

# Human rights and democracy in the Arab World in 2017: Hopeless within, doomed abroad

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**Abstract:** This article, which gives an overview of the situation pertaining to human rights and democracy in the Arab world during 2017, deals with the situation in nine countries. These countries represent a varied picture, in that occupied territories (Palestine); fledgling democracies (Lebanon and Tunisia); authoritarian regimes (Saudi Arabia, Morocco and Egypt); and unstable countries where war and terror prevailed (Libya, Iraq and Syria) are included. Stated in general terms, the Arab world was subjected to pressure, from below, to liberalise, which was met by resistance and conservatism, from above. In Palestine, local authorities quashed protests for equality, dignity and freedom of speech, while Israeli expropriation, violence, arbitrary arrests and detentions caused thousands of injuries and deaths. In Lebanon and Tunisia, some advances were made with regard to women's rights, drugs and 'rape-marriage' laws, but progress was hampered by measures consolidating corruption and impunity. The situation in three authoritarian regimes, Saudi Arabia, Morocco and Egypt, remained of grave concern. Saudi Arabia showed some signs of opening which may remain a cosmetic campaign aimed at legitimising the leadership of Mohammad Ben Salman and merely appeasing international pressure. Egypt and Morocco have shut down dissent and protest, while still trying to show some willingness to liberalise. Dire situations prevailed in Libya, Iraq and Syria, with terrorism, kidnappings, deprivation of liberty of children, and the prohibited chemical weapons being used. When individuals tried to escape the hardship in their countries, they often faced violations of human rights in Europe, by the countries that themselves are trying to promote change in the region.

**Key words:** human rights; democracy; Arab world; 2017; occupied territories; fledgling democracies; authoritarian regimes; war; terror; refugees

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## 1 Introduction

In 2017 the Arab world was subjected to pressure for liberalisation from below countered by conservatism and resistance from above, whether in occupied or non-occupied territories, in democracies or authoritarian regimes, stable or war-torn countries, and among those stuck in their countries as well as those fleeing their land in search of safety and better conditions. In Palestine, local authorities were pushing against civil and political rights, smashing protests for equality, dignity and freedom of speech, while Israeli expropriation, violence, arbitrary arrests and detentions were causing thousands of injuries and deaths. In neighbouring Lebanon and Tunisia, the two countries that would set the example with regard to democracy and human rights, some advances were made with regard to women's rights, drugs and 'rape-marriage' laws. However, this progress was combined with measures consolidating corruption and impunity, with an administrative amnesty benefiting corrupt civil servants under Ben Ali in Tunisia, and an electoral law tailor-made to reinforce the corrupt establishment in Lebanon. In the meantime, Saudis have shown some signs of opening which may remain a cosmetic campaign aimed at legitimising the leadership of Mohammad Ben Salman and appeasing international pressure. Egypt and Morocco have shut down dissent and protest, while still trying to show some willingness to liberalise. Meanwhile, Libya, Iraq and Syria were very far behind, with terrorism, kidnappings, deprivation of liberty of children, and the use of prohibited chemical weapons. Alarming, when individuals from the Arab world tried to escape the horrors in their countries, they often faced violations of human rights by the countries that themselves were trying to promote change in the region.

## 2 Palestine: The land of tragic anniversaries and failing local authorities

The year 2017 was a year with many anniversaries for Palestinians, as it marked the hundredth year since the Balfour Declaration paved the way to the expulsion of more than 750 000 Palestinians and led to the establishment of the Israeli state in the land of historical Palestine in 1948. Moreover, it marked the seventieth anniversary since United Nations (UN) Resolution 181 adopted the partition plan of Palestine. Furthermore, the year 2017 marked the fiftieth anniversary since the Israeli military occupation of the Gaza Strip, the West Bank and the Golan Heights; the thirtieth anniversary since the eruption of the first *intifada*; and, finally, the tenth year since the political division between Fatah and Hamas.

The year 2017 in Palestine was marked by the hegemony of the Palestinian authority over the legislative and judiciary sectors. For instance, civil society organisations opposed the Palestinian Authority Decree-Law that established the High Criminal Court for being in contradiction with constitutional principles and threatening the basic rights and freedoms of citizens (Musawa 2017).

In Gaza, a public sector employee crisis started in April 2017, causing demonstrations by political and civil movements which turned violent as the Palestinian national security forces claimed that they had no permits.

The demonstrators were protesting against the punitive measures adopted by the Palestinian authority which suspended the payment of salaries and enacted deduction policies against public-sector employees in the Gaza Strip. These measures were adopted in order to exert pressure on Hamas, and were maintained despite the fact that Hamas dissolved its administrative committee in October 2017 in response to demands for reconciliation. The Palestinian Independent Commission of Human Rights (ICHR) stated that the Palestinian authority's measures were a serious breach of the fundamental rights of employees, including their rights to a decent life, and an act of discrimination between public sector employees which violated the principle of equality and dignity (ICHR 2018a). The high level of poverty and the deteriorating economic and social situation in Gaza require the implementation of a national support strategy rather than the imposition of alienating punitive measures.

In July 2017 the Palestinian authority enacted the law on electronic crimes through a decree issued by President Mahmoud Abbas. While the law was welcomed by the ICHR (ICHR 2018b) and Human Rights Watch (HRW) with several reservations over provisions that failed to meet international standards (HRW 2017), the Palestinian civil society strongly opposed the law regarding it as an effective tool to criminalise 'any form of digital dissent' (MAAN 2017) which reinforces authoritarianism. Meanwhile, the enactment of the law was followed by charges against several journalists and human rights defenders. The director of the Palestinian and Arab digital advocacy group Hamleh stated that the law 'is the worst law in the Palestinian Authority's history' and 'allows the Palestinian authority to arrest anyone under unclear circumstances'. Civil society organisations called for amendments with regard to prison sentences and heavy fines for peaceful online criticism of authorities. They further called the Palestinian authorities to meet their legal obligations provided for by the International Covenant on Civil and Political Rights (ICCPR) ratified in 2014 (HRW 2017).

On 8 November 2017, a lawyer was treated violently and arrested by security officers in civilian clothes in the middle of the magistrate's court in the city of Nablus (Marsad 2017). Security officers were affiliated with a special security committee that had been set up in 2015 and included a prison that operated outside the judiciary's rule. Palestinian jurists and civil society called for the disbanding of the committee that impedes the independence of the judiciary and allows the creation of unlawful detention centres.

Currently two systems exist in the West Bank. On the one hand, the Israeli settlers' colonial system is built on well-developed public infrastructures, public services, facilities and security protection, with a strong economy of the colonies supported by industrial zones, land confiscation and domination of natural and water resources. On the other hand, the military rule over Palestinians includes a segregated transportation system, a fragmented territory, a distorted economy, a lack of basic rights as well as poor public facilities and a fragile infrastructure.

