Call for submissions to the thematic report of the Special Rapporteur on Freedom of Expression in Challenging Times

The following information is the outcome of regional work coordinated by the Arab NGO Network for Development " ANND", on civic space in the Arab region in response to the report being prepared by the Special Rapporteur on freedom of opinion and expression, which she will submit to the Human Rights Council.

ANND is an independent, democratic, and civil network established in 1997, aimed at strengthening and empowering civil society and promoting the values of democracy, respect for human rights, and sustainable development in Arab countries. ANND consists of 9 national networks and 23 NGOs operating in 12 Arab countries.

ANND launched an electronic platform in 2018 to monitor civic space[1], and its most relevant developments, and to keep pace with civil society in its efforts to achieve sustainable development and consolidate human rights[2].

1. Trends and challenges to the freedom of opinion and expression caused by the events in Gaza

• The human rights system faces a significant predicament, especially concerning the commitment and interpretation of these rights by influential global powers, placing international institutions before their responsibilities in their ability to apply the law and implement human rights provisions.

• Since October 2023 ,7, Israel's ongoing violations of international law in the Palestinian territories have continued, resulting in the killing and disappearance of tens of thousands of people. The situation in Gaza has reached a “catastrophic turning point,” and the perpetration of war crimes and genocide, as recognized by the International Court of Justice [ICJ] and the International Criminal Court [ICC].

• Despite claims of denouncing the war, recent events have exacerbated restrictions on freedom of opinion and expression. For example, in Algeria, the authorities limited demonstrations to those called for by loyalist associations and parties and banned all other protests. The same thing happened in Bahrain, where the Bahraini Society for Resisting Normalization with Israel was allowed to hold semi-weekly marches and solidarity sit-ins, while officials refused permissions for other associations to conduct activities. Some young people who participated in pro-Palestinian night marches were subjected to arrest or security investigations. In Egypt, several pro-Palestinian demonstrators were arrested in various governorates[3], and some human rights defenders [4]were subject to campaigns for discussing the Palestinian issue with European officials.[5] In light of the war on Gaza, government censorship on social media sites and the digital space expanded. State security cases increased, leading to the imprisonment of several social media users, especially on TikTok.[6] Despite the support for relief work initiated by some organizations in Iraq, some ministries restricted the freedom to organize events and activities. In Jordan, the pace of peaceful demonstrations and gatherings increased on a regular, almost daily basis around the Kingdom. However, the Jordanian government arrested dozens of civil and political activists who led demonstrations and protests and several people for expressing their opinions online. On June 11, the Soloh Court in Amman sentenced Abu Taha to one year in prison, over Abu Taha’s April 2024 article titled “Partners in genocide… Jordanian capital involved in genocide

in the Gaza strip."[7] In Yemen, the mutual escalation allowed the local and international parties involved in the Yemeni war to evade reaching a political solution.

• In a parallel context, restrictions took on another dimension as donor organizations increased the pressure on the region's civil society regarding their position on the war on Gaza. One of the prominent cases involved the withdrawal of German government funding from the Center for Egyptian Women's Legal Assistance[8] after it signed a statement condemning Israel and expressing solidarity with the people of Gaza. A Human Rights Watch (HRW) report[9], said that Austria, Denmark, Germany, and Sweden stopped bilateral development aid programs in Gaza and the West Bank. The Swiss federal government decided to end its cooperation with three Palestinian NGOs, claiming they violated the Code of Conduct and the anti-discrimination clause in the contract between the two parties.[10] Moreover, Sweden also stated that it would ask Palestinian partners to condemn Hamas in the future. On November 2023 ,21, the European Commission introduced "anti-incitement" contractual clauses in all new contracts with Palestinian NGOs, requiring funding recipients to declare that they will not incite hatred and subject them to "third-party monitoring" to ensure compliance. After the October 7 attacks, Austrian Foreign Minister Alexander Schallenberg also announced the suspension of aid to the Palestinians, the total value of which amounts to about 19 million euros ($20 million), allocated to several projects. Nevertheless, some donors had stopped funding Palestinian human rights organizations before the war on Gaza on charges of terrorism[11].

• Internationally, the situation in Gaza has led to unprecedented restrictions of freedoms in the countries of the north, showing precursors of violating the right to freedom of expression (and movement) on more than one occasion: the suppression of student protests in the US, France, and other countries; banning Dr. Ghassan Abu Sitta and Yanis Varoufakis from entering Germany[12]. Moreover, the US threat to the ICC judges cannot be ignored. In addition to the unprecedented practices mentioned above, accusations of anti-Semitism have been consecrated into means of intimidation and oppression against anyone who opposes certain political positions. The global predicament of double standards in applying human rights harms the idea of the universality of human rights, replacing universal rights with the perceptions and interests of some northern governments (not their people).

