

Part II

Part II: Reinforcing Freedom and Establishing Good Governance

Section 2: The State of Freedom and Governance in Arab Countries

This section presents a brief assessment of the state of freedom and governance in the Arab countries at the beginning of the third millennium.



The State of Freedoms and Rights

Introduction

This chapter attempts a response to the question posed in Chapter One about how far the current Arab situation corresponds to the ideal of freedom and good governance. It provides a summary account of the violations of civil and political rights and freedoms in Arab countries at the beginning of the 21st century. The chapter next diagnoses the failure to realize social and economic rights in a human development perspective, in terms of the acquisition and employment of human capabilities. It concludes with the findings of the Freedom survey, which was an integral input in preparing this Report. The survey samples public opinion in five Arab countries on the components of people's concept of freedom and on how far those components of freedom were enjoyed by the public at the time of the survey. It also asked respondents to assess changes in the level of such enjoyment over the previous five years.

FREEDOMS AND HUMAN RIGHTS

While it is customary to classify human rights, including freedom, according to the categories set out in Chapter 1, they are complementary, interrelated, unlimited and mutually reinforcing, forming an indivisible whole.

When discussing freedom and human rights, or the self and society, the most widely used classification is that between individual and collective freedoms, i.e. private and public freedoms. Individual freedoms exercised in the private sphere include freedom of thought and belief among others. Individual and collective freedoms exercised in the public sphere include freedom of opinion and expression, freedom of peaceful assembly, freedom to form associations and parties, and freedom to

BOX 3-1

Ali Ibn Al Hussein: The Epistle on Rights

Imam Ali Ibn Al Hussein, who died in the year 95 of the Hijra, wrote this letter in the early 8th century A.D., the last third of the first century of the Hijra. To our knowledge, it is the first epistle that sets out the main rights as perceived by the age and the first attempt that does not approach the concept of rights in its negative dimension. For the concept of a 'right', as we know, came into human cultures to confine entitlements to one race, or one group, or a circle of close family, or members of a given faith or a given nation. In this sense, it led to discrimination, for example, between men and women, kin and strangers, citizens and aliens, believers and atheists, etc. The prevailing view was that the

positive concept of rights appeared with the European Age of Enlightenment and the rise of the concept of natural rights which gave back to all human beings incontrovertible rights which they are meant to enjoy as a gift of God or of Nature. Modern international studies however, indicate that the concept preceded European civilization and took several forms, some resulting from a direct conflict between presumptive knowledge and religious knowledge, others from attempts to reconcile the two.

The epistle goes on to list these rights (50 of them) methodically. They are, in spirit, anchored to the early Islamic precepts.

Source: Haytham Manna'a, based on Abu Muhammad al Hassan Ibn Ali Ibn al Hussein Ibn Shuba al-Harrani (al-Halabi), in Arabic, 4th century A.H., 184).

participate in the range of activities that make up the public sphere. Freedom is limited only in the framework of public order, which all citizens participate in shaping. Yet this classification is open to the criticism that it subdivides freedom, whereas it is of the nature of freedom that it cannot be divided. To restrict any part of it would be to negate its dynamic essence and its potential for development. Similarly, where even basic rights are not assured, such as the right to life and personal security, freedom is bound to remain theoretical.

Yet however we classify rights and freedoms, the level to which they are actually enjoyed in Arab countries remains poor, with some variations, as a result of complex defects, discussed briefly below.

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STRUCTURAL CONSTRAINTS ON FREEDOM

Flawed structure of Arab nation-states

Arab nation-states, particularly those of the Mashriq, took shape, in most cases, under the pressure of historical events on which the will of Arabs themselves had very little effect. The people were not the source of sovereignty. As the Ottoman Empire began to collapse, foreign economic interests were able, under the Sykes-Picot Agreement, to divide up the Arab region into states without taking the interests of the peoples of that region into account, and regardless of their relationship to the land in which they lived. This created pockets of tension within the borders of most Arab countries, especially in the Mashriq. Nor was the will of the people heeded in the establishment of political systems. The social contract was arbitrary and devoid of legitimacy. In Arab countries, the notion of a “contract” in the political sphere is not commonly found. The majority of the Arab people are persuaded that the political authority in place is their fate, is inevitable and that there is nothing to be done to restrain or change it. The modern Arab states as such suffer as a result of the way in which they came about. They did not emerge from the collective agency of the people, unlike nation-states in the West, which developed their own political and constitutional way of life.

The Arab-Islamic heritage is one that values consultation and justice, but to understand the nature of Arab political power, it is important to make a distinction between religion and faith on the one side, and history on the other. While religion undoubtedly prized these values, history shows that they were not sufficiently prevalent in society to foster a culture based on a political contract, and allow for the legitimacy of differences of opinion, dialogue and the transfer of power. It is significant that most Arab constitutions did not come about as a result of the kind of participatory process normally due. Most emerged either as a consequence of the individual ruler’s wishes, inscribed in a document bestowed on the people, or through a popular “yes-no”

referendum (despite the obvious reservations as to the credibility of the results) drafted in such a way as to preclude any discussion. In any event, Arab states were often strangers to their environment from birth and, with a few exceptions, promulgated constitutions without extensive participation of the people concerned, even though most constitutions declare that the sovereignty of the state rests with the people or the nation.

As a consequence of the weak notion of political contract in Arab societies, the principle of constitutional legitimacy is similarly fragile, especially in all that relates to the requirement that laws, institutions and people must respect the constitution as a binding document, as well as the provisions it contains. Worse, citizen participation in government is weak. Feeble electoral mechanisms, and marginalized legislative assemblies, which tend to be tools of the executive power, as epitomised in the person of the Head of State, account for this low participation. Consequently, since the law does not represent the sovereignty and power of the community, it is ineffectual as an authority for structuring relations among people and between them and state power, and has not served as a tool for maintaining freedom. Moreover, state power, especially where it is corrupt, can manipulate the law to suit its interests, and through the means of coercion at its disposal, can efficiently create a situation in which it cannot be challenged or held to account. As a result, the state based on the rule of law, which guarantees human rights and freedom, has not come into being.

Political constraints on the authority of the human rights system

Acceptance of the legally valid nature of human rights, and enactment of human rights principles in the context of the nation-state by the nation-state, together determine whether a State can be said to show a minimum of respect for human freedom and human rights. Civil and political rights are the cornerstones of a system in which democracy and social justice, i.e. good governance in both its political and social aspects can be realized.

However, a number of serious obstacles prevent the Arab individual from benefiting

Citizen participation in government is weak.

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from this human rights system. In the first place, the system presupposes that states enjoy sovereignty, and this is not the case with all Arab states, as some remain subject to foreign occupation. In states that do enjoy sovereignty, even if defective, the human rights system is confronted by undemocratic regimes, which block the adoption of human rights in order to preserve the privileges which they enjoy at the expense of their own peoples. Moreover, the system has had difficulty in accommodating an Arab cultural attribute of stasis under repressive political regimes, social forces that fear freedom, and entrenched traditions that preserve the tribal-based status quo and deny creativity.

Opportunities for the human rights system to achieve its noble goals are also not enhanced by the current state of global governance. The international order that allows a few countries to override the will of a majority of other nations and gives them the power to negate just resolutions that run counter to their interests, seriously undermines many of the principles on which international law is based.

All this has weakened the hope that people will be able to enjoy freedom, justice and peace. Nonetheless, the human rights system remains a starting-point and an authority. Despite the climate that limits its effectiveness, it nevertheless represents a gleam of hope.

The crisis of citizenship

What is the actual situation with respect to the civil and political freedoms of the ordinary Arab individual, caught between official declarations of principle that recognize some of them and practical restrictions on the exercise of most of them? Why does the ordinary good citizen not show more initiative?

Even disregarding the factor of foreign intervention, freedoms in Arab countries are threatened by two kinds of power: that of undemocratic regimes oblivious to the welfare of their peoples, and that of tradition and tribalism, sometimes under the cover of religion. These twin forces have combined to curtail freedoms and fundamental rights and have weakened the good citizen's strength and ability to advance. Freedom in the public sphere

is, in the main, a prerogative of power, and the model citizen, in the view of the regime, is an unquestioning creature, not participating in political life and, in particular, not asking questions or holding his rulers accountable. Meanwhile, power in the domestic and private sphere is mostly a prerogative of the man, given the prevalence of paternalism, especially in the family, and the corresponding duty of obedience is incumbent upon women and children. This produces, as a result, the model citizen as the regime wants her or him to be.

In between these two spheres stand civil society institutions, which originate in the desire of citizens to express their views and their interests and activities freely. These institutions are the key to a free civil society that includes all citizens. A citizen is good insofar as (s)he participates in all situations, and insofar as (s)he asks questions and holds rulers accountable. Yet civil society institutions themselves are in conflict with the culture of violence and oppression that the regime exploits to crush every dynamic initiative, targeting in particular free individuals who are active in the human rights field.

Such challenges will be hard to overcome, partly because of the inhibiting effect of internalized constraints and partly because of national constraints that paralyse institutions or divert them from their proper ends, owing to the absence of an overarching regional structure. These constraints are exacerbated because of foreign occupation.

NATIONAL FREEDOM

The foreign occupation of Arab countries brings the pursuit of freedom back to the question of liberation from foreign domination, an issue that the world left behind decades ago with the end of colonialism. Today, that issue is almost entirely restricted to the Arab region to the exclusion of others.

Arab countries under foreign occupation endure serious violations of human rights: The Palestinian people are suffering under an Israeli occupation that seeks to displace them and deny their legitimate, inalienable rights that are recognized in international law, including resolutions on the right of return for refugees, and

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the right to freely establish their own political system. The occupation also systematically violates all civil and political freedoms and denies Palestinians the protection to which they are entitled under the Geneva Convention's provisions for the Protection of Civilian Persons in Time of War.

Meanwhile the US-led occupation of Iraq has created a tragic situation in Iraq, Part I.

CIVIL AND POLITICAL FREEDOMS IN ARAB STATES

The official positions of Arab states on civil and political freedoms vary depending on the democratic margins permitted. However, with some limited exceptions in some countries or some areas, the state of those freedoms ranges from deficient to seriously deficient.

Freedom of opinion, expression and creativity

An authoritarian regime fears, above all, that freedom of opinion and freedom of expression may give rise to alternative viewpoints or opposition. Accordingly, the regime frequently tightens its grip on publication and the media, and those working in these fields; it imposes censorship, and redoubles measures for intimidation. But the more ruthless censorship becomes, the more the people resist, especially journalists, media institutions and intellectuals, who stubbornly continue to exercise and defend their rights.

During the three-year period 2001-2003, journalists in Algeria, Egypt, Jordan, Morocco, the Sudan, Syria, Tunisia, Yemen and other Arab countries were repeatedly targeted for prosecution on the grounds of opinions they had expressed. Some of them were convicted and given harsh sentences, while in Jordan, Morocco, Tunisia and Yemen, journalists were assaulted or detained.