The annual report of the Palestinian Centre for Human Rights documented 94 Palestinians killed by Israeli occupation forces only in 2017, including 16 children and two women, while until January 2018, Israeli forces were still holding 15 bodies of slain Palestinians in flagrant violation to international humanitarian law. Moreover, approximately

8 300 Palestinians were injured by Israeli occupation forces. In addition, Israeli forces arrested 6 742 Palestinians, including 1 467 children, 530 administrative detainees, 22 journalists and 10 Members of Parliament (PCHR 2018). In Gaza, 38 Palestinians were killed and 1 310 injured in 2017; 63 air strikes targeted the different cities in Gaza; and 265 firing attacks on fishermen were documented, resulting in the death of two fishermen and the sinking of two ships. Moreover, approximately 10 000 people remain unable to access health care outside the Gaza Strip, resulting in the death of 20 people (PCHR 2018).

The increased expansion of Israeli settlements in 2017 was facilitated by several decisions and by legislation. For instance, the Israeli government decided to build approximately 168 000 new entities in the settlements of the West Bank and Jerusalem. Moreover, the Israeli civil administration approved a decision to build a new settlement in the southern district of Nablus. Furthermore, around 2 100 *dunums* of land were confiscated in the occupied village of Sur Baher near Jerusalem. To make things worse, the Israeli forces and settlers' attacks uprooted and burnt approximately 10 000 trees in the West Bank and Jerusalem. The Israeli authorities also ordered the demolishment of 170 houses and 263 structures in different parts of the West Bank and Jerusalem, leaving around 128 Palestinian families comprising 700 individuals homeless.

### 3 Tunisian and Lebanese democracies: Liberalisation or cooptation?

While 2017 was characterised by continued violence, expanded occupation and further degradation of human rights in Palestine, developments in the nearby states of Tunisia and Lebanon were less gloomy and saw certain promising advances unfold.

#### 3.1 Tunisia

The year 2017 was indeed a remarkable year for the Tunisian democratic progress. Many legal and political human rights achievements were attained in 2017, thanks to the conscious well-organised advocacy work done by Tunisian civil society organisations (CSOs). However, 2017 also witnessed many political setbacks that put the process of transitional justice at stake and questioned the commitment of the ruling class to democracy and human rights.

The UN Human Rights Council, to which Tunisia has submitted its national report, held its 27th session between 1 and 12 May 2017. Among the shadow reports submitted by more than 23 Tunisian CSOs, a special shadow report made by the LGBTQI+ organisations focused on all economic, social, and cultural violations and discriminations this community is facing in Tunisia. This report forced the Tunisian officials at the UN Human Rights Council to accept the recommendation made by Luxembourg regarding the ban of anal testing. However, Mahdi Ben Gharbia, the Tunisian Minister of Relations with Constitutional Bodies, Civil Society and Human Rights, afterwards stated that this ban would take five years to effectively materialise. This statement has been a great disappointment to all activists who for years lobbied for the ban of anal testing and the repeal of article 230 which criminalises homosexuality. The

National Council of the Medical Order in Tunisia has revived hopes by responding to Ben Gharbia's statement and issuing a statement on 3 April 2017 urging all doctors to abstain from conducting anal tests (HRW 2017).

Another significant event has put the whole transition process in Tunisia at risk. This occurred on 13 September 2017 with the approval by the Tunisian Parliament of the 'administrative reconciliation law'. This law grants impunity to civil servants who were accused of corruption under former dictator Zine El Abidine Ben Ali (Guellali (2017a)). The Tunisian civil society played a crucial role in the fight against this law since 2015, when it was first proposed as a draft law, including both administrative and economic reconciliation. The civil demonstrations, which never ceased since 2015 under the campaign called *Manish Msameh* ('I'm not forgiving'), forced the ruling class to take a step backwards by giving up the economic reconciliation and only approve the administrative one (Hajar 2017). In any event, the approval of this law tremendously shook the Tunisians' trust in the democratic system in place and faith in the ruling class.

As far as women's rights are concerned, two crucial steps were taken in 2017. First, a law criminalising all kinds of violence against women was adopted (HRW 2017c). This law is the most progressive among all similar laws in Arab countries, as it has inclusive definitions of different types of violence, among them political violence. This law also criminalises marital rape. Second, the President of the Tunisian Republic, Beji Caiid Essibssi, made a historic speech on 13 August 2017, on Tunisia's Women's Day (BBC News 2017). In this speech the President lifted a conservative decree, allowing Tunisian Muslim women to marry non-Muslims. Essibssi also revealed his serious intention of moving forward towards changing the inheritance law to provide for equality between both sexes, going against the Islamic inheritance law which divides the inheritance unequally between men and women. For this purpose, he created the Individual Freedoms and Equality Committee (COLIBE), which was given the task to revise all laws that impede equality or individual freedom within a period of five months.<sup>1</sup>

Furthermore, the 52-Drug law which 'imposes a minimum mandatory sentence of one year in prison for anyone who uses or possesses even a small quantity of an illegal drug, including cannabis' (HRW 2017a), was amended by the Tunisian Parliament on 8 May 2017, giving the judge the flexibility to decide the extent of the punishment. However, this is only a partial amendment, in that CSOs for years have been lobbying for the repeal of the entire law. The ruling class has been very rigid in responding, demonstrating the reluctant attitude of the government towards protecting and empowering rights.

In fact, the work done and the progress attained on the political and legal levels by Tunisian CSOs are not as important as those made on the social level. Unfortunately, the legal developments in Tunisia do not reflect real progress in people's social attitudes. For instance, many laws tackling individual rights have been strongly resisted, not only by the ruling class but also by the Tunisian people themselves.

1 The committee's report has already been submitted to the President on 12 June 2018.

### 3.2 Lebanon

Meanwhile, 2017 was an important year in Lebanon for democracy and human rights, particularly regarding legislative changes on elections and representation. However, these changes were formal and maintained limited access to parliament to the five biggest ruling parties and the very wealthy candidates. Some progress was nevertheless made with regard to women's rights and torture prevention as a result of efforts by civil society.

#### 3.2.1 *New electoral law*

In June 2017 the Lebanese cabinet ratified the long-awaited new electoral law, paving the way for the first parliamentary election in nearly a decade (HRW 2018). This marked an end to Lebanon's political and constitutional crisis after disagreements between the political parties on the characteristics of the new electoral law threatened to leave the country without a parliament (Alami 2018). In fact, these disputes resulted in extending the parliamentary mandate three times since 2013 (El-Helou & Atallah 2017). The 2017 electoral law introduced a proportional representation system and preferential voting in a reduced number of multi-member districts and prospects for diaspora voting (Elghossain 2017). For the first time since 1943, proportional representation will replace Lebanon's winner-takes-all majoritarian system.

While this is a step in the right direction, the new electoral law suffers from inconsistencies that undermine its potential to enhance representation. Most notably, despite sustained pressure from civil society, the new proportional representation system did not adopt a female electoral quota of 30 per cent to increase women's political participation (Democracy Reporting International 2018). Although Lebanese women were granted the right to vote in 1952, they continue to be marginalised in politics. The country has among the lowest representation of women in government in the world: The 128-seat Parliament currently has only four women (Kanso 2018). Moreover, the elections are still overseen by the Interior Ministry, instead of an independent electoral commission, and the voting age remains at 21 years (Democracy Reporting International 2018).

The sensitive issue of electoral district size also remains a concern. Civil society actors argue that while the new law encompasses elements of a proportional representation system, districts continued to be drawn along communal lines and a sectarian calculus (El-Helou & Atallah 2017). As such, through manipulation of the district sizes, the new electoral law is designed to endure the power of the fixed set of confessional elites. In addition, the law had a high ceiling for campaign expenditures, allowing money to play a huge role at the expense of electoral programmes and substantive debates. The cartelisation and high pricing of media further reduced the chances of new entrants, small parties or technocrats to emerge.

