

**Dismantling the pandemic crisis
and democratic practices
in the Arab region**

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Arab Alternatives Forum for Social Studies (AFA), and Tunisian Democratic transition observatory (OTTD), this project is funded by The United Nations Democracy Fund.

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These papers are the product of Project on Pandemic Lessons for Democratic Good Practices in Crisis in Egypt, Jordan, Lebanon, Tunisia (2022-2024).

First Edition 2024

Registration No: 2024/10854

ISBN: 978-977-6898-96-7

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El Maraya for Culutre and Arts

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23 abdel Khalek Tharwat, Down Town, Cairo, Egypt.

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2024

Contents

The role of Arab parliaments in managing the Coronavirus pandemic	7
The role of municipalities in managing the Covid-19 crisis...	29
Governance and transparency under the Covid-19 pandemic: Legislations and practices	55
The Covid-19 pandemic and political participation.....	85
Civil society and social movements under Covid-19	105
Human rights under the Covid-19 pandemic	137

The role of Arab parliaments in managing the Coronavirus pandemic

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Introduction: Parliaments and crisis management:

Since ancient times, political regimes have always been faced with crises and disasters that necessitated developing new ways to deal with their destructive impacts. These included natural disasters such as earthquakes, volcanos, and floods as well as man-made disasters such as wars. Politicians have through time accumulated expertise on dealing with those crises that require different approaches to governance, allocation of resources, and communication with the people. However, it was only after World War II that entities specialized in crisis management were established. For example, the Fire and Disaster Management Agency in Japan was established in 1947 while the Federal

Emergency Management Agency in the US was created in 1979. The role of the state in crises and disasters has been linked to executive institutions since they have the necessary resources for immediate response and rescue of victims. However, after World War II and the rise of liberal democracies, crisis management mostly became the job of parliaments, especially considering demands for curbing the powers of executive entities and ensuring that no constitutional or legal violations are committed. Parliaments are also the bodies that represent the people, hence voice their needs especially during emergencies. Nevertheless, parliaments face a lot of challenges during crises even in democratic countries and especially when the crisis is a pandemic that spreads fast and mutates faster as was the case with Covid-19.

From the first days of Coronavirus, a debate ensued about whether authoritarian countries would be more efficient in dealing with the pandemic than their democratic counterparts since in the former decisions can be directly made by the ruling elite, hence are faster to implement. However, two years into the pandemic, this theory had already proved wrong since the more democratic a country, the more capable it was in dealing with the pandemic in terms of healthcare

given to patients and efforts to curb deaths. On the other hand, authoritarian countries were less transparent and less efficient in dealing with the pandemic. As this became clear, several research centers and think-tanks as well as decision-makers and international organizations started examining the tools used by democratic regimes to face the pandemic and many of them particularly focused on parliaments.

This paper aims at looking into the role parliaments played in dealing with the Covid-19 pandemic with special emphasis on monitoring the governments' performance, communicating with vulnerable groups, especially women, and the best practices that helped in alleviating the impact of the crisis. This will be compared to the role of parliaments in four Arab countries: Egypt, Jordan, Lebanon, and Tunisia.

First: Parliaments and crisis management during Covid: Main roles:

With the spread of Covid, parliaments had to perform their conventional duties in addition to other unconventional ones that the pandemic necessitated. These included the following:

1- Making emergency decisions:

The first duty parliaments assumed was responding to the

state of emergency that resulted from the crisis through several measures. These included changing meeting and voting procedures as well as taking measures that guaranteed protecting citizens and public health and coordinating with executive entities, media outlets, and civil society organizations.

2- Issuing public health legislations:

One of the most important achievements of parliaments during the pandemic were public health legislations to enable executive institutions of taking the necessary measures to deal with the pandemic. This was done through issuing new legislations or amending existing ones, budget allocations, or giving certain state entities additional powers to deal with the crisis.

3- Monitoring executive institutions:

During the pandemic, parliaments monitored the performance of central and municipal governments. Despite the fact that this is the main duty of parliaments, this duty doubled as parliaments had to make sure that executive entities do not violate the constitution or the law while implementing exceptional measures, gain more power at the expense of other state institutions, or encroach upon citizens' rights under the pretext of crisis management.

4- Representation of citizens:

While this duty is also typical of any parliament, representation took different shapes during the pandemic. First, parliaments communicated with constituencies MPs represent to provide them with information about the state of emergency and respond to their complaints. Second, they made sure citizens followed sessions even if they were not held in person. Third, MPs functioned as role models for citizens in the way they observed social distancing rules while fully performing their duties.¹

Second: Parliaments and crisis management during Covid: Challenges:

To perform their duties during the pandemic, parliaments were faced with several challenges. This necessitated looking for unconventional alternatives to ensure they can still do their job in managing the crisis while abiding by the constitution and the law. Challenges included the following:

1- Parliament sessions:

The first challenge parliaments faced during the pandemic,

1- Murphy, Jonathan. 2022. Parliaments and Crisis: Challenges and Innovation. International IDEA. Parliamentary Primer No. 1.

especially when cases reached their peak, was finding a way to hold general sessions and committee meetings. Social distancing measures and the rise of Covid-19 cases made it impossible for members to meet physically at a time when their monitoring and legislative responsibilities almost doubled.

2- Representation of citizens:

During the pandemic, citizens were not capable of attending parliamentary sessions and MPs could not communicate with their constituents in a regular way. Communicating with the people through media outlets was seen as an alternative, yet considering social distancing measures, it was not possible to allow journalists to attend sessions.

3- Respecting public freedoms:

Parliaments were faced with the challenge of respecting public freedoms that are protected by the constitution and the law while abiding by social distancing rules and other emergency measures. Several countries took exceptional measures during the pandemic such as imposing curfews, closing public spaces, and banning gatherings and protests. However, exercising public freedoms was intricately linked to freedom of mobility and the right to organize, which in

turn conflicted with social distancing rules that aimed at curbing the spread of the virus.

4- Political polarization:

Parliaments in several countries witnessed political disputes between their members about measures taken by the state to deal with the pandemic. Most those disputes had existed before, yet the pandemic offered many factions the chance to settle scores with their rivals or to lash out at the current government to win future elections. In some parliamentary regimes, there were attempts at passing a vote of no confidence against the government.

5- Blame and accountability:

One of the main challenges parliaments faced during the pandemic was dealing with blame directed against officials by the public and learning from it. Studies show that at the time of crises, whether natural or man-made, people tend to find someone to lay the blame on. During the pandemic, managing public blame was challenging for parliaments for two reasons. First, public blame coincided with political disputes among legislators, which in turn led to increasing the blame and made it harder to manage. Second, because MPs deal directly with the people in democratic regimes,

it was important to strike a balance between responding to blame and making sure the parliament performs its duties.