Many newspapers that were self-financing have come under pressure by the authorities, which have reduced their share of advertising and blocked distribution, even to subscribers. The head offices of newspapers have been subject to police raids in many Arab countries, and Arab television networks have been subjected to particularly heavy pressure. Arab satellite broadcasters have come under foreign pressure to change their reporting of events.

While many Arab states adopt a public discourse supporting press freedom and openness towards the privatisation of public space, in reality, the situation is only becoming worse. International organizations working for press freedom have published reports packed with references to violations. In its 2002 report, Reporters sans frontiers, for example, stated

BOX 3-2

Marwan al-Barghouti (from his prison cell): I will overcome the cell and the occupiers

He was arrested on charges of resisting the Israeli occupation in 1978 while in the 10th grade, but was determined to complete his studies in prison, and succeeded in obtaining his secondary school certificate. Leaving prison in 1983, he went to Bir Zeit University to study political science, and joined the student movement where he assumed a leading role in the youth and student movement affiliated to the Palestine National Liberation Movement (Fatah).

Al-Barghouti believed the Oslo Accords could lead to an end to occupation and the establishment of a Palestinian State within the 1967 borders. It was this that drove him to turn from the political struggle to work for the peace process. In 1996 he stood for the Palestinian legislative council elections and won the Ramallah seat, establishing himself as a member of the first elected Palestinian Parliament. He was among the most fervent opponents of corruption and supporters of human rights, and social and economic justice. The Palestinian women's movement considers him to be one of their closest allies in the struggle for equality.

Israel's continuing and relentless appropriation of more Palestinian territory and creation of more settlements in different areas following the Oslo Accords was the most decisive factor in al-Barghouti's change of view.

"We have lived through seven years of the intifada without negotiations, and then seven years of negotiations without the intifada. Perhaps the time has come to try them both at the same time."

Marwan al-Barghouti sums up Palestinians' demands in the following way: Israel must accept independence for the Palestinians. Negotiations between masters and slaves will lead nowhere without resistance and without expressing the Palestinian national will.

Al-Barghouti went on to become a charismatic spokesman and leader, calling for total resistance to occupation. With the new intifada he came to be known as its leader, not only as a leader and activist in the field but also in endeavouring to provide political direction and shape the intifada's goals.

Marwan al-Barghouti miraculously survived an assassination attempt by Israeli helicopter gun ships in August 2001, but he continued to call for the intifada, despite repeated calls for his assassination. After the Israeli incursion of Ramallah, al-Barghouti was at the top of the Israeli security forces' wanted list, and he was arrested on the afternoon of Monday, 15 April 2002.

In detention, al-Barghouti was subjected to both psychological and physical pressure. As a result of these conditions his health has deteriorated and he now suffers from chest pains and respiratory difficulties, in addition to back pains as a result of his cramped quarters (his cell, including the lavatory, is three square metres.) The Israeli occupation authorities have also prevented al-Barghouti from seeking hospital treatment, in contravention of the Geneva Conventions, particularly the Third and Fourth.

Even from his prison cell Marwan al-Barghouti still affirms that the Palestinian will for freedom will never be crushed, and that the only alternative is to end the 57 year-old occupation. Despite his fury at Israel's continuing tyranny and profound sorrow for the many Palestinian martyrs, Marwan al-Barghouti holds firm in his belief in the fundamental principle of securing a just peace through the establishment of two States for two peoples.

Excerpts from a letter to his wife: "I will overcome the cell and the occupiers...they will never break my will."

Source: Lead author, based on communications with Barghouti's wife and lawyers.

that the region was the second largest prison for journalists in the world.

A phenomenon unique to the Arab region consists of organized attempts that were successful until recently, to suppress the freedom of the media, and prevent it from harnessing the potential of linguistic and cultural unity to launch a media renaissance. Taking place in stages, these attempts started with rivalry between radical and traditional Arab regimes in the 1960s to influence the free Arab media in countries such as Lebanon. Following the Lebanese war, the action moved to Europe. Not only did the regimes lavish large sums of money on buying or neutralizing information media; some resorted to assassinating journalists and blowing up press offices (Abdelwahab el-Affendi, 1993). That stage ended with an almost total clampdown on media freedom in the Arab diaspora. The trend was reinforced by the increasing influence of oil countries and a rapprochement among Arab regimes after radical countries changed their position towards “moderation”.

There was also the temporary setback with the invasion of Kuwait in 1990; but this stage ended in 1995 with the opening of Arab satellite stations offering programmes that were remarkable for their relative freedom and frankness. Criticism and dialogue started to revive in the Arab press.

With the information revolution and the expanded use of the Internet, the region entered a new era and it was no longer feasible to muzzle information as a tool for political control and manipulation. With the rising level of education among young people and increased access to world information sources, the Arab citizen is no longer convinced by old propaganda methods.

Nevertheless, early in 2003, Arab Ministers of Information and Ministers of the Interior agreed to an anti-terrorism strategy, leading to further restrictions on freedom of opinion and expression and indeed on other human rights, and to the potential expansion of provisions of the Arab Anti-Terrorism Agreement to cover the media. This would greatly increase the danger of continued misuse of the Agreement to punish individuals for non-violent activities since the terms “terrorism”, “legitimate resist-

ance to occupation”, “violence”, “terrorist purposes” and “terrorist attacks” still lack clear-cut and agreed upon technical definitions in law. The terminology of freedom of expression also remains vague, especially as regards the Internet.

Since the events of 11 September 2001, the Internet has been subjected to direct interference and censorship, disrupting the flow of information.

Since 2001, the penal codes of a number of Arab countries have been amended to provide for longer prison terms and heavier fines for publishing-related offences. This situation is reflected in greater pressure on journalists and a narrower margin of freedom of opinion and expression. Violations of freedom of opinion and freedom of expression have included attacks on political activists and human rights advocates who had expressed their views openly.

Curtailed freedom of opinion and expression in the form of officially imposed censorship extends also to literary and artistic creativity, exacerbated in some countries by unofficial censorship by influential political or social forces of society. Some Arab states have gone to such extremes to monopolize “intellectual activity” that they have banned circulation of some of the most treasured works in the Arab literary heritage, such as *The Prophet*, by Gibran Kahlil Gibran, and *A Thousand and One Nights*. There has, however, been a noticeable increase in the number of books and publications appearing on the Internet, or published in the West, but which the Arab reader can only obtain as smuggled copies.

Stifling creativity

Freedom is an essential dimension of, and an incentive for creative work, whether in the domain of language in the form of essays, poetry, short stories, novels, drama and criticism, or in the plastic arts such as painting, photography and sculpture. Freedom is also a basic condition for intellectual creativity in works dealing with history, politics, society and beliefs.

While Arab poets, novelists and dramatists remain prolific, the “freedom” to write and freedom of expression have often been chal-

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Al-Manfaluti: The value of freedom that has been stolen

“The birds fly in the air, the fish swim in the sea, the wild beasts roam in the valleys and mountains, but man lives in two prisons, the prison of his own soul and the prison of his government, from cradle to grave.

The strong have forged chains and fetters for the weak and called them law, to oppress the weak in the name of justice and to dispossess them of the jewel of their freedom in the name of law and order.

This fearsome weapon has left the weak apprehensive and wary, with terror in their hearts and trembling in every limb ... Is there any torture in the world that is worse than the torture to which one is being subjected oneself, or any more confining prison than the prison in which one is being held?

If a man knew the value of the freedom that has been stolen from him, and understood the reality of the bonds holding his body and mind, he would kill himself like the nightingale that has been caught by a hunter and confined in a cage, for that would be preferable to a life in which he could see not a single ray of freedom, nor any breath of freedom come to him...

Source: Fuad Megally, in Arabic, 2002, 1169.

The only way to achieve happiness in life is to live in absolute freedom, with nothing to dominate one's body, mind, soul, emotions and thoughts but one's own self-discipline...” (Mustafa Lutfi al-Manfaluti, in Arabic, 1984)

Al-Manfaluti concludes his reflections on freedom with the following words, which have long been praised and committed to memory by students of the Arabic language, including the writer of these lines, when he was a primary-school pupil in Egypt:

“Freedom is a sun that shines within every soul. Anyone who is deprived of it lives in deepest darkness, unbroken from the darkness of the womb to the darkness of the grave ... Freedom in human history is not a novelty, nor a fortuitous occurrence; rather, it is an innate quality with which human beings have been endowed ever since they were wild creatures scrambling over rocks and swinging from the branches of trees.

A man who stretches out his hands to ask for freedom is not begging; he is seeking a right that has been stolen from him by human greed. If he obtains it, it will not be as a favour from anyone, and he will not be beholden to anyone.” (*ibid*)

1964 (Landmarks Along the Road) and so was Mahmoud Mohammed Taha in the Sudan for expressing religious opinions to which the political regime objected. Farag Foda's writings, which were critical and somewhat sarcastic in their treatment of Islamists, led to his assassination. There are also contemporary cases of authors whose writings have provoked strong religious antagonism, which has landed them in court.

Certain ideological and cultural groups have also been responsible for censoring or curtailing creative work. These groups are usually dominated by party dogmatists seeking to impose a preconceived mode of expression, production and commitment on creative artists, which militates completely against the freedom required for creativity. In some instances, considerable tension exists between creative authors and the political parties to which they originally belonged, as was the case with Badr Shakir al-Sayyab.

The suppression of creativity in the Arab world does not stem exclusively from the strict religious discourse. It also originates with political authorities. Cartoons lampooning Arab rulers are frequently suppressed, and their artists persecuted. In the case of Palestine, the assassination of Naji al-Ali marks one of the most savage examples of the suppression of an opposition cartoonist's freedom of expression.

Cultural associations (associations of writers, artists and dramatists) have also suffered from the intervention of the state and its laws, or the party. They have been subjected to enquiries into their nature and purposes and to interference in their scope and freedom of expression and action. This is true of all Arab countries. Ibrahim Abdullah Ghaloum's study of laws governing cultural associations in his country may well serve as an example for any study of equivalent laws in other Arab countries. It testifies clearly to the disappearance of the legal personality of cultural associations and the suppression or curtailment of their freedoms. Such laws reflect the controlling spirit of state security laws, which, in the realm of culture, can only limit freedom and creativity (*ibid*, 313-341).

lenged by political authority and by certain traditional interpretations of religion. Public reactions to this freedom range from violent criticism, to misdirection and misguidance, to the referral of writers and their works to the courts and the imposition on them of harsh sentences. Some writers have been victims of violence and even of assassination or execution.

For example, legal measures were taken against Taha Hussein for his book *Fi al-Shi'r al-Jahili*, 1926 (On Pre-Islamic Poetry), against Sadeq Jalal Al Azem for his *Naqd Al Fikr Al Dini*, 3rd edition, 1927 (A Critique of Religious Thought) and Nasr Hamed Abu Zeid for a number of his controversial writings. Naguib Mahfouz was the victim of an assault due to a misinterpretation of his novel *Awlad Haritna* (The People of our Alley). The Islamic thinker Sayyed Qotb was executed in 1966 for opinions expressed in *Ma'alem fi-Tariq*,

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Freedom of association: civil society institutions

Arab authorities limit popular movements and expressions of popular sovereignty in the public sphere in order to prevent them from becoming sources of pressure. As far as possible, they try to keep them outside the political sphere. The regime can be assured of continuing to hold power only so long as it can keep the public space for itself, prevent democratic political forces from emerging, and weaken any institutions and mechanisms that might lead to political alternation.

