

The rugged transition in countries such as Tunisia; the resounding collapse in Syria, Libya, Yemen; and the fierce counter-revolution in Egypt and Bahrain contributed to the removal of the familiar rug from under the feet of the human rights movement, depriving it of legal frameworks (even if fragile) that allowed it to operate and severely weakened its political and social support base – not that deep to start with!

But, even if people are being killed in Syria or imprisoned in Egypt in far larger numbers compared to 2011, there seems to be a prevalent sense of the value of justice and that the power of morality enshrined in human rights could be the only solid defense against this destructive violence and misery. The heart of the matter is about which norms are better and what morality should prevail. [25]

The human rights movement has a rich heritage globally and in our region. Starting with the Universal Declaration of Human Rights and the wealth of international conventions and treaties, this paradigm has also produced good monitoring systems even if documentation is the main output so far. The main challenge for human rights actors and organizations

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[24] On the end of human rights see works by Samuel Moyn and Stephen Hopgood in the bibliography. For a counter argument see works by Sikkink and Simmons. On Arab Spring aftermath see papers issues by the Asfari Institute and the Arab Reform Initiative on civil society transformations especially in the field of human rights.

[25] Moyn, Samul "Beyond the Human Rights Measurement Controversy", Law and Contemporary Problems, Vol. 81, p. 124

is how to expand and secure space for action and reinforce better and more effective relationships with stakeholders and explore/build new alliances.

Foremost, human rights organizations need to expand the popular support base locally to avoid the trap of having self-selected activist groups defending rights without a meaningful participation from stakeholders. The hope is that such stakeholders would reenergize the movement rather than let it shrivel under technocratic leaderships. There is a clear need to adopt clear position regarding neoliberal policies on taxation and the environment and work on them transnationally.

Human rights activism can benefit from engaging in unfamiliar issues and using new tactics working with younger generations on various themes. In Tunisia, for example, newer and younger organizations do not shy away from direct engagement with the political arena. Other organizations and groups work far from major urban centers in central and eastern areas on right to land, jobs and clean environment. They set a good example to follow.

Older ways of organizing and collaboration are largely no longer effective. A new ecosystem is evolving where e-activists join hands in a collaborative manner in networks that include NGOs, academics, religious organizations think tanks, artistic collectives, scientific associations, and media outlets around the world. This should allow the movement to overcome the current barriers where strategic models are shifting, intellectual paradigms are questioned, governance structures metamorphosing and technologies fast evolving.

International advocacy can still make a difference but should be more focused, less ambitious and working through major social media campaigns with NGO partners in targeted western capitals. A deeper impact could be made through longer-term and broader local and grassroots action that does not shy away from building alliances with political and social movements.

Such a vision where rights work becomes more localized, pragmatic, prioritized, community and issue-based and in a closer relation with the political domain requires a thorough review of strategies and tactics of outreach and public communication to better raise awareness and engage with the targeted public.

One could think of various ways for the human rights movement to reinvigorate itself but primarily bridges have to be explored between human rights actors on the one hand and those behind social protests on the other hand. Strategies and tactics that can be reinforced include direct support, legal aid, articulation of political demands, policy advocacy, and representation, if and when required. These relations should be based on real partnerships rather than unjustified mentorship.

Two decades after the end of the 1990s where human rights seemed to be the new dominant global ideology and one decade after the breakout of the Arab Spring, it is time to admit the need not for a facelift but for a transition into a new ideological approach to struggling for economic justice and social equality under a democratic setup based on full respect for civil and political rights as embraced by the society in question. Maybe human rights actors have already started such a transformation. Time will tell.

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