#### 3.2.2 *Hariri's shock resignation*

In November 2017 an unexpected move plunged Lebanon into a political crisis and regional tension. During a visit to Saudi Arabia, Lebanon's Prime Minister, Saad Hariri, announced his resignation on television from Riyadh, the Saudi capital. Hariri blamed his resignation on Iran, as he

accused it for meddling in Lebanese and Arab affairs through its Lebanese ally, Hizbollah (McDowall, Perry & Dadouch 2017).

Lebanese officials stated that Hariri – a long-standing Saudi ally – was coerced into resigning under Saudi pressure, and he was placed under house arrest. Hariri and Saudi Arabia denied this. After diplomatic talks and interference by France and other powers, Hariri returned to Lebanon and withdrew his resignation in December (Freedom House 2017).

Hariri's resignation pushed Lebanon to the foreground of the proxy wars between Iran and Saudi Arabia and their confrontations that are shaping the region in Syria, Yemen, Iraq and Bahrain. The move also underlined the significant influence foreign governments still have in Lebanon's regional and domestic politics.

### 3.2.3 *Repeal of article 522 of the Penal Code*

In August 2017 Lebanon followed Tunisia and Jordan to repeal article 522 of the Penal Code, or the 'rape-marriage laws', which enabled rapists to escape prosecution when marrying the victim (UN Women 2017). This positive development was pushed by various national initiatives and attempts. For instance, Aba'ad, a Lebanese non-governmental organisation (NGO), campaigned against article 522 for over a year, in a campaign that involved staged protests, billboards and social media. In protest of the law, more than 30 wedding dresses were hung from nooses on a beach in Beirut in April 2017 (BBC 2017).

The decision to repeal article 522 was celebrated by civil society actors, although they warned that the rape-marriage law is maintained under articles 505 and 518. Article 505 concerns sex with a 15 year-old minor, while article 518 allows marriage with minors aged between 15 and 18 years as a way of escaping punishment (BBC 2017). Rape-marriage laws remain prevalent in many other countries in the Arab region, including Kuwait, Bahrain, Iraq, Palestine, Syria and Libya (UN Women 2017).

### 3.2.4 *Refugee rights*

In 2017 more than one million Syrian refugees were registered with the UN High Commissioner for Refugees (UNHCR) in Lebanon, the highest per capita population of refugees in the world (HRW 2018).

Following seven years of the Syrian crisis, Syrian refugees in Lebanon have been reported to be 'more vulnerable than ever', according to a survey by UNHCR, the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP) (WFP 2017). The Vulnerability Assessment of Syrian Refugees reveals that more than half the Syrian refugees in Lebanon live in extreme poverty and over three-quarters live below the poverty line.

The Lebanese government continued its decision of May 2015 to block UNHCR from registering newly-arrived refugees (Amnesty 2017). Obtaining or renewing residence permits remains a key financial and administrative challenge for Syrian refugees in Lebanon. This led to a persistent risk of arbitrary detention, imprisonment and forcible return to Syria (Amnesty 2017), coupled with restrictions on access to work, education and health care. In 2017, approximately 80 per cent of Syrian refugees in Lebanon lacked legal residence (HRW 2017).

On a positive note, the Lebanese authority waived the heavy residence fee of US \$200 for Syrian refugees registered with UNHCR. However, the policy was criticised for failing to include Syrians that are not registered with UNHCR, those who had arrived in Lebanon after January 2015 or who had renewed their residence through work or a private sponsor, along with Palestinian refugees from Syria (HRW 2017a).

### **3.2.5 *Law against torture and other inhuman and degrading treatment or punishment***

After years of working alongside civil society actors in September 2017, the Lebanese Parliament amended its penal law to criminalise torture and enshrine its commitment to the UN treaties. Although Lebanon ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 2000, the state did not adapt its laws to forbid the use of torture (HRW 2017b). Article 401 of the Lebanese Penal Code excluded conditions where torture is used other than for extracting confession of a crime or information related to it. It also did not criminalise non-physical torture, such as psychological torture (HRW, 2017b).

The new anti-torture law undoubtedly is a positive development that aligned Lebanon with its international obligations. However, the law suffers a number of shortcomings. Most notably, it did not incorporate the CAT Committee's comments in 2017 on the statute of limitations and penalties for acts of torture, and it failed to require military officers accused of torture to be tried before civilian courts (Amnesty 2017). It is also worth noting that torture continues to be used in Lebanon. Minority and vulnerable groups, including refugees, trafficked individuals and the LGBTQ+ community, continue to be at a higher risk of cruel, inhuman and degrading treatment (ALEF Act for Human Rights 2017).

## **4 Authoritarian regimes: Can repression and reform coexist?**

The year 2017 saw certain promising, albeit limited, manifestations of democratic and legal reform in countries such as Tunisia and Lebanon. Perhaps more unexpectedly, the year witnessed certain pivotal reforms in the authoritarian regime of Saudi Arabia, alongside the manifestation by Egypt and Morocco of a certain willingness to liberalise. Whether such developments are a sign of progress, or merely constitute strategic measures to legitimise the current leadership in each country, is yet to be determined.

### **4.1 Saudi Arabia**

As far as Saudi Arabia is concerned, the international community has indeed been praising and welcoming the September 2017 decree allowing women to drive in Saudi Arabia after a long-standing ban. This came alongside various other promises by the Crown Prince, Mohammed Bin Salman, to uplift women's rights, as well as other reforms, making 2017 a historic and pivotal year in Saudi Arabia. This wave of reforms affected several levels of the Kingdom's life both internally and externally.



#### 4.1.1 *A new era in Saudi Arabia: Defying the conservative reputation*

One of the most striking changes in the Kingdom occurred in June 2017, when the Crown Prince and Minister of Interior, Mohammed Ben Nayef Al Saud, was unseated. Mr Al Saud was replaced by the son of King Salman, who became the new Crown Prince and was also appointed Minister of Defence. With his newly strong visibility on the political scene, Mohammed Ben Salman has since then widely pushed for the 'modernisation' of the Saudi society, defying its conservative reputation in the eyes of the international community.

This wave of reforms were initiated with the Vision 2030 plan, which aims at lowering the country's dependency on oil by reshaping both the economy and society to fit into a scheme adapted to the twenty-first century. This economic reform, along with a shorter-term plan, the National Transformation Programme 2020 and the Fiscal Balance Programme, includes projects of building resorts with 'international standards' where mixed gender, bikinis and alcohol would be permitted (Henderson 2017). These changes are perceived as driving the cultural changes needed to enable women to become both more economically productive and more independent (Alston 2017).

In fact, women have been a key target of these reforms. Starting with the decree allowing them to drive starting in June 2018, the Crown Prince also promised to allow women to attend soccer games at public stadiums. As a first concrete step, authorities have allowed women to attend Saudi Arabia's Independence Day in September 2017, and some women have been appointed in prominent positions, such as Fatimah Baeshen, spokesperson of the Saudi Embassy in Washington.