Freedom to form political parties

Arab countries lack mechanisms for democratic participation. States either outlaw or marginalize political parties by encouraging traditional social structures, such as the clan, tribe or sect, which, with their pyramidal structures, are easier for the state to deal with.

In some Arab countries, legal reform has led to official recognition of multi-party politics. Even so, the freedom to form parties is subject to numerous legal restrictions that seriously impede its exercise. This has caused parties to adopt undemocratic practices, becoming authoritarian themselves, characterized by ideological, and, in some cases, religious fanaticism. In numerous parties, individual members are offered no role in developing party policy or manifestos. The parties rarely allow space for criticism, which could enrich diversity within their ranks.

Freedom to form associations and surveillance of their activities

In Arab countries, the freedom to form associations is restricted in varying degrees by law. Under the legislation of most Arab countries, associations are subject to various forms of oversight and surveillance. The most severe forms of state interference lie in the power to suspend associations or dissolve them by executive order. In some countries (for example Syria) any judicial review of such orders is prohibited. Offenders under these various laws are usually liable to imprisonment, although in some instances only monetary fines are imposed.

BOX 3-4

Khalida Said: Creativity - Between Consciousness and Dreams

Creativity is a free action oriented towards freedom. It is a movement, in essence, between consciousness, in the sense of acquired knowledge and memory, and dream, in the sense of the aspiration, striving, discovery and endeavour that elevate knowledge to its utmost. It is a movement whose very nature is freedom both in its inception and its social destination, wherein those that it addresses are to be found. Creativity is an impulse that transcends its inner psy-

chological level as an aspiration to seek embodiment or crystallization in some palpable form addressed to a receiver. This nexus of movement and freedom is an innate human characteristic, and a natural human right, it is the right declared by contemporary creators, one for which they claim the dual freedom to both send and receive.

(Khalida Said, background paper for this Report).

The freedom to form associations has been violated by many marginally democratic governments, including those of Algeria, Egypt, Jordan, Mauritania and Tunisia. Would-be founders of organizations have been denied permission to proceed, and existing organizations have been dissolved. Most of these adverse measures have been directed against grassroots human rights organizations. Arab authorities have sought to drown the voices of voluntary civil society organizations by setting up what they claim to be non-governmental organizations, (NGOs.) These sham groups are in fact governmental entities (GNGOs) which work for, and are financed by the regime, whose discourse they echo and whose interests they pursue.

Since 2001, the global “war on terror” has seen a new development in the region: Arab governments have begun to monitor Islamic charitable organizations closely, sometimes cracking down on their activities on the basis of US lists, with their political bias.

Historically speaking, civil associations are progressive forces that prepare the way for civil society to emerge and help to create the kind of public sphere required for freedom (Chapter 1). It is thus of great concern that the many restrictions imposed on them may leave Arab citizens with only the traditional, narrower options of tribal or clan-based action, which in turn will strengthen the grip of “clannism” (al-‘asabiya) on Arab society (Chapter 6).

Nonetheless, associations continue to spring up and pursue their activities, even without the blessing of the law, finding alternative legal formulae such as styling themselves

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The freedom to form associations has been violated by many marginally democratic governments.

State interference in the essential and defining democratic processes of trade unions has driven them into political activism.

In most cases, elections have resulted in misrepresenting the will of the electorate and in low levels of representation for the opposition and women.

as companies, which are lawful in most Arab states, to protect their members. Significantly, while poorly represented in political party activity, women are very much in evidence in civil and cooperative associations, holding leadership positions in some Arab countries.

Trade unions and professional associations

The status of Arab trade unions ranges considerably: they are numerous and enjoy varying degrees of freedom. In some countries, state interference in the essential and defining democratic processes of trade unions, has driven them into political activism and opposition, which has brought them harsher restrictions still.

Workers in countries that approve the plurality of unions, such as Morocco and Lebanon, are free to choose which body to join, in contrast to states where only one union is allowed. In general, workers in many sectors are still outside union bodies.

Experience in some Arab countries has shown that support for unionized labour usually leads to stronger and more effective unions, and that this, in turn, helps create a competitive democratic climate marked by activism, respect for human rights and a flourishing civil society.

In contrast, where there is no competition between unions, the regime can contain and control the single union, which becomes a tool for enforcing government policy. This is the case in most Arab countries, especially since the advent of economic liberalization, which has had the effect of weakening unions and, therefore, reducing public trust in them. Unions have thus become unable to protect their members or defend their interests. In response to this situation, new non-governmental organizations have begun to emerge to support workers. The Union and Labour Services House in Egypt, for example, was founded in 1990 as an independent organization for that purpose. It may be noted, however, that Arab, and more especially Asian, migrant workers enjoy very little protection in any Arab state, especially the Gulf States.

The right to participation:

Participation in elections, by running for office or by voting, is how citizens and groups express their political preferences and hold officials accountable for their performance. Participation is a step towards political alternation. Consequently, regimes take advantage of their position to nullify the outcome of voting through various legal mechanisms, or simply to disregard it, thereby keeping themselves in power.

While the Arab world has exhibited a broad array of electoral processes at all levels, the right to political participation has remained little more than a ritual representing a purely formal application of a constitutional entitlement. In most cases elections have resulted in misrepresenting the will of the electorate and in low levels of representation for the opposition and women.

With a few exceptions, some of which are purely cosmetic, presidential elections do not take place freely in Arab countries in the sense of involving more than one candidate competing in a general election. In only three Arab countries (Algeria, Sudan and Yemen), and in a fourth under occupation (palestine), are presidents elected through direct elections with more than one candidate and with presidential term limits. While direct presidential elections take place in Tunisia and Djibouti, no term limits are set. Syria and Egypt (and previously Iraq) depended on referendums where the president is nominated by the parliament, after which a national referendum is held. In presidential referenda the outcome varies between an absolutely majority and total unanimity.

Except in two countries - Saudi Arabia and United Arab Emirates - parliaments in the region are either totally or partially elected. However, parliamentary elections have not played their designated role in balancing power, or holding the government accountable or even in reflecting public opinion. These elections have generally reproduced the same ruling elites. Legislative elections routinely suffer low turnout rates. Opposition candidates have charged that electoral laws are rigged to suit the interests of the regime and that the alliances put together by the existing government

block all chances of winning. Consequently, they have frequently boycotted elections or denounced their outcomes as travesties of due process.

INDIVIDUAL FREEDOMS

Individual freedoms constitute the most cherished component of freedom, because they are closest to the individual and to her/his status as a unique human being. The legal regime governing freedoms applies with particular force to freedoms in this category. The function of law in the matter of the right to freedom is simply to acknowledge that right by creating a space in which the free individual can exercise choice; all that is required of the law is to ensure that this space is not violated by others. Such law is known as passive law. Within that space, freedom is entire, subject only to restrictions for the sake of public order. But the sphere of individual freedom affords only limited potential for affecting public order, and none at all in the case of private individual freedoms. Those freedoms serve as the framework within which the individual constructs a stable identity and consolidates the bases of personality and action, and they have a major impact in unleashing the dynamic potential of individual and collective freedoms alike.

Freedom of opinion and belief:

These are private individual freedoms that are inviolable and recognized as such by all the monotheistic religions. Perhaps the Qur'an sums up the matter most succinctly: "Whoever so wishes, let him believe, and whoever so wishes, let him prefer unbelief."

Freedom of opinion and belief are among the civil rights that are enshrined in the International Covenant on Civil and Political Rights (ICCPR), and in the constitutions of some Arab states. But Arab authorities, both civil and religious, usually join forces to curtail this right in law and in practice, speaking with one voice in terms reminiscent of a tribal social system. They uphold a uniform pattern of behaviour characterized by obedience and submission that makes any departure from that pattern unlawful or sinful so as to contain society by homogenising its constituent individuals. Arab

BOX 3-5

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1999 (excerpts)

Article 1.

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2.

1. Each State has a primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting

such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Source: UN General Assembly resolution 53/144.

countries have witnessed several abuses of the freedom of social groups on religious, sectarian or ideological grounds.

Official models of belief that bolster tradition and traditional values and negate freedom of opinion, treat those who do not conform to them as enemies, as in the case of the conflicts between the Islamists and the various Sufi orders. Those who think are proscribed, even though they may be faithful believers. As a result, the polity breaks up into politico-religious factions that are more easily contained, and society loses its vitality.

Freedom of privacy and personal life:

Personal life constitutes a free zone for the individual to enjoy and which the state is not entitled to infringe or curtail. Yet in Arab countries political authorities at times appropriate this space, breaching the inviolability of the home at any hour of the day or night, monitoring private correspondence and tapping telephones; religious authorities or particular social groups similarly usurp the personal freedom of citizens.

Women suffer acutely in this respect, as they are also subject to surveillance by male members of their family, or even of the local community. A woman is at risk of violence, to the point of being killed in a so-called "crime of honour", which constitutes lawful grounds in some Arab countries and an extenuating circumstance in others. It is generally recognized, however, that in many cases "crimes of

Arab countries have witnessed several abuses of the freedom of social groups on religious, sectarian or ideological grounds.

Official models of belief that bolster tradition and traditional values and negate freedom of opinion, treat those who do not conform to them as enemies.

Certain Arab states remain untouched by the human rights system's position on the death penalty.

The disappearance of a family member in prison is a tragedy that often haunts Arab citizens.

honour” are committed on nothing more than unfounded suspicion, or to cover up a situation where a girl has been raped by a member of her own family.

Female genital mutilation, despite its known harmful effects, continues to be practiced in some Arab countries, in some cases by traditional methods devoid of even the most rudimentary safety precautions, with the result that girls die from the operation.

DENIAL OF FUNDAMENTAL INDIVIDUAL FREEDOMS

Violation of basic rights

The human rights system is founded on a collection of rights at the very heart of the system, which are considered totally inviolable. Yet in Arab countries these sacred and basic rights are frequently violated.

The right to life

Violations of the right to life in Arab countries have taken multiple forms. The most conspicuous examples are Israel's military aggression against the Palestinian people, at the cost of civilian lives, in addition to the physical liquidation of leaders and cadres of the resistance. Tens are killed daily in Iraq by occupation forces or terrorist groups. Internal conflict continues to rage in the Sudan and Somalia, representing a further source of violation of this right, while the global anti-terrorism campaign has added a new dimension to the issue.

Capital punishment is an infringement of the right to life.¹ Yet certain Arab states remain untouched by the human rights system's position on the death penalty, which confines its use to the most serious crimes, imposes procedural and judicial safeguards, and prohibits its use in political cases. Capital punishment has been retained in all Arab countries, although in certain countries (such as Bahrain, Algeria, Lebanon², Morocco and Tunisia) it is rarely applied.