6- Representation of women:

The challenge of the representation of women was the result of two factors. First, several parliaments across the world, including in democracies, do not have enough female members. This means that women do not contribute enough to drafting legislations, many of which become incomplete or uncomprehensive as a result. Second, women are historically known to suffer more during crises, especially pandemics, yet are incapable of taking part in legislations that would help alleviate the suffering. Because of weak representation, several parliaments found it hard to draft a comprehensive emergency plan that guarantees providing women with the necessary support during the pandemic.²

Third: Parliaments and crisis management during Covid: Best practices:

To be able to deal with the pandemic, several parliaments resorted to both conventional and unconventional solutions

2- Brandstrom, Annika. 2016. Crisis, Accountability, and Plame Management: Strategies and Survival of Political Officeholders. CRISMART. Vol No. 44.

to make sure they performed their duties while managing the crisis. This was done through several practices that proved effective, as follows:

1- Holding sessions:

In most democratic and mixed regimes, it was agreed that parliaments needed to resume their work, especially considering their increasing duties, yet it was important to do that while making sure people are not at risk of contracting the virus. This was done through several practices and the following are the most effective:

- a- Having secondary staff not attend sessions. The Argentinian parliament did not allow members to bring their assistants to general sessions or committee meetings.
- b- Decreasing the number of journalists allowed to attend sessions. Parliaments of Bulgaria, Estonia, and Finland banned all journalists from physically attending sessions and they were only allowed to follow them virtually. In Brazil, only journalists with existing permits were allowed to attend and no new permits were issued. On the other hand, the Netherlands, Sweden, and India did not take any measures to stop journalists from attending and made sure social distancing rules are observed during the sessions.

- c- Changing attendance quotas. In Sweden, attendance quotas were reduced to allow members who have symptoms to stay home without affecting the flow of work.
- d- Relative representation. In Ireland, the parliament decreased the number of attending members to one third while making sure that each party's representation is proportionate with its original seats.
- e- Allowing virtual attendance and voting. The Australian parliament gave members who were unable to come to sessions the option of attending and voting remotely. In New Zealand, members were allowed to delegate fellow members to vote on their behalf to decrease the number of attendees and hearings were aired live on the internet. In Germany, some sessions were aired on TV while the relative representation strategy was followed, and voting took place outside the main hall.
- f- Changing meeting venue. In Ireland, parliamentary elections ended on February 8, 2020, and a voting session to elect a prime minister was supposed to be held at the parliament. However, the session was held at the Dublin Conference Center instead because it is more spacious.

2- Representation of citizens:

Parliaments prioritized allowing citizens to follow sessions and communicate with representatives of their constituencies. To make this possible without endangering lives during the pandemic, many parliaments resorted to new channels. In Britain, MPs were given allowances to communicate with their constituents via the internet. In Georgia, MPs used digital platforms to hold polls among their constituents about the topics they would want discussed in the following session, which meant that citizens were the ones who determined meeting agendas. In the Czech Republic, the communication department at the parliament developed a digital platform on which videos of all meetings and photos of relevant documents were uploaded.

3- Respecting public freedoms:

During the pandemic, parliaments made sure to take three important issues into consideration when implementing exceptional measures to protect public health. First, parliaments kept the measures to be implemented by executive institutions to the minimum to protect citizens' rights and freedoms. Second, a timeframe for the state of emergency was decided and it was not possible to renew it

without the parliament's approval. Third, parliaments made sure that discussions involving measures to be taken were not confined to the majority government. For example, in Finland the prime minister discussed declaring the state of emergency with the five parties in the government coalition and in the session held on March 17, 2020, all parties agreed to refer the emergency plan to the constitutional committee in the parliament. The committee met several times to make sure that the plan takes the three afore-mentioned issues into consideration. The meetings included representatives of non-governmental organizations and the Ministry of Justice. Several amendments were made to the emergency plan to guarantee respecting citizens' freedom and protecting medical staff. The state of emergency, declared for less than a month, was not to renewed without the parliament's approval. The same happened in Norway and other European countries, which asserted that the state of emergency can never be an excuse to encroach upon citizens' rights.

4- Political polarization and accountability:

To overcome the challenges arising from disputes among members and public blame for official, parliaments made sure four actions are taken. First, leader of the majority bloc or parliament speaker asserted in an address to the people that

all members will unite to face the crisis regardless of majority and minority. Second, all parties, regardless of the number of seats they have, were consulted before issuing any legislation. Third, parliaments held meetings with non-governmental organizations, trade unions, and representatives of ethnic minorities and marginalized groups. Fourth, parliaments-maintained contact with the people throughout the crisis through digital platforms established for this purpose, social media, and/or conventional media outlets.

In Germany, the parliament made sure that all parties outside the ruling coalition took part in discussions about two sets of legislations the government proposed to face the pandemic. The first concerned measures to empower the healthcare sector and the second concerned supporting citizens socially and economically during the pandemic. It is noteworthy that amendments proposed by leftist parties (supporting workers during the pandemic) and by right-wing parties (supporting corporates) were both ratified to cater to the needs of all factions.

In the United States, where there is constant tension between Republicans and Democrats, the Congress held extensive meetings with both parties before ratifying an aid package that exceeded USD two trillion to minimize polarization and

public blame. Republicans proposed including economic support for the business and investment sector to protect them from bankruptcy while democrats demanded supporting medical staff, workers, and low incomes. The negotiations concluded with ratifying the package after responding to each party's demands, hence reaching a compromise. The amendments included articles that would not enable then President Donald Trump, his family, and companies to benefit from the aid package.³

5- Representation of women:

The Covid-19 pandemic shed light on the weak representation of women in the parliament and executive entities even in democracies. However, women in official positions adopted an inclusive approach that proved capable of managing the crisis. This is demonstrated in the following cases:

- a- Women in senior official positions such as heads of state in Denmark, Finland, Germany, Iceland, and New Zealand proved their crisis management abilities not only through dealing with its public health repercussions but

3- Deveaux, Kevin et al. 2022. Parliaments Responding to a Pandemic: Lessons Learned for Emergency Planning. Swiss Agency for Development and Cooperation.

also through taking the social and economic conditions of marginalized groups into consideration in the decision-making process.

- b- Women at the top of the medical sector in Canada, Ethiopia, India, and Madagascar succeeded in offering support and protection for medical teams and curbing the spread of the pandemic.
- c- Many women in official positions not only proved capable of managing the crisis within their scope of work but also made use of the situation to spread political and social values that empower women and marginalized groups on the local level. This was particularly possible when the central governments delegated powers to local governments during the pandemic, which was the case with the mayor of Barcelona.
- d- Several countries made decisions that helped in increasing the representation of women in the decision-making process. This was the case in Costa Rica where the vice president established a women's council to take part in managing the crisis and to offer advice to both the parliament and the government. In Spain, the minister of equality set an executive plan called "Mascarilla-19"

(Face Mask- 19) to identify victims of domestic violence during the pandemic.⁴

Fourth: Parliaments and crisis management during Covid: The Arab region:

Comparing the role of parliaments during the pandemic in the above-mentioned cases and in four Arab countries (Egypt, Jordan, Lebanon, and Tunisia) shows the wide gap between democratic and mixed regimes on one hand and Arab regimes on the other hand. Arab parliaments faced the same logistical and political challenges as their counterparts, like holding sessions during and changing the meeting venue as was the case in Lebanon or political polarization between parties in the parliament as was the case in Tunisia. In the four Arab countries, the pandemic highlighted the structural defects inherent in Arab regimes. Such defects allowed ruling elites to exercise more control than they already had and impose restrictions on parliaments in a way that almost marginalized them. In the four countries, parliaments failed to a great extent to perform their main duties as far as managing the crisis of the pandemic is concerned. This was demonstrated as followed:

4- United Nations. 2020. The Impact of COVID-19 on Women. Policy Brief. 9 April 2020.