In November an anti-corruption purge led by Mohammed Ben Salman marked the strong willingness to abolish barriers between different classes of Saudi society by arresting several Saudi princes and businessmen for corruption.

The reigning family's efforts to reshape various aspects of Saudi's lives also influenced the Kingdom's external relations. Two key events marked the year 2017. On the one hand, Saudi Arabia and some of its allies cut their diplomatic relations with Qatar. On the other hand, President Trump visited the Kingdom, strengthening US-Saudi ties. This unprecedented openness to the US was complemented by other visits by numerous celebrities, such as John Travolta, and by promises to issue tourist visas and to bring back movie theatres and the opera.

In reflecting on this new era of reforms affecting Saudi Arabia under Mohammed Ben Salman, one can see only positive changes introduced to modernise society and pave the way for some rights that had been in the shadow for decades. However, while these changes would deeply alter the economic and social agenda, 'the place of the human rights discourse in Saudi Arabia remains somewhat ambivalent' (Alston 2017).

#### 4.1.2 *Modernisation? At what price?*

Several organisations have expressed deep concern about the human rights situation in Saudi Arabia, such as Amnesty International (AI) and Human Rights Watch (HRW) in their respective annual reports for the year 2017. Both reports flagged several human rights violations in the country during

2017. Starting with attacks on freedom of expression, association and assembly with a government very closely monitoring social media, manifestations of opinion have been brutally repressed, with an almost non-existent political participation. In a press release of 5 May 2017, the UN Special Rapporteur on Counter-Terrorism urged Saudi Arabia to reform its law on counter-terrorism, as it does not comply with international standards and gives a very broad definition of terrorism. He also halted Saudi authorities from using it against people peacefully exercising their freedom of expression, assembly or association, underlining the ill-treatment of human rights defenders, writers and bloggers who remain under threat and are subjected to arrests and torture.

HRW and AI have also noted various targets of discrimination throughout the Kingdom: Shia activists have been executed facing unfair trials, while migrant workers, who are among the poorest segment of society, were being arrested, detained and deported. Finally, despite positive changes, women still are not protected against sexual and other forms of violence and have to rely on male guardianship to travel, obtain a passport or even undergo medical surgery.

In the course of 2017, two major events alarmed the international community. In May, the destruction of the Al-Masora neighbourhood resulted in massive relocation and displacement of residents who lost their homes and personal possessions (Alston, Bennoun & Farha 2017). Schools, institutions and health centres were shut down with additional power cuts. The Special Rapporteur in the Field of Cultural Rights stressed that 'these destructions erase the traces of this historic and lived cultural heritage and are clear violations of Saudi Arabia's obligations under international human rights law' (Alston, Bennoun & Farha 2017).

In its external relations, the Kingdom led the blockade imposed in Yemen, preventing humanitarian aid to reach civilians, leaving people in situations of hunger. In a joint statement on 16 November, UN leaders from WFP, UNICEF and the World Health Organisation (WHO) stated that 'even with a partial lift of the blockade, an additional 3,2 million people would be pushed into hunger and 150 000 malnourished children could die in the coming months'. A few weeks later, the heads of seven humanitarian agencies expressed the urgency of lifting the restrictions.

#### ***4.1.3 A hidden strategy to apply a controversial agenda?***

It is clear that under the umbrella of reforms lies a strategy to appear more attractive to the international community and challenge the way Saudi Arabia has for decades been perceived. With an overview of the events that occurred in 2017, alternating between the demonstration of a strong will to open up to the West and a series of serious violations of human rights, one can sense the controversial agenda being put in place implicitly by the reigning family.

#### **4.2 Morocco**

Since the enthronement of King Mohamed VI in 1999, the Moroccan government has launched a series of legislative reforms affecting the human rights situation. However, the year 2017 was marked by human rights violations at many levels, ranging from arbitrary arrests, the arbitrary expulsion of international journalists, and the assault on pacific

demonstrators to a limitation on freedom of expression and allegations of torture.

#### 4.2.1 *Repression of social protests*

The death of a fish vendor, Mouhcine Fikri, in Al Hoceima, a city in the forsaken region of the Rif, initiated popular protests and strikes that spread nationwide. However, after a few weeks and a number of arrests, the demonstrations ceased in the major cities, Rabat and Casablanca, leaving demonstrators with a great deal of disappointment and disillusion.

However, large-scale protests continued in the cities of the Rif in favour of social justice and accountability, but these were met with violent repression by the Moroccan regime (Amnesty International 2017). During the nine months of protests, hundreds of young protestors were arrested and some were taken to courts in Casablanca (500 kilometres away from their cities) to be judged for partaking in unauthorised protests and destabilising the national security. The authorities arrested many children (the youngest was six years old) for participating in the protests and giving statements to the media (Le Desk 2017).

What began as spontaneous demonstrations became an organised movement when Nasser Zefzafi, a local unemployed man, emerged as a leader. He led the movement from October 2016 to May 2017, when he was violently abducted by the police force. In fact, the authorities arrested him after he had interrupted a Friday sermon and insulted the *imam* who accused the protestors of dividing the nation (Jeune Afrique 2017).

Following his arrest, eight journalists and bloggers that published articles or commented on the events in the Rif were arrested between May and August for ‘undermining state security’. During the same period, journalists and academics, including the historian Maati Monjib, were already on trial because they promoted a mobile application for citizen journalism.

#### 4.2.2 *Steps forward in the fight against torture and ill-treatment?*

Since 2014, Morocco has been a state party to the Optional Protocol to the Convention against Torture (OPCAT). The Protocol’s main obligation is to establish a National Mechanism of Prevention of Torture (NPM) that will be responsible for monitoring all places of deprivation of liberty, including police stations, prisons, psychiatric hospitals and retirement houses. According to the UN Human Rights Committee, the Moroccan government has taken significant steps in the fight against torture and ill-treatment and the Committee reported that there was a ‘marked reduction’ in such practices (US Department of State 2017). However, even if those acts were not systematic and remain isolated cases, many detainees have declared that they were beaten by police during their arrest. In fact, 32 individuals detained during the Rif protests have claimed that they were beaten by the police, but the judges refused to investigate those allegations or to request the medical examinations that were demanded by the detainees’ lawyers. The court convicted the 32 individuals on charges related to violence during the protests.

On a positive note, according to the US Department of State, government statistics indicate that courts referred 36 cases involving 45

detainees and 53 police officers to the police's internal mechanism for investigating possible acts of torture and ill-treatment. However, the results of the investigation were not available (US Department of State 2017).

### 4.3 Egypt

Despite all efforts exerted to eradicate terrorism, Egypt has suffered the devastating aftermath of a number of deadly terrorist attacks that occurred in 2017, one of which was described as 'the deadliest such incident in Egypt's modern history' (Salem & Ghany 2017). On 9 April two attacks targeted Coptic Christian churches in the cities of Alexandria and Tanta. The Islamic State (ISIS) later claimed responsibility for the Palm Sunday attacks, which resulted in at least 49 deaths and many more injuries (Sterling et al 2017). Consequently, President Abdel Fattah el-Sisi declared a state of emergency covering the entire country for three months, which was later renewed and re-declared until the end of the year, in accordance with regulations under the Constitution. The Egyptian Parliament amended the law governing the state of emergency days after it was first declared in April. Some criticised both the amendment and the extended state of emergency, fearing the risks that might threaten freedoms and human rights as well as the constitutional consequences (Gamal el-Din 2017).