Some Arab governments also violate the right to life extra-legally and extra-judicially. Human rights organizations have observed that official reports on killings tend to be short on facts. In most Arab states the names of the victims are not mentioned, and no public investigation is conducted, giving rise to suspicions of the possibility of “liquidation” or extrajudicial execution of suspects. In most cases of disappearance or abduction in Arab countries it is feared that the victim has been executed outside the law. According to the files of the UN there were 11,000 cases of unknown disappearances in the Arab countries in 1993 (Arab Organization for Human Rights).

The right to life is often violated in cases when people are expelled or arrested, and in prisons, especially those run by security and intelligence services, where torture is used or health care neglected.

Extremist groups who perpetrate assassinations and bombings and espouse the use of violence also violate the right to life. Armed confrontations between security forces and armed groups may result in civilian casualties; in some instances, civilian victims have outnumbered victims in the ranks of the combatants.

Lastly, the repression of peaceful demonstrations by security forces in Arab countries has been yet another source of violation of the right to life.

The right to liberty and personal safety

This right is massively and consistently violated. Since the global “war on terror” campaign began, there have been unprecedented numbers of arrests. Legal safeguards have been violated, and people have been deprived of their liberty and, in many instances, tortured and ill-treated in prisons, camps and detention centres where their personal safety is uncertain. The disappearance of a family member in prison is a tragedy that often haunts Arab citizens. Following the disappearance of Kuwaiti prisoners in Iraq, it emerged that hundreds had disappeared in some Arab jails.

¹ This position has been emphasised in Resolution 2857 –XXVI, December 20, 1971 of the UN General Assembly and in two resolutions of the UN Economic and Social Council, on May 20, 1971 and May 9, 1971 respectively.

² It is important to note that the former Prime Minister of Lebanon adduced reasons of conscience for refusing to sign execution orders for those sentenced to death.

Following the September 11 attacks, lists of suspects were circulated by the US security services, requesting their detention on sight, giving human rights organizations cause for concern.

The right to a fair and impartial trial

Most Arab regimes do not respect the principle of the separation of powers, with the result that the judiciary comes under political pressure, especially from the executive power, and loses credibility. The risk to the judiciary has recently grown as some of the finest judges have become exposed to violence and prosecution; indeed, judges have been murdered in their own courtrooms (in Sidon, Lebanon). Yet while the institutional structure of the judiciary has come under assault from politicians, it may still fairly be said that many judges in most Arab countries are reliable, learned and upright.

Safeguards surrounding the right to a fair trial are being eroded. This is happening mainly outside the regular judicial system. Contributing to this erosion are such practices as referring civilians for trial by military courts (as in Egypt, Jordan, Lebanon and Tunisia,) and the use of various exceptional procedures. The latter include emergency courts in Egypt and the Sudan, state security courts in Iraq (until the recent fall of the regime) Jordan and Syria, special courts in Iraq, Libya, and the Sudan, and martial law tribunals in Somalia. In Algeria, Mauritania and Tunisia, the regular courts have been little better, especially in security and political cases, and trials of civilians in cases of terrorism in the past two years have met with strong criticism.

Exclusion from citizenship

Deprivation of citizenship

The withdrawal of nationality from an Arab citizen, as permitted under certain legislation through an administrative decision by a government official of less than ministerial rank, is one the most extreme forms of exclusion from citizenship. This is closely followed by the deprivation of certain categories of citizens

of their right to obtain nationality in their own country.

Abusing the rights of minority groups.

National legal systems do not protect members of groups outside the mainstream, which are often marginalized. For example, Article 27 of the ICCPR is still the mainstay of the protection of such persons, despite the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Individuals belonging to such groups are citizens as well and entitled, in principle, to enjoy all the rights of citizenship, yet those rights are frequently violated along with the rights of citizens in general. These individuals may also suffer additional violations at the hands of the law or the administration or as a result of entrenched social practices, simply because of their background.

Violations of human rights in Arab countries are more pronounced when cultural, religious or ethnic dimensions are present, particularly since marginalized groups have fewer opportunities to protest their rights. Repression directed specifically at such groups reflects an odious “minority mentality” in parts of society and in oppressive regimes alike.

In areas of protracted conflict in northern Iraq and the southern Sudan, some cultural, ethnic or tribal groups, especially the Kurds in Iraq, have suffered overt or covert persecution. Government policy has fluctuated between recognizing the principle of autonomy and responding to dissidence as insurrection. In both cases, however, the outcome has been a solution along federalist lines. The southern Sudan is unique in that an agreement was reached based on recognition of the right to self-determination following a specified period of time. However, a complete settlement has not yet been achieved in either case, and some local conflicts continue, as with the case of Arab and Turkmen citizens in northern Iraq, and in border regions of southern and western Sudan. Recently the Qamishli events in Syria have brought to light the suffering endured by Kurds seeking their most basic legitimate rights, namely the right to citizenship.

The Kabylie regions of Algeria have ex-

Most Arab regimes do not respect the principle of the separation of powers, with the result that the judiciary comes under political pressure.

Violations of human rights in Arab countries are more pronounced when cultural, religious or ethnic dimensions are present.

The legal rights of Arabs living in some industrialized countries have deteriorated lately following the "war on terror".

Nowhere in the Arab world do women enjoy equality with men.

perienced many disturbances since 2001. Demonstrations in 2002 resulted in dozens of victims. Democratic developments in Algeria have helped to resolve Berber demands and the Amazigh language was recognized as a national language. The authorities subsequently moved towards making it an official language, after ending the debate on whether this would require a popular referendum.

Christians in some Arab countries also suffer from restrictions on their freedoms.

This kind of double subjugation affects a number of other social groups, notably bidun and naturalized citizens in Arab Gulf countries. The former are regarded as foreigners, while the latter, being stateless, have nowhere to go and are treated as second-class citizens; they are denied the right to stand for election to representative bodies or to vote. A similar prejudice affected Iraqi citizens whom the previous government designated "Iranian nationals"; their status as citizens of Iraq was not recognized, and some of them were expelled to Iran, while others remained as an under-class. "Card holders" in the border areas of Saudi Arabia, Kurds deprived of citizenship following the 1962 census in Syria, and akhdam in Yemen are in much the same boat.

Migrant workers in oil producing Arab states, including Arabs, suffer certain forms of discrimination according to international standards, the most notorious being the "guarantor system" and the abuse of domestic servants, chiefly women.

Socio-economic and military circumstances are creating bizarre situations in Mauritania and the Sudan. In the former, members of the group known as haratin (emancipated slaves) are hardly better off than when they were slaves. Since the legal abolition of slavery in 1980, the Government has been unable to provide them with sources of income, while social prejudices have prevented their integration into society. Consequently, many haratin have been compelled to return to the families for which they formerly worked, and their condition is similar to slavery. In the Sudan, different tribes involved in the military conflict have abducted one other's women and children; here again, the victims' condition is tantamount to slavery. This situation has given

rise to international accusations that the Sudan tolerates slavery, and those accusations have been enlarged by propaganda. Despite the Government's efforts to solve the problem, thousands of people are still in this wretched condition, and the Government of the Sudan continues to endure the odium of this charge. The affirmative action of allocating a "quota" in the parliament for Christians, and Chechans in Jordan is positively noted.

The Arab people cannot be satisfied as long as the dilemma of the Palestinian diaspora continues. Its members are deprived of their right to return, in addition to being denied many of their other fundamental rights – even in Arab countries. The Palestinians have been left alone to bear the consequences of expulsion by Israel, in which it enjoyed outside support, while those expelled suffered. This double injustice calls for the international community to come together to guarantee the right to return and, in the meantime, to secure the other basic human rights of Palestinians.

The legal rights of Arabs living in some industrialized countries have deteriorated lately following the "war on terror".

Women doubly excluded

Arab women find themselves in different situations, depending on their respective circumstances, and depending on the extent to which democracy is practiced both within their families and by the national system. But nowhere in the Arab world do women enjoy equality with men, even though equality is a fundamental human right. Women are subject to discrimination both at law and in practice, and as a result they tend not to participate very extensively in the public sphere, and relatively little in decision-making within the family.

To be sure, concern for the status of women has increased in recent years, as may be seen from various developments. Governmental structures have been established expressly to address women's issues, both at the regional level, with the establishment of the Arab Women's Organization, and at the national level, with the founding of national councils and commissions on the status of women in a number of Arab countries. Political discourse

regularly addresses the issue of equality, and governments have adopted a number of programmes aimed at promoting it. There has been an exponential growth in NGOs concerned with women's rights. Despite all this, in most Arab countries women are still subject to numerous forms of discrimination. Perhaps education marks the sole exception to the rule, where girls comprise the majority at certain levels in some Arab countries, with an academic record superior to that of their male peers.

Statistics point to a generalized gender gap in various areas, including education, employment, property ownership, public office, decision-making posts, and leadership positions in political parties and trade unions. There have been laudable efforts to promote the status of women in some areas, but others have been largely neglected both by governments and by society in general. Little progress has been made regarding political participation by women, changes to personal status laws, integration of women in the development process, the right of a woman married to a foreign husband to transmit her citizenship to her children, and the inability of existing legislation to protect women from domestic violence or violence on the part of the state and society.

Discrimination is becoming more acute in the Gulf countries and, in particular, in Saudi Arabia. Violence against women is most prevalent in areas of armed conflict, notably in Sudan, Somalia and Iraq.

As regards women's rights, Kuwaiti society has been less progressive than some Arab governments. The National Assembly has more than once voted against an enlightened decree of the Emir that would have allowed women to participate in political life. In the more democratic Arab countries, where such participation is lawful, voters tend not to elect women candidates: there are legislatures that do not have a single woman member, while the legislatures of some other countries, such as Egypt and Yemen, have no more than token numbers of women members. However, a trend to introduce such quotas has developed in the past two years, as in Morocco, Jordan, Qatar and Oman.

It is important to stress here that positions

on gender equality have emerged in a multi-layered and complex societal context which must be taken into careful consideration when examining both the issue of equality and the respective society's shaping of ways to achieve it. These issues will be fully discussed and analysed in the fourth AHDR on the "Rise of Women" in Arab countries.

As indicated in Annex 1 of AHDR 2, the World Values Survey found that the Arab people are reluctant to accept total equality between women and men (see also the results of the Freedom Survey in Annex 1 of this Report). While gender equality in education was almost universally supported, there was noticeably less support for equality in employment and politics, particularly in Jordan and Morocco (figure 3-1).