• The global predicament of double standards in applying human rights must not be overlooked. It harms the idea of the universality of human rights, replacing universal rights with the perceptions and interests of some northern governments (not their people). Thus, the human rights system and its values are transformed into an ideology used for crude political exploitation to violate international law. However, this bias causes direct and severe harm to those who adopt a human rights perspective in the countries of the region and exposes them to pressure from conservative and reactionary movements that never supported human rights. At the same time, those who still use the Human rights discourse politically and according to their ideological perspective are exposed to donor and media pressure.

• After October 2023 ,8, the Israeli occupation launched a massive campaign against civil society organizations. It led to increasing restrictions on non-profit organizations by tightening financial transfer procedures from donors to beneficiary groups and arresting dozens of civil society activists who exercised their right to peaceful assembly and freedom of opinion and expression.[13]

• Journalists also faced similar pressures. The BBC temporarily suspended six journalists from its service pending an investigation of their posts and tweets the channel considered biased towards Hamas[14]. In turn, the US network MSNBC took similar measures, removing three of its most prominent broadcasters and specialists on the Palestinian issue from the screen, coinciding with Israeli and US criticism of the network[15]. The Guardian newspaper also dismissed cartoonist Steve Bell over the publication of one of his cartoons related to the ongoing war in the Gaza Strip, which the newspaper considered a form of anti-Semitism[16].

• Journalists in Gaza face exceptionally high risks as they attempt to cover the conflict during the Israeli ground offensive. Consequently, access to information and communication with ambulance, emergency, and civil defense services have been restricted.

• The recent war also inflicted unprecedented losses among journalists in Gaza. As of June 2024 ,5, preliminary investigations conducted by the Committee to Protect Journalists (CPJ) indicated that at least 108 journalists and media workers have been killed since the start of the war on Gaza and three in Lebanon. Moreover, 44 journalists have been reportedly arrested. Several Palestinian journalists in Gaza were also targeted[17].

2. State Measures and Legislation to Protect the Right to Expression

• Despite their diversity, all Arab regimes are neo-patrimonial, where the margin of democracy and freedom is limited. The perception of civil society that enjoys relative but tangible independence from political society and the rules of the market ranges from narrow and formal recognition on one hand to the denial of the right to independent civil association on the other. Moreover, the ideologies in power and the various political movements converge on the hardline restrictions on freedom of expression. Restrictive or repressive political, legal, or regulatory trends continue, especially since most countries in the region are facing multiple crises. Some crises are all-encompassing and extremely dangerous. For example, Lebanon is witnessing institutional disruption, economic, financial, and social collapse, and a significant decline in freedoms. The course of democracy in Tunisia is disrupted. In Egypt, human rights violations of and restrictions on freedom of expression continue amid the deterioration of the exchange rate and inflation of the public debt. Sudan is in the middle of a military coup that disrupted the transitional path. The all-encompassing wars in Yemen, Syria, and Libya continue. There is also the intractable political and institutional crisis in Iraq, in addition to the occupying state practices, which led to a war of extermination in Gaza.

• In Algeria, Parliament adopted the new Penal Code[18], which uses the concept of "national interest" to further restrict civil space without defining its precise legal meaning, leaving it to the discretion of the judicial police, courts, and judges.

• In Bahrain, freedom of opinion and expression continues to be stifled through restrictions on the financing of associations, dissolving some boards of directors, seizing the headquarters of youth associations, referring others to the Public Prosecution, and investigating the heads of their boards of directors. The authorities also restrict social media and summon activists before the courts because of tweets or posts on X (Twitter), Facebook, and others.

• Although Tunisia represented a unique case in the path of political and institutional transformation after the Arab Spring, it is now experiencing a dangerous transformation and an unprecedented state of transition to individual rule. Press freedoms and freedom of expression are restricted and under threat. The right to access information has been disrupted. Attempts to subdue unions continue[19].

• In Egypt, the last two years have not witnessed any fundamental developments in legislation related to civil society. Law 149 of 2019 remains in force,tightening the grip on human rights organizations, imposing financial obstacles and sanctions.

• In Jordan, the new cybercrime law imposed further restrictions on civil and societal action and freedom of opinion and expression[20]. The Jordanian government and Parliament passed a new law for the Ministry of Planning and International Cooperation that increased restrictions on CSO activities, imposing prior approval from the Prime Minister for any grants obtained by CSOs[21].

• In Iraq, the press is still governed by Law No. 111 of 1969[22]. Non-state parties are often more violent, and the Information Crimes Law has been circulating for more than ten years in parliamentary legislative procedures without result.