Following the Central Bank of Egypt's decision in 2016 by which the currency was floated, the executive board of the International Monetary Fund (IMF) during 2017 concluded a number of reviews of Egypt's economic reform programme as part of the three-year Extended Fund Facility (EFF) arrangement with the Egyptian government. Based on statements made by different IMF representatives, in adopting such programme while implementing certain measures, the Egyptian officials succeeded in achieving a number of goals, including reaching the highest level for international reserves since 2011, and the economy is showing signs of improvement (IMF 2017). Subsequently, Egypt's sovereign credit rating rose from stable to positive for the first time since 2011 (Egyptian Streets 2017). Still, the accumulated pressure upon the citizens, especially those from the middle-lower class, who bear the burden and consequences of such economic reform measures, is evidenced in new forms of protesting, which induces more forms of oppression.

In the meantime, pressure from below faced many obstacles. In early 2017 an Egyptian court upheld the decision to freeze the assets of activists involved in what has been known in the media as the 'foreign funding case' (Ford and Associated Press 2017). This decision came after other verdicts were issued during the previous year concerning other activists. Since late 2011 several activists affiliated to domestic and international organisations faced accusations of allegedly obtaining foreign funds aimed to be used for destabilising the country. Mohamed Zaree, the country director of the Cairo Institute for Human Rights Studies (CIHRS) and one of these activists, was awarded the 2017 Martin Ennals Award for Human Rights Defenders, but could not personally receive the award due to the travel ban he has been under since 2016 (Martin Ennals Award 2017). This reflects the status of the almost non-existent strong and influential civil society that used to exist during and after the 25 January revolution. Consequently, at that point it was not surprising when, later during the

year, the Egyptian government passed NGO Law 70 of 2017, which was described as a 'catastrophic blow for human rights groups working in Egypt' (Amnesty International 2017). The law restricts NGO activities to development and charity work, while excluding any politically-related activities. Restrictions still exist even in the case of the developmental and charitable activities that are authorised under the law, making it onerous for organisations to carry out their work (Aboulenein 2017).

Late in 2017 and upon waving rainbow flags during a performance by the Lebanese band Mashrou' Leila, a 'witch hunt' ensued of targeting the LGBT+ community. Different media outlets led an aggressive, vicious and hateful homophobic campaign attacking the LGBT+ community and inciting dozens of arrests by security forces soon after pictures of a number of fans raising the rainbow flag during the concert, which took place in September, started circulating. The arrests targeted people who attended the concert, as well as other members of the community. Some were later convicted while others were released. The defendants were mainly charged with debauchery, amongst other accusations, due to the absence of a specific anti-LGBT+ law in Egypt. Consequently, some Members of Parliament decided to propose a draft Bill criminalising homosexuality (Amnesty International 2017). The homophobic surge triggered serious concerns among a number of local and international human rights organisations and entities, including the UN (United Nations 2017). Notwithstanding the arrests and accusations, the Syndicate of Musicians also banned the band from ever again performing in Egypt, constituting a violation of freedom of expression. It is hard to envision any improvement as regards the right to sexuality in Egypt in the near future.

Towards the end of the year, preparations began for the 2018 presidential elections. However, it was only Ahmed Shafiq, former Prime Minister and 2012 presidential candidate, Khaled Ali, attorney and 2012 presidential candidate, and Ahmed Konsowa, an army officer, who announced their intention to run for candidacy during 2017, while others followed during 2018 (Aboulenein and Associated Press 2017). Both Shafiq and Ali later announced that they were withdrawing from the race, while Konsowa was indicted for expressing political opinions while serving as a military officer (Reuters Staff 2017). In spite of attempts by a number of people to run for the presidency, the elections took place early in 2018 with only two candidates, President el-Sisi and Moussa Mostafa Moussa, who himself is a Sisi supporter. These elections faced calls for a boycott by the opposition and criticism for a lack of democracy, which was explicitly mentioned by Mr Ali when announcing his withdrawal from the race, since all the opposing candidates, except Mr Moussa, were not able to or chose not to go through with their candidacy in one way or another (Egyptian Street 2018).

## 5 Libya, Iraq, and Syria: When war and terror prevail

Alongside the varied developments witnessed across the Arab region in 2017, the situation in Libya, Iraq and Syria was overwhelmingly dire, characterised by war and conflict, and repeated instances of terrorism, kidnappings, and the use of prohibited chemical weapons.

## 5.1 Libya

Libya has been profoundly damaged by a political, security and economic crisis. The UN-brokered deal designed to bring rival administrations together in a unity government has failed to come to fruition. Furthermore, the Government of National Accord (GNA), which in 2016 struggled to assert itself in Tripoli, continued to compete for legitimacy with the other two authorities, the Tubruk-based House of Representatives (HoR), which enjoyed widespread international recognition, and the Tripoli-based General National Congress (GNC). Amid the security vacuum and a breakdown in law and order, the Islamic State (ISIS), established in the coastal city of Sirte, was mostly removed by year end, by local armed groups assisted by US air strikes (Freedom in the World 2017). As of May 2017, ISIS had lost territory and men. However, it has maintained an underground network of cells in some of the most populous parts of the country, including around Benghazi and Derna (CNN 2017). ISIS has been reported as having killed civilians, often carrying out public executions. Victims' corpses were displayed in public spaces and some crimes were also advertised on social media (Amnesty International 2017).

Fighting and clashes have displaced hundreds of thousands of people and disrupted basic services. An estimated 1,3 million people were in need of humanitarian assistance and hundreds of thousands of people across the country are suffering. They are living in unsafe conditions with little or no access to health care, essential medicines, food, safe drinking water, shelter or education (UNHCR 2017). This situation has created a humanitarian crisis with 197 000 people displaced inside the country and 29 000 new displacements due to conflict and violence (IDMC 2017). Indiscriminate and direct attacks on civilians and their properties have been committed by all sides, and hundreds have been abducted and tortured because of their perceived political or tribal affiliation, origin or opinion.

The domestic criminal justice system has deteriorated. Courts in the east especially have mostly remained shut or they operate at a reduced level, offering no prospects for accountability (Amnesty International 2017). Freedom of expression has been generally on the decline. Journalists, human rights activists and NGO workers have been threatened, abducted and assassinated by various armed groups. United Nations Support Mission in Libya (UNSMIL)/Office of the United Nations High Commissioner for Human Rights (OHCHR) also reported attacks on media outlets (HRC 2018).

Women and children face increasing restrictions to their basic rights. An order issued on 16 February banned women under the age of 60 from travelling abroad unless they were accompanied by a male guardian. The ban threatened the freedom of movement of women, including for the purpose of medical treatment, education and professional travel, as Human Rights Watch reported. Women activists have been intimidated and threatened.

Children were unlawfully deprived of their liberty. UNSMIL/OHCHR received reports of children being detained together with adults in official prisons and facilities controlled by armed groups. At times they were denied sufficient food and diapers (HRC 2018).