1-Taking immediate measures:

Even though parliaments' response to the pandemic in the four Arab countries was fast, and immediate measures were taken to protect public health, most of those measures were misused and parliaments played no role in protecting citizens' rights or monitoring executive institutions. In Jordan, the emergency law, issued in 1992, was activated even though a public health law had been into effect since 2008. The Jordanian government preferred to use the Defence Law instead, which meant imposing restrictions that many saw as unnecessary. Several international organizations called upon Jordan to stop using the defence law and go back to the public health law. In Tunisia, executive institutions took advantage of activating the emergency law to restrict freedoms and go back to police state practices. The same happened in Lebanon where the government used the pandemic as an excuse to impose restrictions on public spaces the Lebanese used to organize and protest state policies. In Egypt, the emergency law had been in effect for decades and it allowed the president and the prime minister to impose even more restrictions that violated citizens' right to free movement. It has, however, mostly the case anyway since 2013.

2- Monitoring executive institutions:

In the four cases, parliaments played a minimal role in monitoring executive institutions, but this varied from one country to another. In Jordan, the government suspended all parliament sessions as soon as the defence Law was put into effect while the government continued its work without any form of monitoring. After the suspension, Jordanian authorities insisted on holding new elections with an exceptionally low turnout since voters did not want to risk contracting the virus. In Egypt, the parliament continued working yet this work did not involve monitoring the performance of executive powers. On the contrary, the Egyptian parliament kept issuing legislations that helped executive institutions to almost monopolize the decision-making process. After the state of emergency ended in Egypt in 2021, the parliament ratified legislations that gave executive institutions, particularly military courts, the same powers. The parliament also amended the terrorism law, activated in 2005, to allow the president to take several exceptional measures without going back to the parliament.

Although in Tunisia and Lebanon, the parliament played a bigger role than in Jordan and Egypt, this role was still not related to monitoring the government or representing the people but was more focused on maintaining the balance

of power and political influence in an extremely polarized environment. Although the Lebanese parliament rejected several draft laws such as the amnesty law, it ratified several controversial laws such as approving the IMF deal and emergency use of Covid-10 vaccines. The Lebanese parliament also ratified several laws that did not reflect any intention of monitoring the performance of the government but were meant to keep the balance of power in the country. The Tunisian parliament had already been through a lot of tension, but this tension increased after the pandemic especially the disputes between the ruling coalition and the opposition. However, the Tunisian parliament resisted attempts by executive institutions to gain more power through, for example, rejecting the prime minister's request to suspend parliamentary sessions for two months and allowing only one month. Later, the parliament dismissed prime minister Elyes Fakhfakh and replaced him with Hichem Mechichi. However, this did not last for long as Tunisian president Kaïd Saïed dismissed Mechichi, dissolved the parliament, and took Tunisia back to its pre-revolution times.

3- Representation of citizens and the status of women:

Contrary to other successful experiences in different parts of the world, parliaments in the four countries subject of the

research were unable to represent citizens or support women during the pandemic. This could be the result of structural defects in state institutions, the perception of women in the culture, or the challenges posed by the pandemic. Except for Jordan, where the government tried to implement a social protection program to support women affected by the pandemic, the other countries offered no protection for women. As expected, women were among the groups that suffered the most during the pandemic whether because their responsibilities doubled when their children's classes shifted online and many of them had to leave their jobs or due to the remarkable increase of domestic violence. Added to this is the weak representation of women in the four parliaments, which made it hard for women to get their demands through hence obstructing legislations that would support them.

Conclusion:

The Covid-19 pandemic posed a major challenge for parliaments in different parts of the world. True, several of those parliaments were faced with crises before, but the pandemic was different. Unlike natural disasters such as volcanoes, earthquakes, or floods or man-made one like wars, Covid-19 was a continuous crisis and there was no

way to predict when and if it would end and how the virus would mutate in the future. That is why the pandemic was the kind of crisis that required constant management. During the pandemic, parliaments needed to issue legislations to curb the virus while representing and communicating with the people. The main challenge was how parliaments were expected to perform these duties while abiding by social distancing rules and not endangering the lives of members or the public. Meanwhile, parliaments had to monitor executive institutions and make sure they are not taking advantage of the state of emergency to abuse power and encroach upon citizens' rights and freedoms.

To make that possible, parliaments in democratic and mixed regimes produced several mechanisms, which included using technology for holding sessions, voting, and communicating with the people. It was also important to work out disputes between members so that they all unite in facing the pandemic. This was done through including all factions in the decision-making process. Ratifying legislations that support citizens, especially women and disenfranchised groups.

Based on the comparison in this paper, it becomes obvious that the theory about authoritarian regimes being more capable of curbing the pandemic was wrong. This is

because parliaments in those regimes neither monitored the government's performance nor represented the people and they were unable to efficiently manage the crisis in the first place. In fact, they were almost absent in many cases as executive institutions took over and their powers grew. As demonstrated in the paper, it was not possible to identify any good practices in the four Arab countries subject of the research since parliaments were totally marginalized, torn apart by political disputes, or controlled by executive bodies. Added to this is the fact that the pandemic offered an ideal opportunity for Arab regimes to undermine any remaining democratic practices and totally crush all forms of opposition.

The role of municipalities in managing the Covid-19 crisis

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Introduction:

On March 11, 2020, the World Health Organization (WHO) announced that Covid-19 became a pandemic and called upon governments to take immediate measures to curb the spread of the virus. In the four countries subject of this study, first Covid cases were reported at close intervals² and coincided

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- 1- She took part in several conferences and forums on constitutional law, political systems, and human rights especially economic, social, and cultural rights. She wrote several essays and studies for non-governmental organizations. She is also an activist in several associations that work in the legal field, including the Tunisian Association for Constitutional Law, and is a member and cofounder of the Arab Association of Constitutional Law. She is an expert and trainer in the fields of gender, economic and social rights, and international labor standards.
 - 2- The first case of infection with the virus was recorded in Tunisia and Jordan

with economic, social, and political crises they had already been going through. In Tunisia, the pandemic came at a time of a political crisis that resulted from the inability to form a government based on the legislative elections held in October 2019. Lebanon, on the other hand, was facing one of its worst economic crises with the collapse of the banking system and subsequent massive protests that started in October 2019 then shortly after the explosion of the Beirut harbour in August 2020. In addition, Egypt and Jordan were facing multiple economic and social challenges. All those problems were aggravated by measures taken to curb the pandemic such as lockdown and curfew.