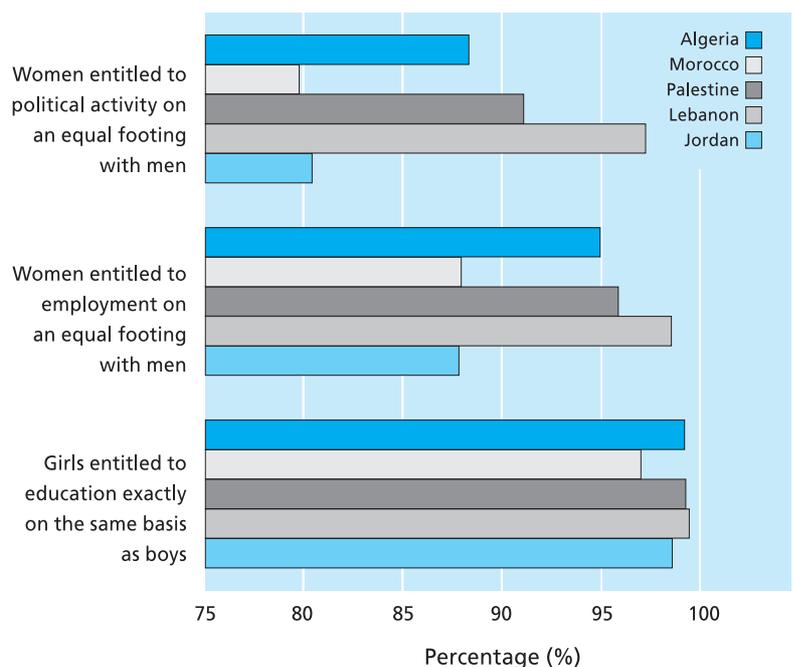
SOCIAL AND ECONOMIC RIGHTS

This section concludes with a review of economic and social rights, which, according to the definition of human development, are embodied within two fundamental human capabilities: leading a long and healthy life, and knowledge acquisition.

The first AHDR documented various ways

Figure 3-1

Percentage agreeing that women should have equal rights, five Arab countries, Freedom Survey, 2003



In most Arab countries, women are still subject to numerous forms of discrimination.

The impoverishment and under-utilization of human capabilities in Arab countries amount to a basis for perpetuating the status quo.

in which, first, these two fundamental human capabilities are not realized in Arab countries, second, the weakest social groups, notably women and the destitute, are especially disadvantaged in that respect, and third, these capabilities are inappropriately or under-utilized in terms of activity within society. This unsatisfactory situation intersects with the issues of freedom and good governance on two levels. To begin with, the absence of freedom and good governance itself aggravates the impoverishment and under-utilization of human faculties, as under those conditions decision-making serves the interest of the ruling elite rather than the public interest in general. In addition, experts agree that a situation of subjugation produces adverse effects on health, including the individual's physical health. From that standpoint, the impoverishment and under-utilization of human capabilities are not only disabling for human development, they also reflect a disregard for economic and social rights that are recognized in international human rights law.

Moreover, the impoverishment and under-utilization of human capabilities in Arab countries amount to a basis for perpetuating the status quo. Such deprivation blunts the critical

sense and fosters passivity and inertia, thereby sapping the individual and societal vitality that is essential to any meaningful renaissance in Arab countries.

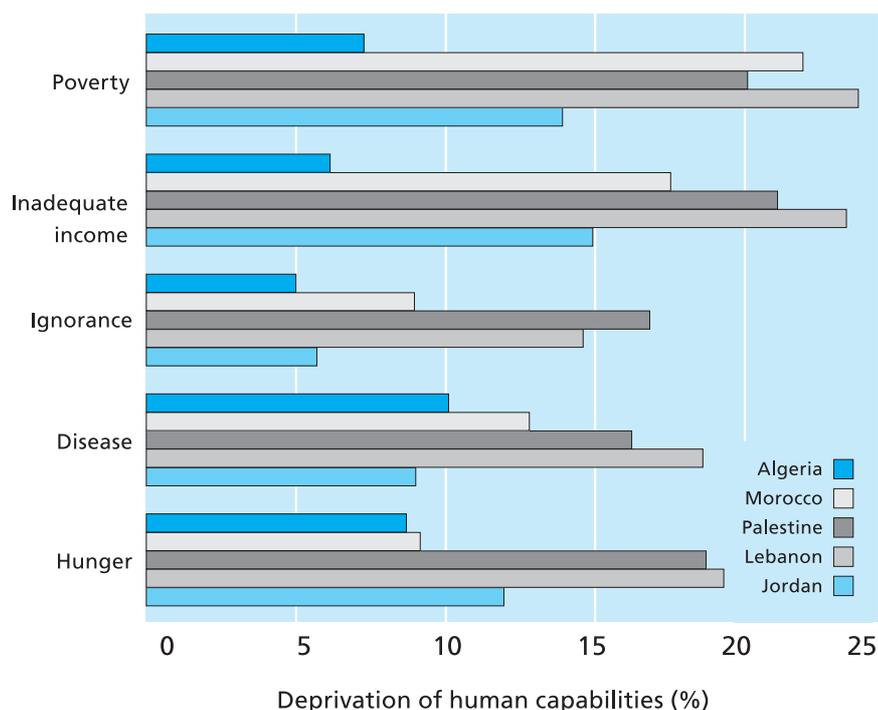
According to the Freedom Survey, Annex 1, interviewees were of the opinion that, at the beginning of the third millennium, more than 10% of Arabs still suffer from hunger, disease, ignorance or poverty, whether in terms of low income or deprivation of human capabilities. In one country covered by the survey interviewees estimated that almost 25% of the population suffered from low income, while in three of the five countries surveyed the level of poverty was estimated at around one quarter of the population, using the deprivation of human capabilities indicator, figure 3-2.

THE RIGHT TO LEAD A LONG, HEALTHY LIFE

The right to food and adequate nutrition:

Hunger is an outcome of inadequate food and micronutrient intake, and it can be measured in terms of arrested physical and mental growth, impaired health, early death, low life expectancy at birth, learning disabilities and ir-

Figure 3-2
Estimate of the extent of deprivation of human capabilities, five Arab countries, Freedom Survey, 2003



regular school attendance. Hunger also weakens the immune system, and thus is reflected in epidemics, infection and HIV, and in low productivity at work and in social activity.

Children are among those most seriously affected by food insecurity, since malnutrition in early life has a serious, frequently irreversible impact, even when the immediate life environment of the person concerned subsequently improves. Malnutrition stunts the child's growth and affects her/his weight. It also has an adverse impact on physical and psychological performance, making the child dull and impairing her/his mental faculties if continued into adulthood.

Results of a study of 15 Arab countries found that 32 million people suffer from malnutrition. This figure represents nearly 12 per cent of the total population of the countries concerned. The same studies found that even in some of the wealthiest Arab states, such as Kuwait and the United Arab Emirates, certain population groups are not adequately nourished.

Between 1990-1992 and 1998-2000, i.e. in the first stages of the hunger eradication policy adopted at the Rome Conference, the absolute numbers of hungry people in the Arab world increased by more than six million. The worst results were observed in Iraq and Somalia (Rafia Ghobash, background paper for this Report).

The right to a healthy life

The World Health Organization defines health as "a state of complete physical, mental and social well-being."

Physical health

Arab countries have made great strides in reducing mortality rates, especially infant mortality rates, but the goal of health, in the comprehensive and positive sense of the above definition, has not yet been attained.

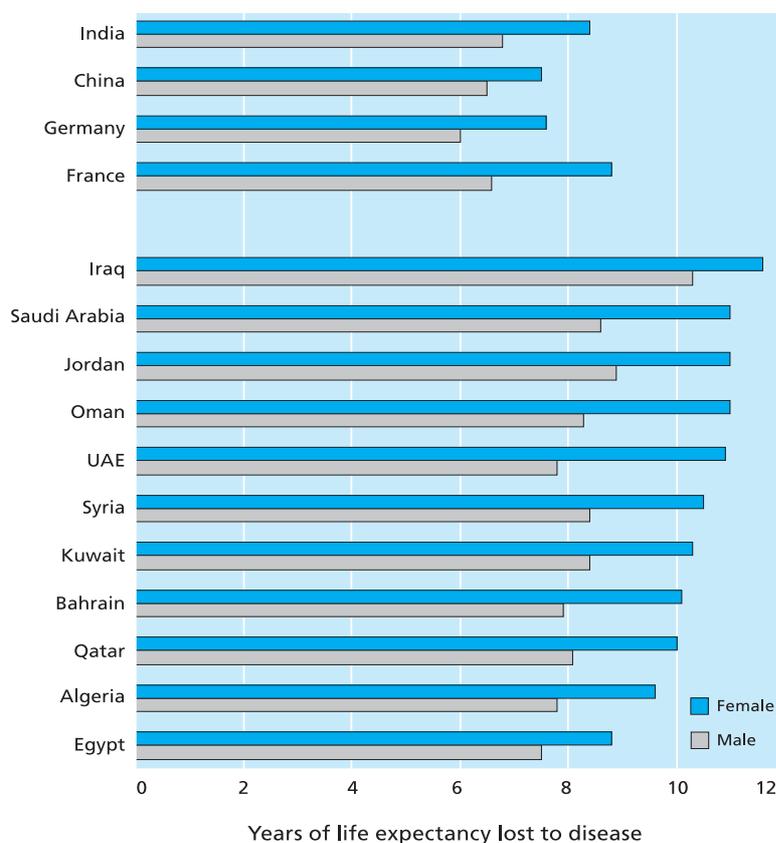
Progress in reducing mortality rates is generally reflected in improved life expectancy at birth. Over time this indicator has risen at varying rates in Arab countries and in some "wealthy" ones it has now reached a level approximating that in industrialised countries.

However, physical illness still takes years off the life of the ordinary Arab individual, as may be seen from a comparison of the standard formula used to estimate life expectancy at birth with a modified version of that formula developed by the World Health Organization. The latter is known as "HALE", for "health-adjusted life expectancy at birth", which excludes years of illness from the estimate. Applying the HALE formula in Arab countries for which data are available, we see that illness reduces average healthy life expectancy at birth by ten years or more. Noticeably, in all those countries, the reduction is greater for women than for men by a matter of two years or more. This shows that women suffer a relatively greater health deprivation. Clearly, according to available data, reductions in life expectancy at birth in Arab countries are higher than in all the comparator countries featured, particularly for women. The gap between men and women is larger in most Arab countries than in the majority of comparator countries, figure 3-3.

Between 1990-1992 and 1998-2000... the absolute numbers of hungry people in the Arab world increased by more than six million.

Figure 3-3

Years of life expectancy lost to disease, by gender, Arab countries and comparator countries, 2002



Source: The World Health Organization Report, 2003

As authoritarian pressure grows, quietism and withdrawal become more pronounced, along with a sense of fatalism and submissiveness.

The fact that years of life are lost to illness reflects relatively low levels of human development in Arab countries. A broad stratum of the population of any given Arab country lives in difficult socio-economic conditions with respect to employment, housing and living standards; people are under heavy pressure in economic terms. In social terms, the relationship of the individual to the state and the society to which he or she belongs is characterised by a feeling of lack of esteem, exclusion and marginalization, resulting in constant psychological pressure. Research has shown that psychological pressure of this kind, arising from social, economic and political factors, brings about biological changes, which in turn may cause physical and psychological infirmity. Studies have found that a person who lives under such circumstances is at risk of hormonal imbalance, nervous breakdown and even immune system failure.