Over the past three years abductions and kidnappings in Libya have been on the rise. Although up-to-date statistics are not available, in 2015 the Libyan Red Crescent Society declared that more than 600 people had gone missing between February 2014 and April 2015. The victims range from politicians to activists, businessmen, doctors and children (BBC 2017). Torture and ill-treatment as well as deprivation of liberty and arbitrary detention continue to be reported. During the year, UNSMIL/OHCHR documented patterns of torture, ill-treatment and inhumane prison conditions in a number of detention facilities. It moreover received reports of deaths in custody throughout the whole of 2017. From January to October, at least 35 bodies bearing signs of torture were brought to Tripoli's hospitals (HRC 2018). Up to 20 000 migrants were held in detention centres in horrific conditions of extreme overcrowding, lacking access to medical care and adequate nutrition, and systematically being subjected to torture and other ill-treatment, including sexual violence, severe beatings and extortion (Amnesty International 2017/2018).

In February 2017 European governments reached an agreement to support the Libyan coast guard in stopping migrants from crossing the Mediterranean sea in an effort to reduce the number of arrivals in Europe. This policy, which has successfully decreased the number of migrants arriving in Italy by 67 per cent, has *de facto* allowed for further abuse and human rights violations in Libya and at sea (HRW 2017). The absence of protection for victims of trafficking allows for thousands of migrants to be stuck in Libya, vulnerable to arrest at any time, and at the mercy of armed groups, militias and criminal gangs (Amnesty International 2017). As of October 2017, Libya was hosting 43 113 refugees and asylum seekers who were registered with UNHCR (UNHCR 2017). The International Organisation for Migration (IOM) reported in November of the same year that it had identified around 276 957 migrants, but estimated the true number to be between 700 000 and 1 million (in 2016 IOM reported that there were around 264 000).

Reports on the existence of markets for trading migrants in Libya have led to international clamour and protests in Europe and Africa. The UN-backed government in Tripoli investigated these reports on African migrants being sold as slaves for \$400 (*The Telegraph* 2017). Overall, refugees and migrants have increasingly become a resource to exploit. In this environment of illegality, Libyan coast guards have been reported as engaging with smugglers in securing freedom from prison and passage through Libyan waters without interception to those migrants attempting to reach Europe, in exchange of abuse and extortion (PRI 2017).

Overall, Human Rights Watch disclosed that between January and November, 2 772 migrants died during perilous boat journeys in the central Mediterranean sea, most having departed from Libyan shores (HRW 2017).

## 5.2 Iraq

In Iraq, the human rights situation continued to be critical in 2017, especially due to the multiplicity of actors involved in the political arena. For several months, the US-backed Iraqi army, alongside some Kurdish forces and other allies, have been fighting Daesh, the so-called Islamic State (ISIS), pushing them out of their territories. However, there are several other paramilitary organisations that have played a significant role

in the fight against ISIS. The most important is the Hashd al-Sha'abi, the Iraqi Popular Mobilisation Forces (known as PMF or PMU), which is mainly Shia-dominated and counts among its participants and leaders roughly 63 factions, such as religious scholars, Iraqi political leaders, but also Iran's Revolutionary Guard Corps (Najjar 2017).

In addition, the Kurdish authorities, whose military forces are involved in the fight against ISIS, together with the Iraqi government and several Western countries, primarily the United States, in September 2017 held a non-binding referendum for the independence of the Kurdish region in Iraq, but also the areas controlled by Kurdish forces. The referendum, which resulted in 92 per cent of the votes in favour of independence (The Independent High Elections and Referendum Commission 2017), did not receive the praise of the international community. Turkish, Iranian and Iraqi governments opposed the referendum and, despite the Kurdish officials calling these measures illegal, the United States refused to help the Kurdish community, confirming their strong alliance in fighting Daesh (Salim et al 2017).

It is in this context that most of the violations occurred. On the one side, there is the so-called Islamic State, which has continuously carried on abuses of civilians of the conquered cities. On the other side, the forces involved in fighting ISIS very often use violent means of fighting, such as executions or torture of alleged ISIS members or suspects. The attempt to exert its influence, which the Caliphate of Abu Bakr Al-Baghdadi started in 2011, has witnessed the abuse of civilians in different ways, from sexual violence to torture, not to mention the use of child soldiers and the killings, which include not only grotesque and symbolic beheadings (often recorded on video to be used as a warning), but also car bombing attacks and suicide in the name of the organisation. The absence of the rule of law allowed the ISIS administration, which includes a moral body called Diwan al-Hisba, to impose restrictions on movement, on the use of phones and social media, on clothing and on the behaviour to be adopted in public – especially for women and girls. The absence of a fair trial resulted in extremely severe punishment, sometimes including executions, and the isolation from family and public life (Human Rights Watch 2018).

In addition, as in the typical pattern of terrorist – especially *jihadi* – organisations (Baker 2012), ISIS members have been looting antiquity sites to sell artifacts on the black market and finance their operations, destroying several UNESCO world heritage sites and other religious symbols, such as the Grand al-Nuri Mosque in the Islamic State stronghold, Mosul. The main victims of ISIS war crimes have been the citizens, who have been severely taxed by ISIS authorities in cities under their control, while being used as human shields during operations, making them casualties in chemical attacks or mass executions (Human Rights Watch 2018).

To fight the Islamic State, the Iraqi government forces and Kurdish authorities have been carrying out several attacks. Human Rights Watch reports that in the battles to re-conquer the cities under ISIS control, many of the people arrested have been tortured and executed. As for the ISIS attack, social media has played a prominent educative role: The abuses of the forces against the 'enemy' from the Caliphate have been recorded and posted online. The same treatment, before and during the battles in the strongholds of the Islamic State, has been reserved for those who were



merely suspected of being affiliated with ISIS. This is the case of many that have been tortured, which constitutes a crime in the Iraqi Constitution (OHCHR 2017) and forced away from their families and their communities. Others have also been killed and, according to the Human Rights Watch 2017 report, the recorded number of 78 condemned people actually is higher. Despite the prohibition on condemning children to the death penalty, Prime Minister al-Abadi in September considered the capital punishment of a German girl accused of being an ISIS affiliate (Human Rights Watch 2018).

In general, statistics about civilian casualties in Iraq are disturbing: In the first half of 2017, a minimum of 5 706 people were killed during conflicts, terrorist attacks and other forms of violence perpetrated by different actors. Among the people killed were children. There have been several incidents during which approximately 257 children were killed (211 of them have been verified by the UN international observers) and another 547 injured (343 verified) (UNAMI/OHCHR 2017).

Apart from the civilian casualties, several other violations were reported by UN officials, including abuses regarding the judicial system and the protection of girls and women. Several detainees claimed to UNAMI/OHCHR that their rights to due process had been violated; others were detained for longer periods than the limits prescribed by law. Some of the detainees also reported having been subjected to physical abuse, torture and ill-treatment to confess their alleged crimes. Other than this, the conditions in national prisons remained poor, with a lack of basic services, which was worsened by a permanent situation of overcrowding. The same conditions in the judicial and detention systems were observed also in the area under the control of the Kurdish Authority (UNAMI/OHCHR 2017).

In post-ISIS Iraq, accountability is a key factor. It is crucial to ensure justice and accountability to succeed in the transitional and reconciliation period after the fall of the Islamic State. There is a need to find a way to allow Iraq to proceed with trials for international crimes (Iraq is not part of the Rome Statute that established the International Criminal Court and therefore has no jurisdiction over international crimes committed in Iraq) and ensure the safety of and justice for its own citizens.