This paper examines the role of municipal councils and local democracy in dealing with the Covid-19 crisis. This first requires looking at the decentralized system in the four countries subject of the paper. According to Alexis de Tocqueville, “Local assemblies of the people constitute the strength of free nations. Municipal institutions are to liberty what primary schools are to science: they bring it within the people’s reach and teach them how to use and enjoy it. A nation may establish a system of free

on the same day, March 2, 2020. In Egypt, the first case was recorded on February 13, 2020, and in Lebanon, on February 21, 2020.

government, but without the spirit of municipal institutions it cannot have the spirit of liberty.”³ Municipal councils are among the important manifestations of democracy since a decentralized structure establishes an administrative system that manages local interests effectively and allows citizens to take part in decisions that directly affect their daily lives and monitor those in charge of implementing them. It is noteworthy that decentralization is not only administrative. True, decentralization, sometimes referred to as “deconcentration,”⁴ is an efficient administrative system, but it is also less costly than the centralized system and plays a major role in enhancing democratic values. That is why there is a close link between decentralization and democracy since the former focuses more on the interests of citizens whether directly or through members of municipal councils.⁵ A decentralized system is based on the assumption that

3- Alexis de Tocqueville, *Democracy in America* (1831).

4- In Lebanon, the term “deconcentration” is used to mean “delegation” while in Jordan the term “moderate centralization” or “administrative deconcentration” is used. The purpose of this approach is lightening the burden on central institutions while making sure all entities are still accountable to the central government.

5- Essam bin Hassan. *An introduction to studying municipal authority*. Tunis: Latrach Edition, 2020.

residents of a particular region share common interests, hence need a legal, independent entity that serves those interests. Experts agree that decentralization is based on three main foundations: First, acknowledging the collective identity of a given community; second, independence from central authorities; and third, providing local councils with technical, financial, and human resources to serve its community⁶. Administrative decentralization is different from political decentralization since the latter means the distribution of legislative, judicial, and executive powers between the federal state of a given country and the provinces/ states of which the country is comprised.

The four countries subject of this paper have a fragile decentralized system, which was demonstrated in the way the pandemic was managed. The 2014 Egyptian constitution stipulated the creation of a new local administration system: “The existing local administration system continues to be used until the system stipulated in the Constitution is gradually implemented within five years of its date of entry into force without prejudice to article 180 of this Constitution.” Article 180 stated that “local councils are responsible for developing and implementing the development plan, monitoring the

6- Ibid.

activity's different aspects, exercising the tools of monitoring the executive authority such as proposals, and submitting questions, briefing motions, interpellations and others, and withdrawing confidence from the heads of local units, in the manner organized by law. The law defines the mandate of other local councils, their financial sources, guarantees of its members, and their independence.”⁷ However, no law was issued to regulate municipal elections. The government justified the delay through arguing that the parliament had to give priority to other more important laws. However, some analysts argue that there are other reasons for the delay: “It is likely that the main reason for the postponement of the local council elections is the current regime’s fear that the Muslim Brotherhood’s enormous organizational capacity, especially in the villages, rural governorates, and Upper Egypt, will allow a number of its representatives to prevail in those elections despite the crackdown on the organization. Local

7- Ahmed Saleh. “Local Councils in Egypt: Decentralization and the Dream of Political Action.” *Legal Agenda*, Sep. 26, 2018: <https://english.legal-agenda.com/local-councils-in-egypt-decentralization-and-the-dream-of-political-action/>

Habiba Mohsen. “Municipal councils in Egypt: How decentralization makes citizens’ lives better [Arabic].” Arab Forum for Alternatives, Rawafed for Publication and Distribution.

elections are characterized by the large number (thousands) of candidates and victors, and it is difficult to ensure that they are all loyal to the current regime in the absence of an organized ruling party like the National Democratic Party of yesteryear.”⁸

In Lebanon, the Taif Agreement, signed in 1989, stipulated the implementation of a decentralized system: “The prerogatives of the governors and district administrative officers shall be expanded and all State administrations shall be represented in the administrative provinces at the highest level possible so as to facilitate serving the citizens and meeting their needs locally... Expanded administrative decentralization shall be adopted at the level of the smaller administrative units (district and smaller units) through the election of a council for every district, headed by the district officer to ensure local participation.” In addition, the agreement stated that “A comprehensive and unified development plan capable of developing the Lebanese provinces economically and socially shall be adopted and the resources of the municipalities, unified municipalities, and municipal unions shall be reinforced with the necessary financial resources.” However, none of these “reforms” were

8- Ahmed Saleh. Op. Cit.

implemented on the ground due to a lack of understanding of the concept of administrative decentralization and confusing it with other concepts such as federalism⁹. As a result of this misconception, decentralization was used as a threat in political conflicts¹⁰. Currently, municipalities, the subdivisions of districts, are the only entities in Lebanon that follow a decentralized system and are administratively and financially independent and they work under the supervision of central authorities according to the Municipal Act (law 118/77) and its modifications¹¹.

In Jordan, the parliament ratified in 2015 two laws that set the foundations of the administrative decentralized system: Law on Municipalities 41/2015 and Decentralization Law 45/2015. According to the first law, “the Municipality shall be managed by a Municipal Council consisting of the mayor,

9- Salam Abdel Samad. “Administrative decentralization in Lebanon and its role in developing public service and balanced development [Arabic].” April 11, 2023, and “Administrative decentralization in Lebanon: Between the municipality and the judiciary council [Arabic].” June 10, 2023, both published on mahkama.net.

10- Najm Al Hashem. “Decentralization in Lebanon: Between the Taif agreement and sects [Arabic].” Independent Arabia, February 6, 2023.

11- Zahwan Al Sediq. “Municipal councils against Covid pandemic [Arabic]” Legal Agenda, Feb. 4, 2021.

chairs of the Local Councils and a number of members of these Local Councils who have won the highest number of votes.” The second law established two types of councils: governorate councils and executive councils. Governorate councils consist of elected members (85%) and others appointed by the cabinet (15%) while executive councils are headed by the governor and their members are administrative officials from all over the governorate. Based on the two laws, it becomes obvious that even though Jordan adopted a decentralized approach through giving municipal financial independence under administrative supervision¹² by central authorities,¹³ this approach did not give municipal entities full independence. This is demonstrated in establishing a system where not all members are elected and establishing the executive councils that have, in fact, all the powers¹⁴.

12- Administrative guardianship is defined as “the power given by law to the central authorities to enable it to supervise the activities of decentralized entities as a means of ascertaining the legality and benefit of those activities.” Barbar Kamel, *Municipal administration systems: A comparative study*. Amman: University Association for Studies, Publishing, and Distribution, 1996.

13- Ali Hatem Abdel Hamid Al Aani. “Administrative decentralization and their application in Jordan and Iraq [Arabic].” MA dissertation, May 2016, School of Law, Middle East University.

