Human Rights in the Arab World:

The State Department's 2001 Country Reports

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Brief Analysis

On March 6, Lorne W. Craner, assistant secretary of state for democracy, human rights, and labor, will testify before Congress on the State Department's just-released "2001 Country Reports on Human Rights Practices" covering 195 countries. How the reports characterize human rights and influence U.S. policy in the Arab world is especially important this year. Traditionally, human rights have not figured prominently in U.S. policy toward the region. However, some U.S. officials have recently alluded to the promotion of "freedom" in the Middle East as part of the war against terrorism. Most notable were President George W. Bush's State of the Union remarks that "America will always stand firm for the nonnegotiable demands of human dignity: the rule of law, limits on the power of the state, respect for women, private property, free speech, equal justice, and religious tolerance."

Background

The State Department is required to submit annual reports to Congress on how countries perform according to internationally recognized individual, civil, political, and worker rights. Despite their high profile, the reports have a modest mandate: their evaluation of human rights conditions does not directly affect U.S. diplomatic relations, foreign aid, or trade. Rather, their stated purpose is to speak out publicly about friend and foe (thereby placing American rhetorical weight behind the human rights cause) and to provide Washington with a "resource for shaping policy, conducting diplomacy, and making assistance, training, and other resource allocations."

The 2001 Country Reports

The Arab world's dominant story in 2001 was the al-Aqsa intifada and the Israeli response, both of whose injurious effects on Palestinian human rights received extensive coverage. What do this year's State Department reports say about other human rights issues in the region?

• Overall characterizations.The report's introduction offers the upbeat assessment that "in the Middle East, a number of countries initiated steps toward increased democratic practices and pluralism in public life," and cites "events" in Bahrain, Qatar, and Oman. Although Bahrain deserves recognition for enacting major reforms, no similar developments occurred in Qatar and Oman in 2001. A more accurate statement -- supported by the substance of the reports themselves -- is that overall human rights progress in the Middle East was disappointing in 2001, notwithstanding some modest gains. The varied situation in the region includes egregious offenders (Iraq, Libya); "closed" countries with few freedoms enshrined or practiced (Saudi Arabia, United Arab Emirates, Syria); the

"partially closed," which include regimes that officially respect most freedoms, but too often trample them in practice (Egypt, Jordan, Lebanon, Tunisia, Yemen) and areas in which major conflicts further erode rights (Algeria, Sudan, West Bank/Gaza); and "perhaps opening up" countries with apparent reformist inclinations despite underlying structural problems that restrict human rights (Morocco, Bahrain).

The executive summaries of the reports on most of the egregious offenders and closed countries correctly assess that their performance "remained poor" in 2001 (e.g., Saudi Arabia). Other summary statements, however, do not fully correspond to subsequent narratives. For instance, in the case of partially closed Algeria, Egypt, and Yemen, subtle editing gives greater weight to positive developments (e.g., "The government generally respected its citizens' human rights in some areas; however, its record was poor in several other areas . . .") than actual conditions merited (as described fairly precisely in the narrative). Reversing the order of these statements to emphasize the continuing barriers that prevent citizens' full realization of their rights, while duly noting improvements, would be more accurate. In Egypt, for instance, a drop in extremist-related violence during 2001 ameliorated the security environment but was at least counterbalanced, if not outweighed, by continuation of the oppressive Emergency Law, among other ongoing problems.

Although generally of high quality, the narratives themselves contain some deficiencies. These include the omission in the Egypt report of key criticisms from previous years on the use of military tribunals to try civilian defendants, the Syria report's curious opening reference to "the existence of some institutions of democratic government," and sections of the Yemen report that list donor programs rather than critique government performance.

•Bush's "non-negotiable demands of human dignity." The reports generally provide candid and depressing descriptions of where Arab countries stand on these points.

The rule of law: Despite some bright spots (e.g., parts of the Egyptian judiciary) and despite the stated commitment of some countries to judicial modernization (e.g., Morocco and Jordan), respect for the rule of law ranges from fragile to nonexistent (e.g., Iraq). Although most Arab constitutions stipulate an independent judiciary, executive branch interference, corruption, and poor legal education undermine this statutory commitment. Moreover, police and security forces too often enjoy impunity for human rights violations.

Limits on the power of the state: Excessive executive branch powers in every country mean that basic privacy rights, such as the sanctity of personal communications, are routinely breached.

Respect for women: While in recent decades some Arab women have made strides, legal inequality, cultural practices, and government indifference continue to impede progress.

Free speech: The reports correctly note that in most countries, tolerance for pluralistic expression and access to diverse information have increased with the proliferation of independent newspapers, satellite television, and internet use. However, this has not yet translated into true freedom of expression. Television and radio remain largely under regime control. Journalistic self-censorship remains pervasive due to government control of printing and advertising revenues, and to fear of sweeping "defamation" laws with harsh punishments.

Religious tolerance: Protection of religious minority rights ranges from nonexistent (Saudi Arabia) to uneven (Egypt). Moderate Muslim religious figures are often squeezed between extremist attempts to silence them and regime hesitancy to challenge such actions.

• The "other half" of freedom: rights of association, assembly, and political participation.As the reports document, the most repressive countries prohibit the exercise of all these rights. Elsewhere, rights of peaceful assembly are restricted. While many governments now permit some nongovernmental organizations to operate openly (although under extensive controls), they continue to thwart "political" (i.e., human rights and democracy-oriented) organizations. In terms of political participation, Bahrain restored electoral rights; elsewhere, no major

breakthroughs occurred. In 2001, continued executive branch dominance over electoral administration and parliaments dampened the impact of previous political openings and reforms (e.g., Yemen, Egypt, Jordan). Nowhere in the Arab world can citizens, in practice, yet change their leader peacefully.

Conclusion

The reports should be evaluated according to how well they achieve their stated objectives of "speaking out" and shaping policy. Notwithstanding some shortcomings, this year's documents are blunt and comprehensive. Their policy relevance, however, remains unclear. In the past, the poor human rights records of most Arab governments did not play a discernable role in shaping U.S. policy. In reality, nowhere are human rights concerns the primary policy driver. But the gap between the frank words of the Country Reports and U.S. government action has been widest in the Arab world.

September 11 has elevated human rights as a national security issue for the United States and offered three compelling reasons to make human rights promotion a more integral part of U.S. Middle East policy: to counter the inclination of Arab governments to use antiterrorism cooperation as a cover for repressing legitimate dissent; to advance a positive regional agenda alongside the military and security campaigns; and, most important, to help deprive terrorist organizations of a powerful recruitment tool and source of "soft" popular support -- the shortage of freedom in their own societies.

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