### 5.3 Syria

Since 2011 the Syrian territory has been undergoing violent turmoil fuelled by armed conflicts in which several actors (state and non-state, domestic and foreign) have an active, indirect or direct, hand. This murky and ever-changing political situation inevitably complicated efforts to apply, further and enforce human rights; monitor and report these, establish who is responsible for neglect, abuse and violation, and hold them accountable. What is more, the human rights and democracy situation in Syria not only concerns the people living in Syria today, which includes minorities (Kurds, Palestinian refugees), but also Syrians living abroad (refugees, emigrants) who are impacted by changes in Syria as well as in their current host country. According to the UN, more than 5 million people were seeking refuge outside Syria, and over 6 million were displaced internally. In June 2017, 40 000 people were still living in besieged areas.

### 5.3.1 *Use of prohibited chemical weapons*

With the UN reporting at least 34 known instances since 2013 – 12 occurring in 2017 alone (OHCHR 2017) – the international investigation into the use of prohibited chemical weapons reached another level in 2017. In November, the Organisation for the Prohibition of Chemical Weapons (OPCW) – United Nations Joint Investigative Mechanism – addressed the UN Security Council with a report finding that prohibited chemical weapons had been used and holding responsible the Islamic State of Iraq and the Levant (ISIS/Da'esh), on the one hand, and the Syrian government, on the other; ISIS with sulfur mustard at Umm Hawsh and the Syrian government with sarin at Khan Shaykhun.

### 5.3.2 *Killings of civilians and destruction of cities*

Whether non-combatant civilians have been overlooked or even targeted by forces engaged in the conflict is an ongoing discussion. This concerns the Syrian government and ISIS as well as armed groups but also state coalition forces such as Iran, Turkey, Russia and the UK, the US and France. NGOs on the ground pointed to the indiscriminate nature of the attacks and its illegality under international law. The principle of proportionality is also suspected not to have been respected. Evidence of cluster weapons and heavy firepower were often found in heavily-populated civilian areas.

The destruction of cities has also been a regular warfare expression in Syria, raising the question of whether these are necessary means to an end, and whether they are not part of a war tactic of annihilation. For example, as Amnesty International notes, in the process of trying to free the city of Raqqa from the grips of ISIS, the US-led coalition left the city 'in ruins and civilians devastated' (Amnesty International 2018).

### 5.3.3 *Displacement and freedom of movement*

While intense population movement is taking place outside and inside Syrian borders, instances of preventing Syrians from escaping the violence by crossing a national border have occurred. As Human Rights Watch reports: 'Guards at Turkey's closed border with Syria are indiscriminately shooting at and summarily returning Syrian asylum seekers attempting to cross into Turkey' (HRW 2017). The right to seek refuge from a threat to one's life is at the forefront of human rights, and although Turkey (and the region as a whole) is dealing with many refugees, an immigration crisis cannot justify the denial of the right to safety, to find refuge and to apply for asylum.

### 5.3.4 *Education for Syrian child refugees*

In Lebanon, Jordan and Turkey (who are hosting more than 5 million refugees), 750 000 children were out of school. Enrolment in schools is free but the transportation cost is too high for families prevented from working by harsh local regulations. Syrian children are growing up in unstable environments that cannot guarantee their future.

### 5.3.5 *Right to property*

Since 2016 the Syrian government has been discussing large development projects in the Damascus area and passed a new property law which allows for urban renovations while confiscating property without due process or compensation: 'Once a development zone has been designated, the authorities must publicly notify home and land owners, who have only 30 days to assemble the necessary paperwork and claim their property' (Amnesty International 2018). Yet, numerous Syrians are unable to claim property, either because they are displaced and prevented from presenting themselves to the authorities, or because they have lost the necessary papers (according to the UNHCR, only 9 per cent of Syrian refugees saved their documentation) or they were never issued documents, since most areas concerned by urban planning are informal constructions, more often than not connected to the 2011 uprisings. Therefore, many argue that the law is aimed at punishing the dissident populations and complicating their right to return (Le Nouvel Observateur 2018).

### 5.3.6 *Detention and execution*

Both the Syrian government, ISIS, Jabhat Fatah al-Sham and armed groups have been using repression and violence to terrorise the populations under their power. The Syrian government made use of its incarceration system. In the Saydnaya military prison alone 'between 5 000 and 13 000 civilians have been killed there after being repeatedly tortured and systematically deprived of food, water and medical care' (NATO 2017). As Amnesty International reports, the victims were not fighters but 'civic activists, human rights advocates, journalists and other civilians perceived by the government as a threat' (NATO 2017).

As far as territories controlled by Jabhat Fatah al-Sham and ISIS are concerned, violence included 'summary executions of civilians including women accused of adultery and homosexual men and boys' (OHCHR 2017).

It is worth noting that other armed rebel groups, such as the Kurdish People's Protection Units (YPG) and the Syrian Democratic Forces, may be blamed for not attending to the humanitarian needs of the populations under their control or displaced because of their activities. Furthermore, YPG reportedly continued to forcibly conscript men and boys for military service. Forcing civilians to take part in the conflict happened regularly, as in the case of the Yarmouk refugee camp where many Palestinians had to pick a side while still being targeted by all of them.

Lastly, with the detention of former fighters from ISIS and other similar armed groups comes the difficult practice of fair trial, as access to the prisoners is not always ensured and several risk torture or accelerated death sentences. This challenges the core principles of democracy, one that values the justice system and humanitarian treatment of all.

### 5.3.7 *Elections*

In September 2017, local elections were organised by the Kurdish Democratic Union Party (PYD) in the Kurdish-controlled self-administered territories (Jazirah, Afrin and Kobani). The territories are home to nearly 5 million residents, including significant Kurdish, Arab,

Syriac and Turkmen populations. The first round was the election of commune representatives (September); the second round an election for town, city and regional councils (November); and, in January 2018, an election for the region's highest office, the People's Democratic Council, which is currently dominated by the Democratic Union Party (PYD). Finally, '[t]he third round of the elections, which will replace current representatives who were appointed by the self-administration, will also include a vote for legislative councils in each of the three cantons' (Syria Direct 2017). However, not all residents have the same participation rights: 'Thousands of Arab residents who were relocated by the Syrian government to majority-Kurdish areas in the 1970s will be barred from the third and final round' (Syria Direct 2017) because of their special status, which makes one question the equality of all participants in this democratic process.

Democracy and human rights conditions in Syria are complicated by the multiplicity of actors in charge of upholding these as well as being potential abusers. Different geographical areas bring out diverse humanitarian (illegal weapon, civilian death), human rights (refugee, torture, education) and democracy (detention, elections) issues with different intensities. An essential problem is the difficulty to monitor all of these, sometimes purposefully so. It still seems that local, regional and international efforts are needed to ensure a minimal respect of human rights and push for much more, which would be possible when fragmented leaderships unite.

## **6 Going beyond the borders: The grim realities facing Arab refugees abroad**

Throughout 2017, Europe saw the continued arrival of refugees and displaced persons from the Arab world and beyond, most of whom were fleeing war and conflict, persecution and protracted emergencies in countries such as Iraq, Libya, Sudan, Syria, and Yemen. Large-scale human rights infringements continued to be inflicted against these groups across the European continent, seemingly due to a combination of insufficient resources allocated to the European refugee response combined with an unforgiving implementation of policies regulating movement into and across Europe.