14- Ahmed Al Agarma. “A guide to decentralization in Jordan [Arabic].” Ministry

Tunisia saw decades of extreme centralization as the central government in the capital monopolized the decision-making process and took full control of municipal councils, which were known for corruption, nepotism, and autocracy.¹⁵ Article 14 of the 2014 constitution then stated the following: “The state commits to strengthen decentralization and to apply it throughout the country, within the framework of the unity of the state.” The constitution dedicated an entire chapter, entitled “Local Government,” to decentralization. According to Article 134, “Local authorities possess their own powers, powers shared with the central authority, and powers delegated to them from the central government.” The law regulating the decentralization process was issued in April 2018 and the first municipal elections in the country were held on May 6, 2018¹⁶. The first decentralization experience in Tunisia faced several obstacles, which constituted a pretext

of Political and Parliamentary Affairs, Arab World Center for Democratic Development, and Hanns Seidel Stiftung: jordan.hss.de

15- Salsabil Klibi. “Decentralization in the 2014 Tunisian constitution: Promises and boundaries [Arabic].” *Legal Agenda*, Aug. 11, 2015.

16- On March 8, 2023, Tunisian president Kais Saeid issued a decree to disband all municipal councils, elected in 2018, around one month before their term was due to end and assigned secretary generals the task of running the councils under the supervision of governors.

for the central government to start reneging on the project. This culminated with the new constitution, which was put to a referendum on July 25, 2022¹⁷.

When the pandemic hit the four countries, the decentralization process had been either postponed or just beginning. Measures taken to curb the spread of the virus were directly affected by the weakness of the municipal system in the four countries, which in turn made it impossible to strike a balance between municipal councils and the central government. True, nation-wide measures had to be taken since the pandemic affected all regions of each country, yet this does not in any way sideline the role municipal councils could have played in managing the crisis. Looking at the experience of crisis management in the four countries subject of this paper shows that central authorities were fully in control of the decision-making process while marginalizing municipal councils. This, however, did not stop municipal councils from assuming more responsibilities they had no resources for, especially on the financial level. This paper examines the role

17- The new Tunisian constitution, which came into effect following a referendum on July 25, 2022, only has one brief article (no. 133) about municipal councils: “Municipal councils, regional councils, district councils, and structures granted by law the status of a local community exercise local and regional interests as determined by law.”

municipalities played during the pandemic and whether they managed to alleviate the repercussions of the crisis through three main points: the dominance of central authorities over the decision-making process, the responsibilities municipal councils assumed during the pandemic, and the role of municipal councils in supporting vulnerable groups.

First: Dominance of central authorities:

In the four countries, central authorities saw the pandemic as a national crisis that necessitated a series of immediate and drastic decisions, hence not the job of municipal councils. Also, the pandemic required exceptional measures that only central governments had the power to take. Such measures were made possible through activating the defence Law in Jordan, the National defence Law in Lebanon, and the Emergency Law in Egypt after modifications that allowed for managing the health crisis and its economic and social impacts¹⁸. However, municipal councils had been

18- “Emergency law modifications in Egypt necessary to combat Coronavirus but... [Arabic].” Legal Agenda, June 20, 2020. On November 29, 2021, law number 152/2021 to counter pandemics and health crises was issued. More info about the law in “Egyptian law on measures to combat epidemics and pandemics: A necessity following ending state of emergency [Arabic].” Legal

marginalized decades before the pandemic, hence excluding them from the decision-making process during the crisis was only part of the centralized approach always adopted by governments. For governments, municipal councils are expected to implement decisions rather than take part in them and the same took place during the pandemic.

In Jordan, activating the defence Law enabled central authorities, particularly the prime minister, to control the decision-making process while municipalities only implemented instructions from the center. So, while municipal councils in Jordan took part in measures to curb the spread of the virus in their respective regions, they still had to work under the defence Law and decrees based on it. Also, the role of municipal councils in Jordan hardly exceeded sanitization and distributing aid and foodstuffs. The situation in Egypt was not different since decisions were made by the cabinet and executive entities while the prime minister, who had all the power to manage the crisis, assigned governors and municipal councils the task of implementing those decisions. Not only were municipal councils excluded from the decision-making process, but also from the distribution of vaccines, which was managed by the center. In Lebanon,

the government declared a state of general mobilization on March 15, 2020, based on the National defence Law and the Law on Infectious Diseases, which included a set of measures such as imposing curfew and allowing citizens to leave their homes only in emergencies.

In Tunisia, the centralized approach was demonstrated by decree number 9 issued by the prime minister on March 25, 2020.¹⁹ The decree called upon ministers, governors, mayors, state institutions, and public facilities not to take any measures that are not dictated by the central government and to take permission from central authorities if any extra measures are needed²⁰. The wording of the decree was criticized since decrees are not a channel of communication between central and local authorities but function as internal memos within the administration and are usually used by

19- In his address to the parliament on March 26, 2020, to discuss the draft law that delegates the prime minister to issue decrees pertaining to precautionary measures, the prime minister stressed the importance of implementing decisions issued by the central government and added, “At the time of crises, there is no decentralization and at the time of war there is no room for improvisation. It is necessary to make decisions on a centralized level.” The president, in a speech he delivered on March 20, 2020, stressed the importance of abiding by centralized decrees.

20- Manal Derbali. “The struggle between central government and municipal council in Tunisia during the pandemic [Arabic].” Nawwat.org

upper levels to give instructions to lower levels. That is why using it with municipal councils implied a violation of the main principles upon which decentralization is based, which is independence of local entities.²¹ The decree came in response to measures municipal councils had started taking to curb the virus such as imposing restrictions on frequenting public spaces. In Tunisia, the early stages of the pandemic witnessed a rivalry between central and local authorities, which led to a series of conflicting decisions²². Following an interval of tension, central authorities prevailed. However, disputes between both parties were not resolved through legal channels and administrative courts as stated in municipal laws²³ since the government used its powers

21- The same term was used in joint decree number 4/2020 issued by the ministries of interior and local affairs which stated that “synchronization between different government entities is necessary to ensure the efficacy of measures that aim at achieving health and safety. Therefore, chairpersons and members of municipal councils are to coordinate and consult with the supervisory authority to make sure actions are unified for the best interest of the country.”

22- Essam bin Hassan and Hossam Al Din Al Triki. “Administrative regulations during Coronavirus [Arabic].” *Legal Studies*, issue no. 25 (Law at the time of Covid), 2019/2020.

23- For example, contrary to article 278 the Local Councils Code that states a governor can only oppose municipal decision in court, the governor

to subjugate municipal councils and put pressure on local officials to recant any decisions they made. Even those who refused to comply were unable to put their decisions into action since executive entities refused to implement those decisions based on instructions from the central government.²⁴ This eventually led municipal councils to accept that the central government is taking the lead and acted accordingly whether through basing local measures on decisions and recommendations issued by the government, communicating government instructions to locals, or not implementing any measures about which instructions had not been issued by the center.²⁵ Many of those councils considered this a division of duties between central and local authorities.

The division of duties between central and local authorities during the pandemic stirred debates in federal and quasi-federal countries such as Spain and Italy. Many attributed

of Zaghouan repealed on March 18, 2020, a decision by the head of the Zaghouan's municipal council to stop economic activities in the town.