Psychological health

Individuals who are continuously subjugated, insecure and marginalized bottle up various forms of violence. As authoritarian pressure grows, quietism and withdrawal become more pronounced, along with a sense of fatalism and submissiveness. Many studies in the field of psychology have found a growing incidence of anxiety and tension among Arab people, giving rise to unpredictable, despairing forms of behaviour as the individual involved attempts to relieve the tension, unaware that its causes are rooted in deprivation and the fact that his/her basic needs, most notably the need for security, are unsatisfied. There is undoubtedly a connection between fully achieving one's personal potential through participating in development on the one hand, and feeling secure on the other. Accordingly, the Arab individual's feeling of security may be expected to deteriorate in line with his/her increasingly acute awareness of deprivation at many levels, and this explains the prevalence of anxiety disorders, tension and inability to achieve self-fulfilment (Rafia Ghobash, background paper for this Report).

Education in Arab countries is essentially flawed by its poor quality.

The right to acquire knowledge

A prerequisite for fulfilment of the right to acquire knowledge is an active, vital system for spreading knowledge through four social processes: upbringing, education, media and translation. The second AHDR documented various inadequacies in those processes in Arab countries and proposed ways of addressing the situation. Accordingly, we shall not go into the issue in detail here. In general, the profile of deprivation of the right to acquire knowledge in Arab countries is similar to that outlined above in the case of health. This, too, is a distinctive feature of the state of human development in Arab countries.

Consider education, for example. There has been appreciable quantitative progress in access to education in Arab countries, although the significance of that accomplishment is marred by the persistence of unacceptable levels of illiteracy (approximately one third of the men and half the women in 2002), and the fact that some Arab children, albeit only a small percentage, are still denied their fundamental right to basic education.

However, education in Arab countries is essentially flawed by its poor quality. People who have been to school often lack the cognitive skills of learning, criticism and analysis, while their creativity has not been encouraged. These are indispensable for the acquisition of knowledge, and even more indispensable for producing it. Moreover, little emphasis is placed on science and technology in curricula. Consequently, as with deprivation of the right to health (in the comprehensive sense), deprivation of the right to acquire knowledge, quantitatively and qualitatively, reflects a social profile that discriminates against the most disadvantaged social groups, especially women and the poor.

The quality of education and health services in Arab countries

According to the results of the Freedom Survey, Annex 1, education services were considered satisfactory to a large degree and public education services were adjudged of higher quality than the private counterpart, in Jordan, Morocco and Algeria. Nevertheless,

the cost of private education was considered less satisfactory compared to public education (figure 3-4). The quality of health care services provided by the government was considered lower than that of private providers, with interviewees consistently complaining of rising costs of private health care. Thus the poorest and most vulnerable sectors of society, in addition to being financially disadvantaged, are further penalized in acquiring the two basic human capabilities, particularly health.

PERCEIVED ENJOYMENT OF FREEDOM IN CONTEMPORARY ARAB OPINION, FREEDOM SURVEY 2003

THE PERCEPTION OF FREEDOM AMONG CONTEMPORARY ARABS

This section utilizes the results of the Freedom

Survey, Annex 1, to profile perceptions of freedom among contemporary Arabs. The survey questionnaire included a section where interviewees were asked whether any of a large number (35 elements) of components of freedom, derived from the concept presented in Chapter 1, formed part of their perception of freedom.

Figure 3-5 summarizes the results of this aspect of the Freedom Survey.³

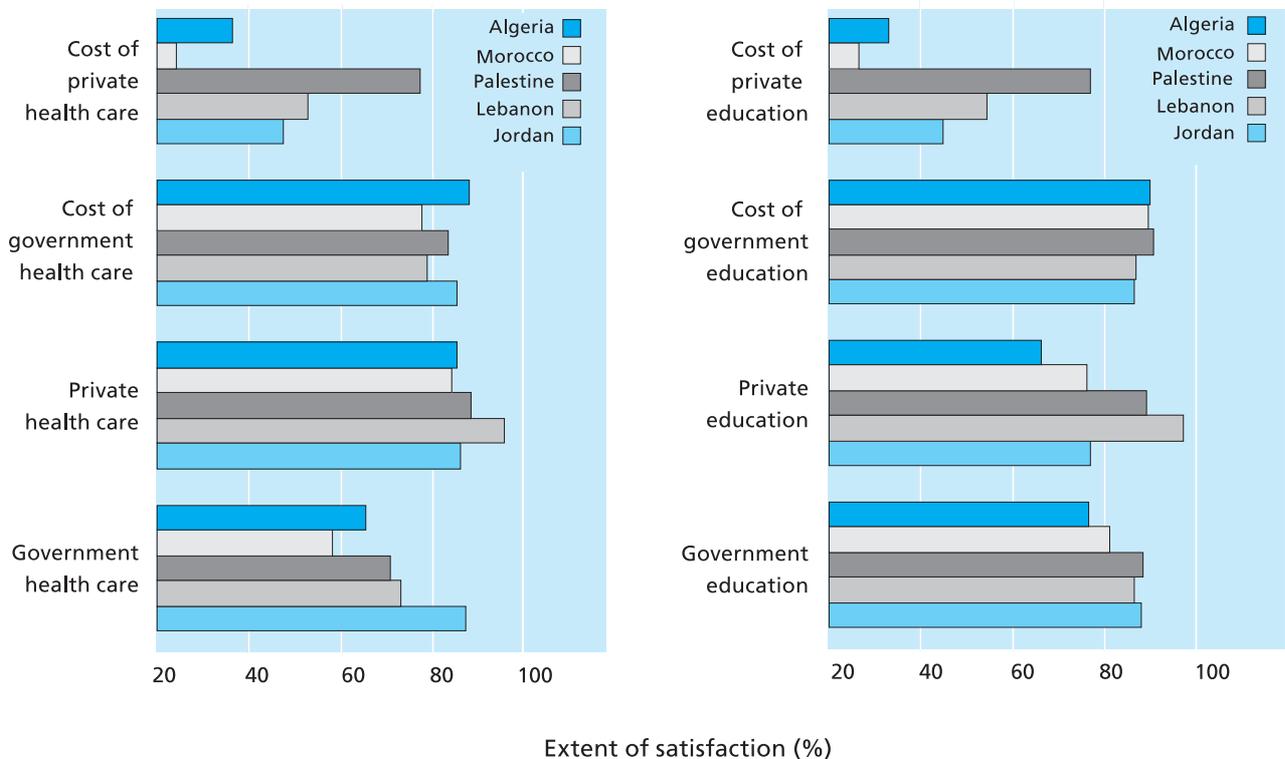
Survey interviewees agreed that their concept of freedom incorporated the majority of these elements. In one case, interviewees favoured a majority of the elements by a very large margin (75% or more).

Interviewees perceived liberation from foreign occupation and the freedoms of opinion, expression and movement as the most important components of freedom. They gave least importance to the right of ‘minorities’ to self-rule. A lower level of importance was attached to having a significant political opposition able

Interviewees perceived liberation from foreign occupation and the freedoms of opinion, expression and movement as the most important components of freedom.

Figure 3-4

Extent of satisfaction with the level and cost of education and health services by sector (public/private), five Arab countries, Freedom Survey, 2003



³ Ratios are calculated relative to the total number of interviewees (including missing observations), and arranged in figure 3-5b in descending order according to their relative importance in the Palestine survey.

Freedom Survey, Arab Human Development Report

In an effort to overcome the deficient measurement of freedom in Arab countries employed in AHDR 1 and 2, and to better serve the rich concept of freedom adopted in this report, the Report team, in collaboration with Arab institutions specializing in polls and surveys, designed a special field survey. It set out to gauge Arab attitudes towards freedom, and seek people's views on the extent to which various freedoms are enjoyed in their countries. The design called for polling nationally representative samples of Arab citizens, aged 18 years and older, selected to ensure proportional representation of both men and women.

While it was hoped to conduct the survey in a large number of Arab countries, this was likely unrealistic given the constraints facing field research in the region. Restrictions on freedom of research and knowledge acquisition on the one hand, and scarce data and information on human development on the other, remain real challenges in the region. Yet what information can be drawn from the survey still augments current knowledge.

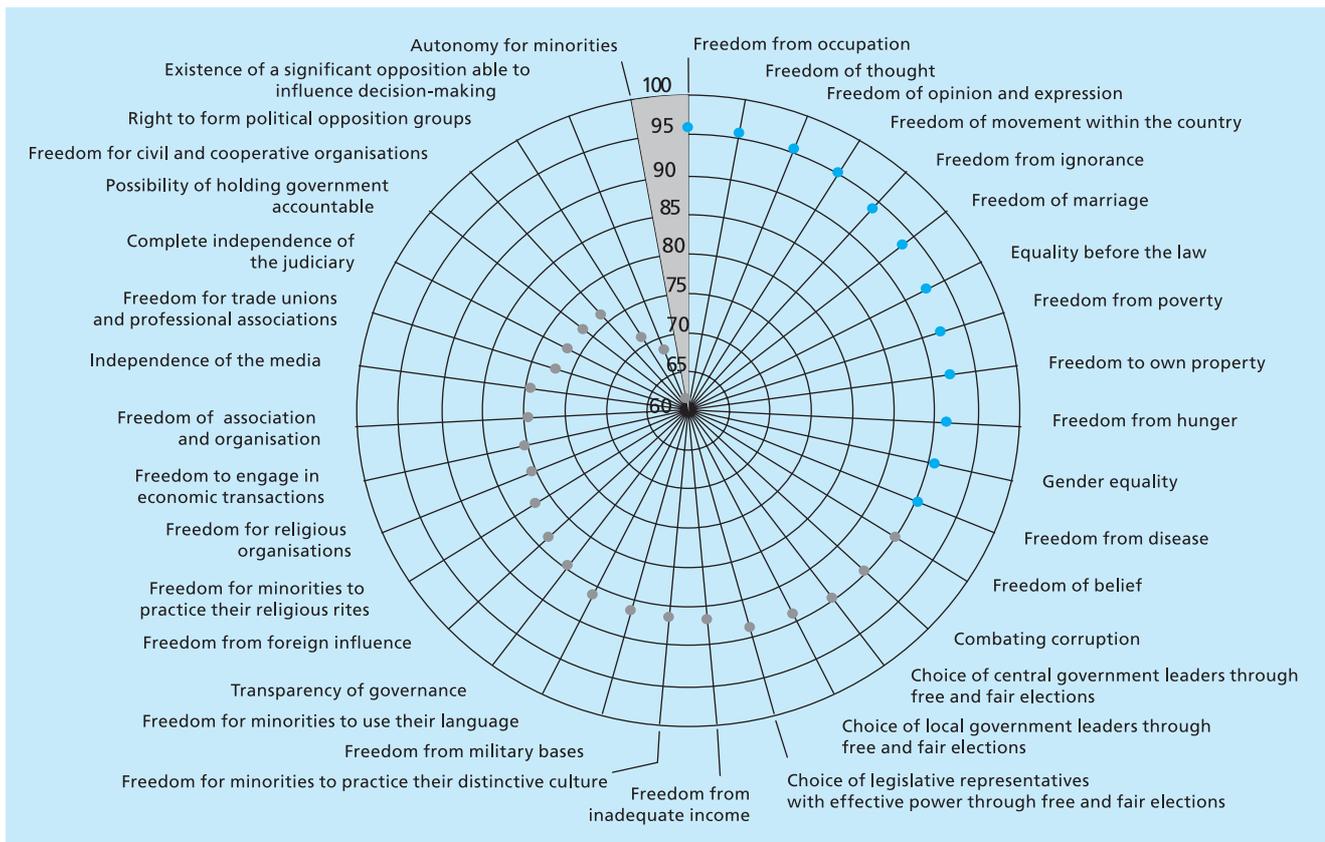
Chastened by previous experience, the Survey team did not try to implement the survey in some Arab countries. At least one Arab country (Egypt) refused to grant a permit for the survey.