• Sudan remains at the heart of a political transformation process that began in 2018 and has not yet been completed, during which the pace of tribal violence has escalated. The coup authorities resorted to excessive violence in confronting popular movements. They also stopped the publication of some newspapers and shortwave radio stations and closed some television offices. In May 2022, a decree was issued to lift the state of emergency in the country.

• In Morocco, the continued prosecution of journalists under criminal law in publishing cases is a matter of grave concern. There are calls to amend the Press and Publishing Code to be compatible with international standards and to create an independent national mechanism to protect journalists.

3. Recommendations

• The urgent call to stop the war in Gaza

• The need of civil society in Arab countries for international solidarity and the support that global civil society in the South and North can provide.

• Protecting public and individual freedoms, especially the right to expression, assembly, and organization, in addition to stopping violations and amending laws to guarantee these rights and protect them from authorities, non-governmental actors, and donors.

• To support the role of civil society in the face of repression and attempts at exclusion and provide an enabling environment for dialogue and influence in the making of development policies. An open civic space is the basis for any kind of development partnership, and it is the ground upon which democratic societies are built. Without it, no kind of participatory or accountability can be expected.

REFERENCES

[1] civicspace.annd.org/en/about_path

[2] This platform publishes updates and news periodically about the state of civic space at the national and regional levels. It also publishes national and regional reports annually, reflecting a deeper analysis of the reality of civic space

[3] القبض على عشرات المتظاهرين في القاهرة والإسكندرية والمحافظات من "مظاهرات دعم فلسطين".. وعرض 14 شخصا فقط على النيابة، المفوضية المصرية للحقوق والحريات، https://cutt.ly/Fewu9Maj.

[4] مصر: تشهير وتهديدات لمنظمة حقوقية ومديرها ... هجمة انتقامية بعد تقارير حول الأحداث على الحدود مع غزة، مؤسسة حرية الفكر والتعبير، 26 فبراير 2024، https://cutt.ly/9w1b7cvc
After the Sinai Foundation for Human Rights published a report in mid-February 2024, a massive defamation campaign began against the organization and its director on television, in newspapers, and through social media

[5] https://manassa.news/news/16746

[6] بعض النصائح للإفلات من رقابة الانترنت، الصفحة الرسمية لمؤسسة حرية الفكر والتعبير، 8 فبراير 2024، https://cutt.ly/Xw1mdflR

[7] The article alleges that Jordan allows regional companies to ship goods to Israel via a land bridge

[8] https://rb.gy/s1qqzz

[9] According to the report, this halt constitutes a financing loss estimated at $139 million.

[10] المنظمات غير الحكومية الفلسطينية الثلاث هي التالية: المركز الفلسطيني لحقوق الإنسان، والشبكة/ شبكة المنظمات غير الحكومية الفلسطينية، وشبكة السياسات الفلسطينية.

[11]Transferring funds from donors has become more complicated due to the need for prior approval from the competent authorities for non-profit companies operating in the Gaza Strip The same applies to associations regarding transferring salaries, banking procedures that do not take into account the situation of displacement, the difficulty of dealing with paperwork procedures, and the impossibility of bringing together the Board of Directors, whose members were mostly displaced to different areas inside and outside the Gaza Strip.

[12] Varoufakis was even prevented from broadcasting his talk on the Internet.

[13] Dozens of CSO activists operating in the city of Jerusalem and its suburbs were detained for expressing their views on social media.

[14] The Egyptian Center denounces BBC's investigation with six journalists working at Cairo and Beirut offices, together with suspending them from work over backing Palestine – المركز المصرى للحقوق الاقتصادية والاجتماعية (ecesr.org)

[15] MSNBC suspends three Muslim anchors amid Israeli war in Gaza (trtworld.com)

[16] Steve Bell 'sacked' by Guardian in antisemitism row over Netanyahu cartoon | The Independent

[17] The occupation forces targeted and injured Al Jazeera correspondent Ismail Abu Omar and the channel's cameraman Ahmed Matar in the south of the Gaza Strip with a drone, which led to their injury. As a result, Abu Omar's foot was amputated. Another journalist, Abdullah Al-Haj, was also wounded after being targeted by a reconnaissance plane. On the other hand, in the West Bank, several journalists, citizen journalists, and human rights defenders were detained.

[18] The new Algerian Penal Code entered into force following its publication in the Algerian Official Gazette, issue No. 30 of May 2024

[19] A decree intended to replace Law No. 88 of 2011, which commits to international standards and freedom of association, is currently under discussion.

[20] Article 17 of the law prohibits using the Internet or social networks to publish content that may provoke conflict under the threat of heavy fines or imprisonment for up to three years.

[21] Law No. (10) of 2024 "Planning and International Cooperation Law".

[22] It allows journalists to be imprisoned for up to seven years if they are convicted of insulting the government