24- Essam Al Saghir. "Municipal authorities at the time of crises: Decentralization in the time of Corona [Arabic]." Legal Agenda, June 23, 2020.

25- Khalil Al Fandari. "Central and local authorities: Between fighting the pandemic and the struggle for influence [Arabic]." Central and local authorities during Covid: Rivalry or cooperation? Tunis: Latrach Edition, 2021.

the remarkable rise in the number of cases in both countries to the fact that local entities oversaw managing the crisis, which led officials to take measures they see as adequate for their respective regions. This led to conflicting measures, many of which were not proportionate with the magnitude of the crisis. Supporters of this view argue that measures had to be unified nation-wide for better results. It is noteworthy that in these countries, central governments could not have made decisions without collaborating with independent municipal councils, especially that doing this would have taken a long time, which meant more cases²⁶. At the same time, it is not possible to argue that the system followed by Spain and Italy was a failure because local councils took charge of managing the crisis. In fact, while decentralization was blamed for the increasing number of cases on Spain and Italy, the centralization of crisis management in France led to a major deterioration in the health situation during the pandemic. Meanwhile, in Germany, where duties were divided among states based on the federal system, the health

26- Idris Jardan. "Territorial administrative regulation in Morocco at the time of Covid: From crisis management to a chance at decentralization [Arabic]." Public health emergency: Legal, political, and social measures. Takamoul Center for Studies and Research, 2020.

situation was the best among European countries²⁷. In all cases, even when municipal councils were excluded from the decision-making process, the councils still participated in managing the crisis within the resources they had.

Second: Responsibilities of municipal councils during the pandemic:

In Lebanon, municipal councils supervised the implementation of restrictions on freedom of movement and lockdown measures in their respective regions. In addition, they monitored the performance of local institutions to make sure they abided by closure times and safety measures. In addition, municipal councils supervised quarantine measures for returnees from abroad, followed up on positive cases, and informed locals who were in contact with people who evaluated positive. The Union of Municipalities also provided quarantine centers across governorates and districts²⁸. In Tunisia, municipal councils spread awareness about the contracting virus, precautionary measures, and social distancing through campaigns in the streets and on

27- Khalil Al Fandari. Op. Cit.

28- Zahwan Al Sediq. Op. Cit.

social media. They also sanitized streets and public spaces²⁹. In Lebanon, local authorities distributed face masks and disinfectants and sanitized streets and places of worship, established checkpoints to sanitize cars, and installed automatic sanitizing machines across the streets. Similar activities were done in Egypt and Jordan³⁰. However, some mistakes were committed. In one municipality, it was revealed that a pesticide harmful to humans and bees was unknowingly used in the sanitization process. When questioned about the incident, the municipality responded by stating that like all municipalities they had to take part in the spraying campaign so they would not want seen negligent towards their locals³¹.

The grave social and economic repercussions of the pandemic led municipal councils to provide aid for groups that were most affected by the lockdown. In Jordan, municipal councils offered food and care for locals in their respective regions.³²

29- Khalil Al Fandari. Op. Cit.

30- Zahwan Al Sediq. Op. Cit.

31- Fatma Al Mosawi. "Collapse, politicization, and violation: Tracing the impact of Covid-19 in Lebanon [Arabic]." Included in the first volume of the project, under publication; Saadi Elwa. "Municipal councils and political parties vie to show off sanitization teams: Random fumigation harms humans and bees but not Corona [Arabic]." Legal Agenda, March 31, 2020.

32- Walid Hosni Zahra. "The Impact of the Covid-19 pandemic on governance

In Tunisia, municipal councils offered social protection for vulnerable families and groups, and some of them opened bank accounts for receiving donations in accordance with Article 138 of the Municipal Act. Some councils made lists of impoverished families and daily wagers who lost their jobs to give them priority in humanitarian aid³³. In Lebanon, councils used donations by well-off locals and citizens living abroad to help individuals and groups with their basic needs³⁴.

In trying to deal with the repercussions of the pandemic, municipal councils were faced with several obstacles, some logistical and others related to lack of adequate human and financial resources. On the logistical level, councils did not have the necessary equipment to conduct cleaning and sanitization processes. On the level of resources, councils do not have trained staff. This is partly because like governments, local councils had not faced a similar experience, hence were not ready in addition to the fact that there was no clear plan for emergencies. The previously mentioned incident

in Jordan [Arabic].” Included in the first volume of the project, under publication.

33- Khalil Al Fandari. Op. Cit.

34- Fatma Al Mosawi. Op. Cit.

about using pesticides for sanitization in Lebanon is a stark example of lack of expertise as far as chemical substances and their uses/hazards and sanitization are concerned³⁵. Lack of financial resources was also a major challenge. The pandemic had a negative impact on the budgets of municipal councils as revenues declined and expenses increased. In fact, municipal councils had been suffering from lack of financial resources, yet this problem was aggravated with the pandemic. In Lebanon, the entire country was facing a financial crisis, so instead of supporting municipal councils, the central government asked the councils for money. Law number 161 for the year 2020 stipulated that local councils return any surplus they have to the central government so that it can be used to deal with the pandemic, which means that the central government wanted to strip councils of their money, hence their powers.³⁶ In Jordan, municipalities where Syrian refugee camps are located faced more challenges than the rest of the country. The general economic deterioration across the country also affected the central government's support for municipal councils and the lockdown delayed financial aid from the capital. In addition, domestic revenue remarkably

35- Saadi Elwa. Op. Cit.

36- Zahwan Al Sediq. Op. Cit.

dropped, which drove the government to get a USD 8.8 million grant from the World Bank five months into pandemic to face the social and economic impacts, deal with the influx of Syrian refugees, and create job opportunities for both Jordanians and Syrians as well as supporting municipalities in their efforts to curb the spread of the virus³⁷. In Tunisia, the Minister of Local Affairs estimated the drop of municipal resources at two thirds. In March 2020, the ministry dedicated 2.76 million Dinars to municipalities and also supplied them with sanitizers, face masks, spray machines, and protection equipment for workers who are more exposed to the virus such as cleaning and sanitizing teams.³⁸ A portion of the budget of municipal councils was allocated to supporting vulnerable groups.

Third: Supporting vulnerable groups:

The Covid-19 pandemic particularly affected groups who had already been vulnerable on the social, health, and economic levels. In Lebanon, migrant labor was more affected by the pandemic especially women who worked in domestic

37- Walid Hosni Zahra. Op. Cit.