At the time of writing, survey results were available only for five Arab countries (Algeria, Jordan, Lebanon, Morocco, Palestine) comprising about one quarter of the Arab population, more than 70 million, in both the Arab East and West. Annex 1 contains details of the survey and its findings.

Undoubtedly, the scope of this survey falls short of a comprehensive representation of the Arab public. On a more positive note, its findings on perceptions of freedom among the sample countries are nonetheless instructive. Hopefully, the time will come when such studies are much easier to conduct, to the benefit of both knowledge and freedom.

Note: Ratios presented in the graphs derived from survey results are calculated relative to the total number of interviewees (including missing observations).

Figure 3-5a
Percentage of interviewees considering the elements of freedom part of their concept of freedom (%)
Average of five Arab countries (weighted by population), Freedom Survey, 2003



to influence decision-making; and to the right to form opposition groups. This may indicate rather conservative attitudes or frustration with the present political situation.

There were noticeable differences in the results obtained among the five countries, whether in the degree to which interviewees considered the elements of freedom as presented part of their concept of freedom, or in the relative preferences given to some elements over others. The Lebanese, followed by the Palestinians and then by the Algerians, were more strongly inclined to see almost all these elements as part of their own notion of freedom. One might therefore say that the concept of freedom in Lebanon, Palestine, and Algeria is broader and also more intensely in evidence

than in Morocco and Jordan.

Citizens of the five countries were clearly of one mind regarding the priority they give to national liberation from occupation, military bases, and foreign influence; to freedom of thought, belief, opinion and expression; to freedom from hunger, poverty and ignorance; to equality before the law and between the sexes, and to combating corruption. They considered all these to be important elements in their concept of freedom.

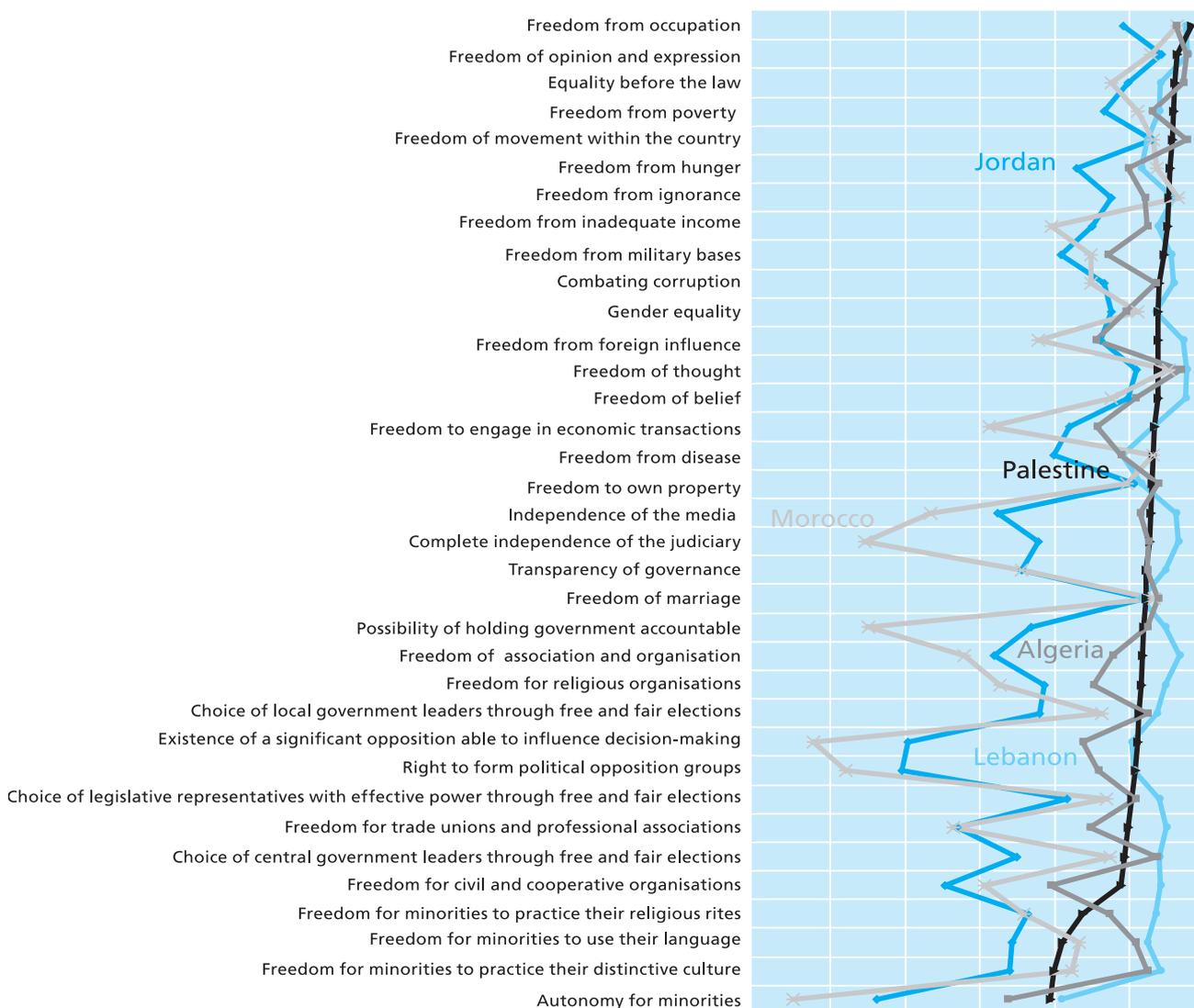
Freedom and independence of the media and civil society organizations emerged as a priority in Algeria, Palestine and Lebanon.

All these are fundamental elements of the concept of freedom and good governance, as adopted by the AHDR.

There were noticeable differences in the results obtained among the five countries.

Figure 3-5b

**Percentage of interviewees considering the elements of freedom constituents of their concept of freedom
Five Arab countries, Freedom Survey, 2003**



EXTENT OF ENJOYMENT OF FREEDOM AT THE TIME OF THE SURVEY (2003)

...the level of enjoyment of individual freedoms was comparatively high, whereas the enjoyment of 'public' freedoms was relatively low.

Interviewees in all five countries indicated that, in their view, the level of enjoyment of individual freedoms was comparatively high, whereas the enjoyment of 'public' freedoms was relatively low, especially as regards good governance.

Freedoms of movement, marriage and ownership of property, and the freedom of 'minorities' to practice their own culture headed the list of elements of freedom enjoyed in the five countries. The existence of effective opposition, the independence of the media and the judiciary, transparency and accountability of governance, and combating corruption were put at the low end of the scale of enjoyment.

These results can be viewed as constituting a set of priorities for the reform of freedom and

governance in Arab countries.

Interviewees' opinions varied among the five countries, reflecting their respective characteristics and situations (figure 3-6b).

PERCEIVED CHANGE IN THE ENJOYMENT OF FREEDOM IN CONTEMPORARY ARAB OPINION

The Freedom Survey questionnaire, Annex 1, contains questions on the interviewees' perception of the extent of change (improvement or deterioration) in the enjoyment of the elements of freedom during the five years preceding the survey.

In the interviewees' estimation, the state of freedom in Arab countries has generally deteriorated during that period. They considered that enjoyment of most elements of freedom deteriorated in the five years preceding the survey with some improvements in individual

Figure 3-6a

Extent of enjoyment of the elements of freedom (%), average of five Arab countries (weighted by population), Freedom Survey, 2003