During the course of 2017, the EU-Turkey deal from March 2016 and its corollary found within the Greek confinement policy prohibiting movement from the islands to mainland Greece, continued to keep thousands of Syrian, Iraqi and a small number of Yemeni individuals trapped in less than humane conditions on Lesbos, Chios and other islands. This, in combination with the closed borders along the Balkan route, led to more than 60 000 asylum seekers being stalled in Greece by the end of 2017, according to recent data (Al-Jazeera 2018). Those contained on the islands typically experienced a range of human rights infringements, as illustrated by extensive field research in Chios in May 2017, where 300 individuals recounted their lived experiences (Refugee Rights Europe 2017a). The study found that the right to adequate living conditions was severely undermined on the islands in 2017, with hot water being a rare commodity, if at all available. The same study found that no water was available in the toilets in certain camps, and that access

to adequate food was a major problem. Spoiled food was common, leading to recurring episodes of food poisoning (Saoud & Welander 2017) and despite tireless efforts by small charities operating on the ground, an alarming shortage of healthcare services was reported on the island of Chios. Among those refugees who reported suffering from a health problem, 71,5 per cent reported that they had not received any medical help (Refugee Rights Europe 2017a). Among women in displacement, there appeared to be a striking lack of safeguarding measures and adequate camp design, coupled with a lack of access to sexual and reproductive health care, including during pregnancy and following rape (Refugee Rights Europe 2017b).

At Europe's southern border, the EU's Italian-led efforts to stem the number of Sudanese, Northern African and other asylum seekers arriving from Africa via the largely lawless post-Gaddafi Libya via the Mediterranean sea raised serious concerns. Europe's support for the Libyan Prime Minister Seraj and allied militias running notorious detention centres was decried by NGOs, rights groups and the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein alike (Reuters 2017). Such agreements struck between the EU and Libyan authorities in 2017 meant that thousands of individuals from Sudan and Northern African countries, alongside fellow displaced people from across the African continent, found themselves trapped in detention on Libyan soil, suffering torture, rape, arbitrary killings and unfathomable living conditions in detention camps (OHCHR 2016). The President of *Médecins Sans Frontières* (MSF), Dr Joanne Lui, in an open letter in September 2017 criticised European governments, stating: 'The detention of migrants and refugees in Libya is rotten to the core. It must be named for what it is: a thriving enterprise of kidnapping, torture and extortion. And European governments have chosen to contain people in this situation. People can't be sent back to Libya, nor should they be contained there' (*Médecins Sans Frontières* 2017). Meanwhile, among those who managed to leave Libya and board a Europe-bound vessel, more than 3 000 individuals tragically lost their lives in 2017, according to the International Organisation for Migration (International Organisation for Migration 2018).

Once in Europe, refugees from the Arab world and beyond that managed to make it past the hardships at the European borders typically continued to face harsh realities and continuous human rights violations during their time in transit throughout 2017. Hoping to continue their journey to their envisaged European destination country, thousands of people from Syria, Iraq, Yemen, Libya and Sudan faced rights infringements partly brought on by the arbitrary mobility rules imposed by the European Union Dublin Regulation (Dublin III), which holds the EU country responsible for examining an asylum application under the Geneva Convention of 1951. In accordance with Dublin III, refugees need to claim asylum in the first 'safe country' of the EU (Regulation (EU) No 604/2013), and thus do not have the legal right to continue their journey as they wish, unless they apply and qualify for relocation or family reunification – two seemingly opaque and excessively lengthy processes. As a result, Dublin III meant that thousands of refugees were caught in limbo, with waning hope in the face of horrific conditions encountered at the hotspots and in transit points. Many of those who were determined to be reunited with friends or family elsewhere in Europe took treacherous journeys: They often fell into the hands of smugglers and traffickers, and

suffered widespread human rights violations on European soil due to an absence of services and harsh treatment by law enforcement officials.

For instance, at the border between Italy and France, two countries often praised for their domestic human rights records, violence perpetrated against refugees and displaced persons was commonplace throughout 2017 (Welander 2018). To illustrate this point, research conducted in the border town of Ventimiglia in August 2017 revealed that refugees in this transit point were typically denied their right to reasonable living standards; 82.1 per cent of the respondents said that they did not have access to sufficient amounts of drinking water, and many reported having been abused in the town centre when trying to ask for water. The overall living environment for hundreds of destitute refugees at the Franco-Italian border was highly unsanitary and dirty, with the majority, 85 per cent, stating that they would use the water in the river to wash themselves. They also used the river to go to the toilet and sometimes also to drink (Refugee Rights Europe 2017c). More than a third of respondents (40.4 per cent) had experienced violence by Italian police, which took the shape of tear gas or other forms of physical violence as well as verbal abuse (Welander 2018).

By the same token, at the border between France and Britain, refugees continued to face human rights violations throughout 2017. While the notorious Calais 'Jungle' camp was demolished in the latter part of 2016, displaced persons from Syria, Iraq, Sudan and elsewhere continued to circulate in the area throughout 2017, hoping to one day reach the United Kingdom. During their time in displacement, individuals often faced daily instances of police violence, ranging from verbal abuse to tear gassing and physical violence. Prominent organisations such as Human Rights Watch issued reports evidencing alarming levels of police violence in Calais in 2017 (Human Rights Watch 2017a), and an investigation by the French administration and security forces' internal investigations departments in October 2017 found evidence that police had used 'excessive force and committed other abuses against child and adult migrants in Calais' (Human Rights Watch 2017b).

The list of human rights violations experienced among Arab refugees in Europe in 2017 is long. It appears that such rights infringements often were a result of an unwillingness among European and international actors to allocate sufficient resources in response to the large numbers of arrivals, combined with the unforgiving implementation of a much too rigid policy framework and an outdated international refugee protection regime unfit for the current realities on the ground. The year 2017 was thus a somber year for internationally-adopted human rights in Europe, giving rise to cynicism regarding the universality of human rights as these did not appear to apply to refugees and displaced people from the Arab world and beyond.

## 7 Conclusion

The year 2017 was an intense year throughout the Arab region, with certain limited developments and legal reforms in countries such as Tunisia and Lebanon, but also Saudi Arabia, Egypt and Morocco, to a lesser degree, combined with continued protracted humanitarian disasters

in Libya, Syria and Iraq and intensified violence and occupation in Palestine. In this context, the West is allegedly working to promote rights, democracy and liberalism in the region, but Arab societies continue to struggle both in and outside their countries. When individuals seek to mobilise support for change from within, they were isolated and marginalised. When they run away, they faced challenges to their lives and survival at the international borders, in particular on European soil.

The World Bank has recently published a study, 'Pathways to Peace', promoting inclusion, the rights of minorities and women, and the elimination of poverty in order to enhance peace and stability. However, in the Arab world this paradigm does not hold true as war causes further exclusion, authoritarian regimes reinforce segregation on the ground of stability, democracies co-opt to avoid real integration, and countries under threat, such as Palestine, are isolated from the rest of the world. If 'inclusion' is the new paradigm, then change has to be systemic and must come from all sides.

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