38- Khalil Al Fandari. Op. Cit.

help, many of whom were laid off during the pandemic. Syrian refugees were also severely affected, which was demonstrated in refugee camps in Lebanon and Jordan. In Jordan, eastern and the northern regions, where Syrian refugee camps are located, faced more challenges than the rest of the country whether in terms of the number of cases, quarantine, or medical services as well as the practicality of protective measures. In Lebanon, Syrian refugees faced even more discrimination during the pandemic than they had before. In some towns, they were accused of bringing the pandemic to Lebanon and in others their movement was more restricted than locals³⁹. In Tunisia, migrants from sub-Saharan Africa particularly suffered during the pandemic and many of them were kicked out of their houses because of their inability to pay rent. On April 7, 2020, the ministers of interior, social affairs, and human rights met to discuss the impact of the pandemic on African migrants and ways to support them. Measures taken by the Tunisian government in this regard included extending visas and residency permits, calling upon state institutions to provide them with their needs without discrimination, facilitating the work of

39- Fatma Al Mosawi. Op. Cit.

organizations that support migrants, and offering financial and in-kind aid to migrants. The ministers also called upon homeowners to postpone rents in solidarity with migrants⁴⁰. Several municipalities took part in collecting donations and distributing them among migrants.

Women were among the groups who suffered the most during the pandemic. In addition to a remarkable rise in cases of domestic violence, women faced several challenges in taking care of their families. In Tunisia, the closure of schools and nurseries put working women in a dilemma since they had to continue working while taking care of their children who stayed at home. This issue was not adequately addressed by the government or local authorities. The situation was the same in Jordan, where many women lost their jobs. According to the Department of Statistics, the percentage of unemployment among women during the third quarter of 2020 reached 33.6% with an increase of 6.1%. Women also suffered more in terms of layoffs and salary reductions in the aftermath of the pandemic. In addition, thousands of women were forced to quit their jobs with the closure of schools and

40- Ghassan Salibi, Mona Ezzat, and Iqbal bin Moussa. "The impacts of Coronavirus on women: Crisis management in Egypt, Tunisia, and Lebanon [Arabic]." Hanns Seidel Stiftung papers.

nurseries to take care of their children, especially considering the absence of social security.⁴¹

Conclusion:

Based on crisis management strategies in the four countries subject of the research, it becomes clear that adopting a decentralized approach is the first step towards an effective administration as well as a democratic system in which citizens take part in the decision-making process. One of the main factors that will facilitate establishing a decentralized system is correcting all misconceptions about decentralization being a threat to the unity of a state. It is also important to take into consideration that decentralization will never work effectively if municipal entities do not have enough human and financial resources to perform their duties.

The Covid-19 pandemic exposed the fragility of the decentralized system as central governments fully controlled the decision-making process and restricted the role of municipalities to implementing instructions from the center. The pandemic was, however, an opportunity to gain experience several lessons about the importance of

41- Walid Hosni Zahra. Op. Cit.

decentralization since managing the crisis would have been much more effective had the role of municipalities been that of partners rather subordinates. This is not what happened in the four countries where there was a conflict between central and local authorities that eventually led to the dominance of the former and the marginalization of the latter.

Governance and transparency under the Covid-19 pandemic: Legislations and practices

■ **Jamal Al Khatib** ■

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Introduction:

Governance, or good governance, is a concept that emerged internationally in the early 1990s, yet it originated in England at a much earlier time. There are several definitions for governance, but they all agree on a set of principles pertaining to human rights, responsibility and accountability,

1- A trainer for youth capacity building, political parties, elections, and human rights. He wrote several books and research papers about civil society and democracy. He is the secretary general of the Arab Institute for Research and Policy Papers, member of the Jordanian Writers Union and the Writers Union of Asia, Africa, and Latin America. He was the executive manager of several research centers including the International Center for Studies (1993-1997), Intelligentsia Center (1998-2000), and Al Quds Center for Political Studies (2001-2005).

participation of citizens and civil society organizations, women rights, the rule of law, and equality, among others.²

According to the United Nations, governance “refers to all processes of governing, the institutions, processes and practices through which issues of common concern are decided upon and regulated” while good governance “adds a normative or evaluative attribute to the process of governing.”³

From a human rights perspective it refers primarily to the process whereby public institutions conduct public affairs, manage public resources, and guarantee the realization of human rights.” The World Bank defines governance as ““the way power is exercised in the management of a country’s economic and social resources for development.”⁴

According to the 2002 Arab Human Development Report,

2- Governance: its concept and principles the official website of His Excellency Dr. Yaqoub Adel Nasser Al-Din. The official website of His Excellency Dr. Yacoub Adel Nassereddin, September 28, 2019. <https://www.yacoubnasereddin.com/archives/2799>.

3- On Governance and the Rule of Law, <https://www.un.org/ruleoflaw/ar/thematic-areas/governance>

4- Definition of “governance”, World Bank website, 2022. <https://www.albankaldawli.org/ar/topic/governance/overview>

“governance can be seen as the exercise of economic, political, and administrative authority to manage a country’s affairs at all levels. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences. Good governance is, among other things, participatory, transparent, and accountable. It is also effective and equitable, and it promotes the rule of law. Good governance ensures that political, social, and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources.”⁵

The Jordanian government defined governance as “as the host of legislations, organizational structures, policies, procedures, and controls that govern the way a government organization function. The ultimate objective of governance is to create and optimize sustainable organizational success and stakeholder value, balancing the interests of the various stakeholders. It comprises arrangements put in place to ensure

5- United Nations Development Program - Arab Human Development Report 2002 - p. 101, https://www.un.org/ar/esa/ahdr/pdf/ahdr02/AHDR_2002_Complete.pdf

that organizations define and achieve intended outcomes. In brief, governance is the set of arrangements undertaken by a government department to guarantee the achievement of its goals.”⁶

The Egyptian government defines governance as the “good management of all agencies and institutions in the country through policies, mechanisms and practices that are based on transparency, participation, accountability, the rule of law, combating corruption, pursuit of justice, non-discrimination among citizens, responding to their needs and realization of efficiency to reach the highest level of effectiveness and quality to the satisfaction of citizens.”⁷

Tunisia linked between good governance and eliminating corruption. The 2014 constitution, which was replaced by the 2022 constitution, stipulated the establishment of the Good Governance and Anti-Corruption Commission, which according to Article 130 “contributes to policies of good governance, and preventing and fighting corruption. It is

6- Guide to Governance Practices in the Public Sector, Ministry of Public Sector Development, Jordan, July 2014, p. 1, available on the official website of the Jordanian Ministry of Labor, <https://bit.ly/3EMpefj>

7- Governance and anti-corruption terms, Egyptian Administrative Control Authority, 2023. <https://aca.gov.eg/News/1655.aspx>.

responsible for following up on the implementation and dissemination of these policies, for the promotion of a culture of good governance, and for the consolidation of principles of transparency, integrity, and accountability. The Commission is responsible for monitoring cases of corruption within the public and private sectors. It conducts investigations into these cases and refers them to the competent authorities.”⁸.

The Tunisian government defines good governance as system in which “institutions are subjected to a set of laws, regulations, and decisions that aim at improving performance through effective mechanisms that achieve the institution’s goals and regulates relations between different players. It also necessitates involving all relevant parties in the institution as well as providing access to information and abiding by the principles of transparency and accountability to avoid administrative corruption.”⁹

8- Tunisian Constitution, Section V, Chapter 130, DCAF Tunisia, <https://legislation-securite.tn/ar/law/44137>

9- The legal framework for governance in Tunisia, including Framework Decree No. 21 of 2011, dated November 1, 2011, related to combating corruption.