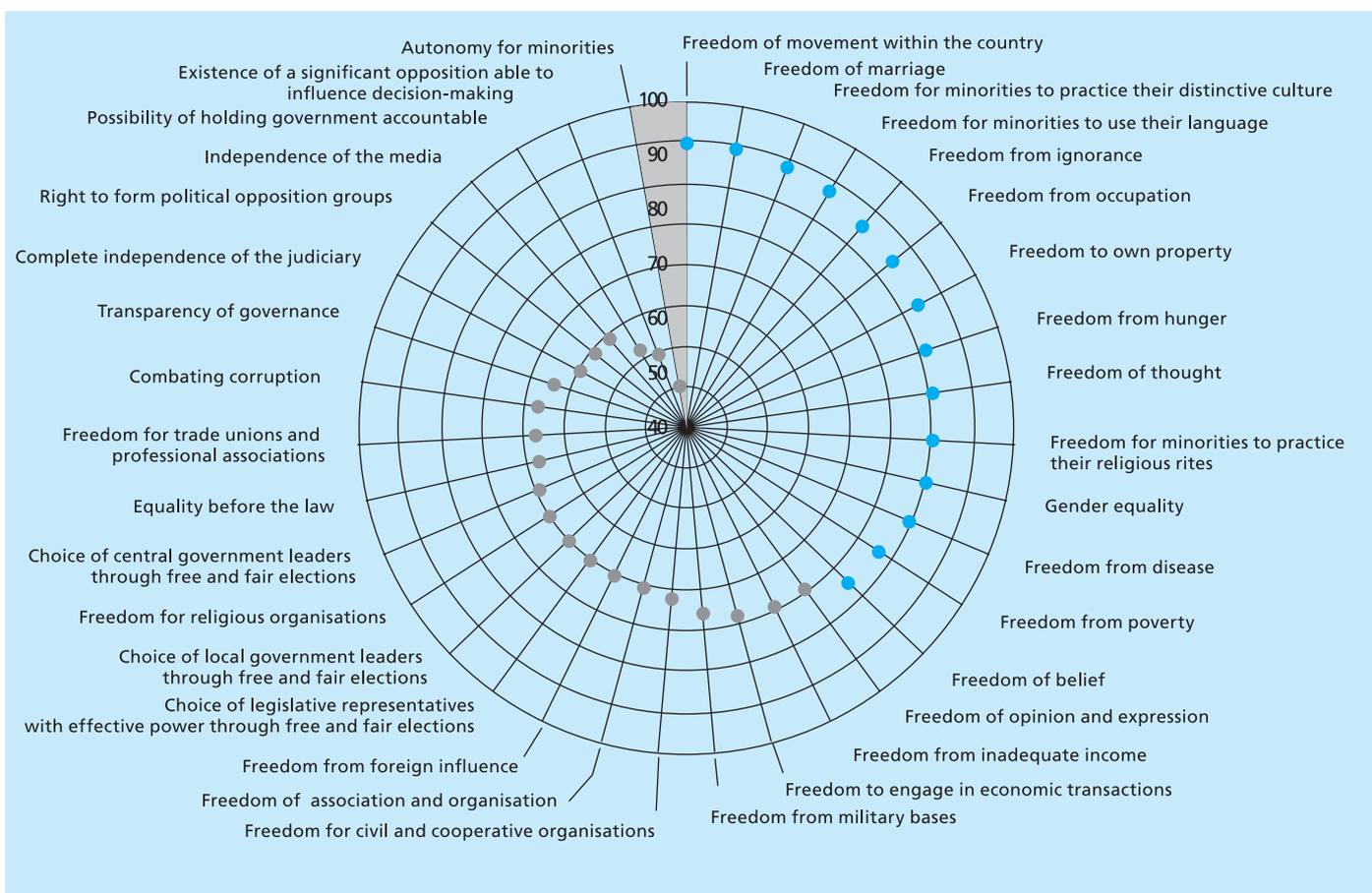
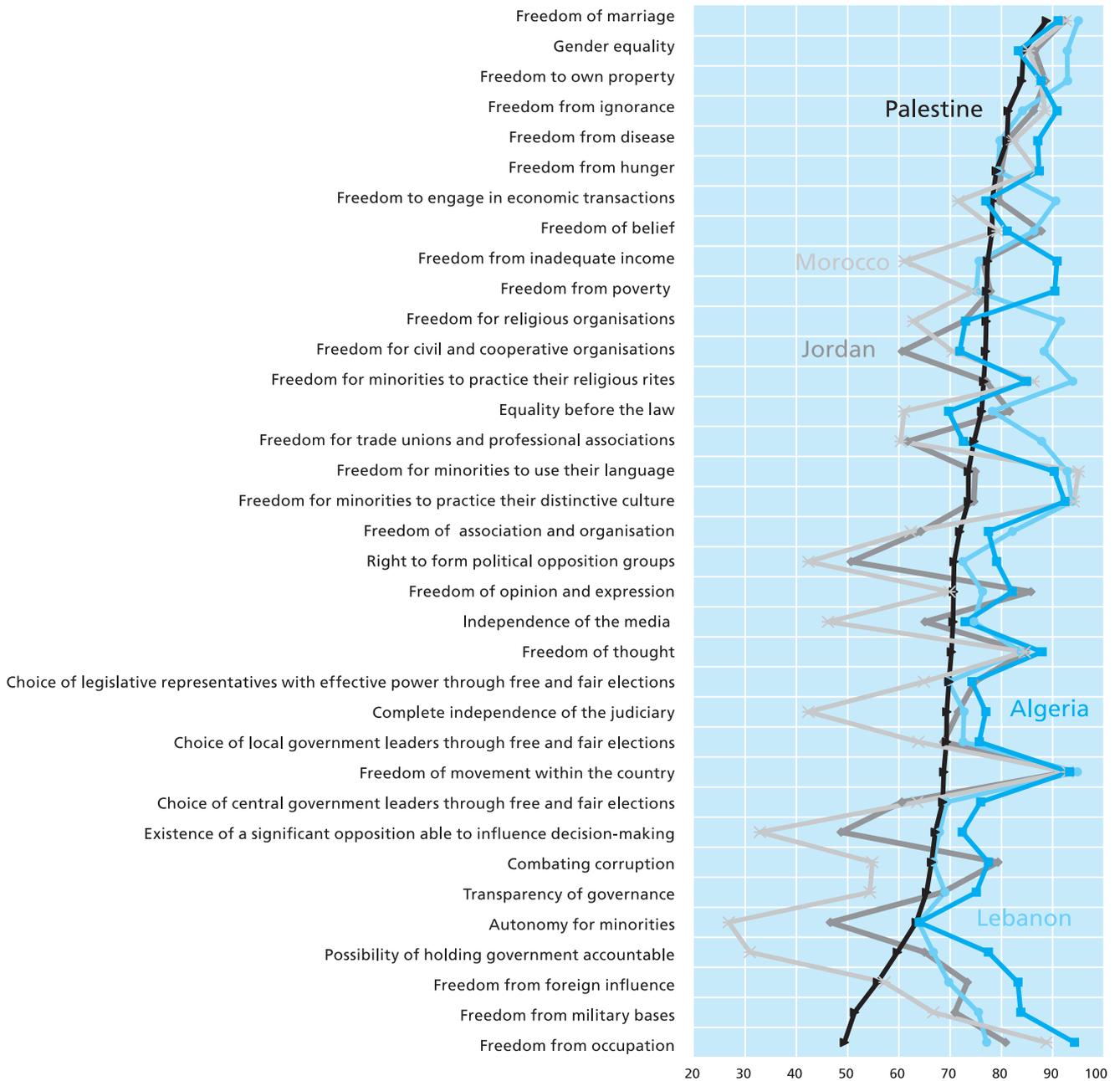


Figure 3-6b

Extent of enjoyment of the elements of freedom (%), average of five Arab countries, Freedom Survey, 2003



freedoms. The results of this aspect of the study are given in figures 3-7a and 3.7b.⁴

Interviewees considered that the greatest improvement had been achieved in the enjoyment of individual freedoms regarding gender equality and marriage, freedom of thought, freedom from ignorance and disease, freedom of ‘minorities’ to practice own culture, and freedom of civil and co-operative organisations. However, interviewees perceived the

greatest deterioration in five areas reflecting bad governance -- corruption, lack of transparency and accountability in governance, lack of independence of the judiciary, inequality before the law and mounting poverty, figure 3-7a.

Some of the results reflect the distinctive characteristics of the various countries in which the survey was conducted (figure 3-7b). In general, the percentage of interviewees who

Some of the results reflect the distinctive characteristics of the various countries in which the survey was conducted.

⁴ Ratios are calculated relative to the total number of interviewees (including missing observations), and arranged in figure 3-7b in descending order according to the relative importance in the Palestine survey.

Palestinian interviewees' answers reflected the deterioration of their plight.

considered that the enjoyment of freedom had deteriorated was greater than the percentage of those who considered that it had improved. This was especially marked among Palestinian interviewees, whose answers reflected the deterioration of their plight with respect to occupation and foreign influence and freedom of movement within their country. In contrast, most Lebanese interviewees indicated that in their view, there had been a relative improvement in their situation with respect to occupation and foreign influence, probably because of the Israeli withdrawal from southern Lebanon. Lebanese and Palestinian interviewees alike complained of deterioration in the components of good governance citing

weaker opposition, less transparency, and little possibility of holding authorities accountable or of combating corruption.

Algerian interviewees, for their part, perceived some gains in the freedom of minorities to use their language, while Lebanese interviewees considered the situation had improved with respect to freedom of movement within the country, equality between men and women, and freedom of marriage. Moroccans alone considered that there had been some improvement in the effort to combat poverty. They also stated that in their view, gender equality had improved.

Figure 3-7a
Perceived change in the enjoyment of elements of freedom (net %) during the five years preceding the survey, average of five Arab countries (weighted by population), Freedom Survey, 2003

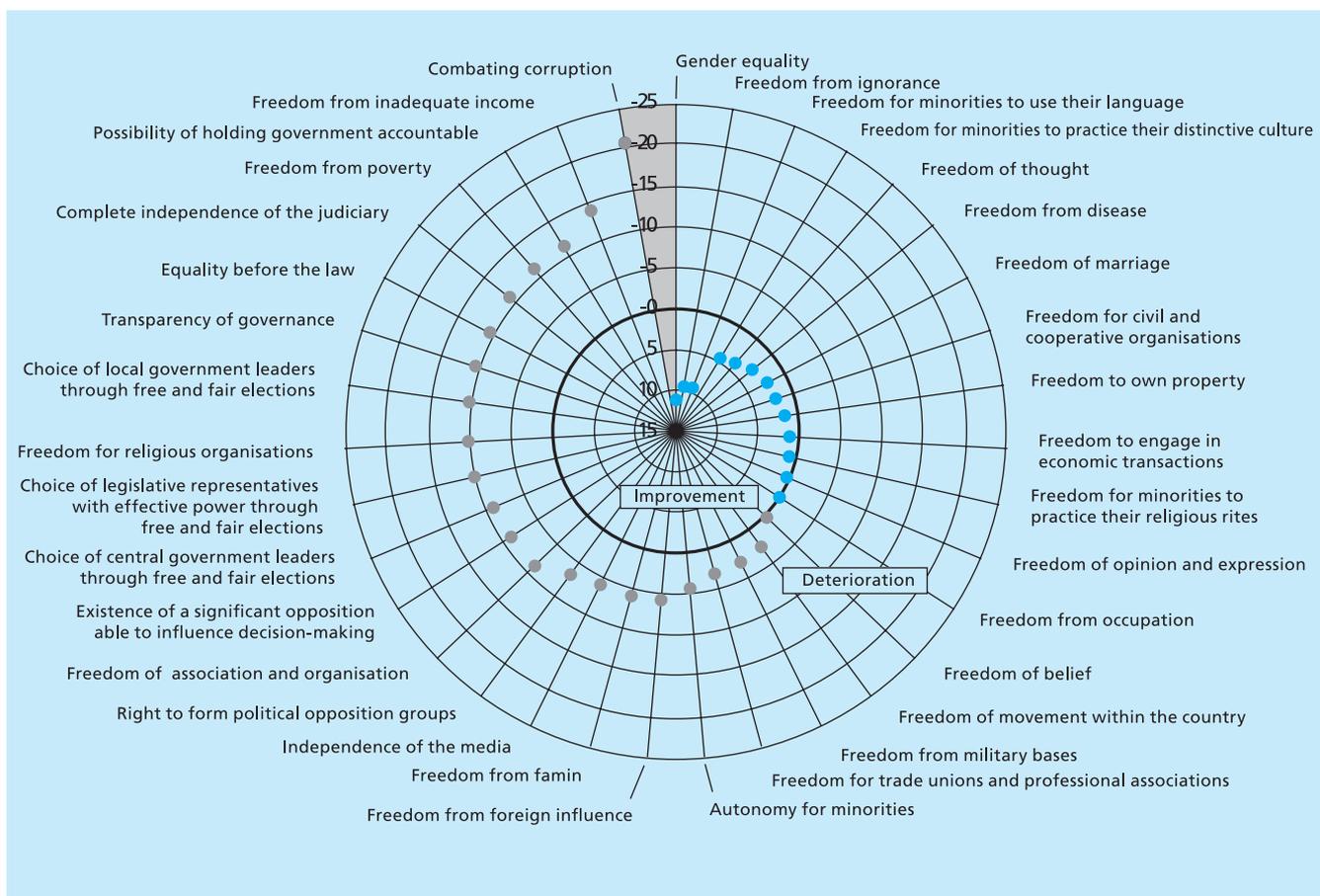


Figure 3-7b

Perceived change in the enjoyment of elements of freedom (net %) during the five years preceding the survey, average of five Arab countries, Freedom Survey, 2003