- Circular No. 16 of 2012, dated March 27, 2012, relating to promoting transparency, good governance, and combating corruption.

Circular No. 55 of 2012, dated September 27, 2012, regulating the powers of good governance cells. Government Order No. 604 of 2020, dated August 27,

Governance: Development of concept and goals:

The concept of governance witnessed a substantial development in the past four decades to include not only state institutions and public administration but also all economic, political, and social activities in the private sector and civil society as well as human rights and the daily lives of individuals. This development was intricately linked to democratic transition in different parts of the world as governance became part and parcel of human rights, justice, anti-corruption measures, and access to information. Governance also became applied to companies and different forms of administration. Governance across the world focuses on several goals that aim at boosting citizens' trust in the public and private sectors. These goals can be summarized as follows:

- 1- Citizens' satisfaction with the services provided by the public sector.

2020, relating to the establishment of a general administration for governance and prevention of corruption headed by the government and controlling its contents, especially Basic Law No. 59 of 2017, dated August 24, 2017, relating to the Good Governance and Anti-Corruption Authority, as well as Government Order No. 1158. For the year 2016, dated August 12, 2016, establishing governance cells, and controlling their contents.

- 2- Applying the principle of accountability in state institutions and abiding by the law
- 3- Applying the principles of integrity, justice, and transparency in exercising power, managing public funds and state resources, and ensuring that public offices are not used for personal gains.
- 4- Equal opportunities for all citizens
- 5- Protecting public property while preserving the interests of relevant parties
- 6- Achieving strategic national goals and financial stability
- 7- Improving the capacities of government entities through enhancing institutional performance and conducting regular assessments
- 8- Establishing an effective system to deal with risks and financial crises.

Governance: Impact on freedoms and women rights:

One of the major challenges that resulted from the Covid-19 pandemic was governance of the medical sector all over the world and particularly in the Arab region. The pandemic exposed major flaws in the healthcare system across the world

and was accompanied with disappointing lack of solidarity as each country closed its borders and focused on dealing with the pandemic on the domestic level only.¹⁰ This drove UN Secretary General António Guterres to say, “For the first time since 1945, the entire world is confronted by a common threat, regardless of nationality, ethnicity, or faith. But while COVID-19 does not discriminate, our efforts to prevent and contain it do.” He also added that the pandemic put the world to the test and that unfortunately it demonstrated lack of international cooperation and solidarity.¹¹

Arab governments’ response to the pandemic was quite random at the start since none of them had prior crisis management strategies to fall back on, which led to the disruption of development and governance. The decision to impose a total lockdown or curfew was taken immediately. This coincided with declaring a state of emergency that while aiming at curbing the spread of the virus also encroached upon citizens’ basic rights and freedoms. In addition, exceptional

10- Manal Sakhri: Global health governance after the Corona pandemic: A reading of the reality and challenges, *Algerian Journal of Legal and Political Sciences*, Volume 58, Issue 2, 2021, p. 307.

11- United Nations: Security Council summit on governance after the Covid-19 pandemic, <https://news.un.org/ar/story/2020/09/1062192>

measures not only harmed national economies but also had a negative impact on certain groups such as workers, daily wages, and low incomes, which in turn increased poverty and unemployment rates.

According to the World Bank report “Governance & Institutions COVID-19 Response Resources,” the pandemic led to “increased fragility, extreme pressure on resources, and rapidly evolving largescale service delivery needs.” The report added that “the pandemic has exposed the benefits of a stronger, flexible, and more responsive civil service which can incorporate risk management and has access to contingencies in an emergency. It has also stressed the need for sound procurement policies, systems, and processes” and that “Emerging lessons from the immediate response to the pandemic point to the need to adapt models of government operations, service delivery, and interactions with citizens, which include GovTech options for modernization of services to citizens and businesses.”¹².

Women were particularly affected by the pandemic as the crisis accentuated already existing inequalities¹³, especially

12- World Bank - <https://www.albankaldawli.org/ar/topic/governance/overview>

13- World Bank blogs, The Corona virus has a greater impact on women, and we must take that into account, available at the link:

in the workspace, and led to a remarkable rise in the cases of domestic violence. The number of women who lost their jobs were much bigger than that of men. Also, many women had to quit their jobs to take care of their children during the lockdown. The pandemic witnessed a major regression in rights women have for years been struggling for such as economic empowerment and independence. This was intricately linked to governance since the pandemic demonstrated that governments paid full attention to curbing the spread of the pandemic without taking the rights of several groups into consideration.¹⁴ Failure to abide by principles of good governance was also shown in lack of accountability and transparency in addition to excluding civil society from the decision-making process and suppressing freedom of expression and the press.

<https://blogs.worldbank.org/ar/voices/coronavirus-not-gender-blind-nor-should-we-be>

14- World Bank blogs, The Corona virus has a greater impact on women, and we must take that into account, available at the link:

<https://blogs.worldbank.org/ar/voices/coronavirus-not-gender-blind-nor-should-we-be>

Governance under Covid-19 in the Arab region: Four case studies:

In Jordan, most laws were suspended and so were parliament sessions. In March 2020, Jordanian king Abdullah II put into effect the emergency defence Law to curb the spread of the virus. Based on this law, the government issued thirty-six defence orders, thirty-nine communiques, and six regulations that administered citizens' daily lives, full and partial lockdowns, and quarantine. These procedures led to the violation of several principles of good governance, particularly transparency, participation, and accountability. With the suspension of many laws and the emergency law becoming the main reference in all measures, citizens' rights were violated on different fronts. Shutting down courts also led to suspending ongoing cases, therefore making it impossible for citizens to get their rights, financial or other. The emergency law, which was applied till the first quarter of 2023, caused a heated debate in Jordan, aggravated economic problems, and obstructed the work of judges and lawyers. In addition, restrictions were imposed on freedom of movement through curfews and lockdown. In many cases, the government resorted to the military to impose more restriction in areas where Covid cases were reported. Citizens' reactions

to those measures were mostly positive, though. Jordanians were allowed to leave their houses at specific times to buy their basic needs and sirens would echo all over the country to announce the start of the curfew, which was imposed in all cities and villages equally. During that time, all decisions made by the government were absolutely centralized and with the parliament closed, there was no entity to monitor the performance of the government or issue legislations to deal with the crisis. Meanwhile, poverty and unemployment rates soared, and there were no social protection systems to deal with the repercussions.

According to the 2021 Corruption Perception Index issued by Rasheed for Integrity and Transparency, the Jordanian Branch of Transparency International, Jordan dropped in the World Justice Project Rule of Law Index by two positions. This index focuses on the government's performance especially its ability to eliminate corruption, maintain safety and stability, and provide basic services such as healthcare. It also investigates the government's level of transparency and citizens' access to justice. The ranking reflects the view of citizens as well as local legal experts. On the other hand, Jordan kept the 49th position out of one hundred in the

Corruption Perception Index in 2021.¹⁵

Furthermore, the pandemic impacted the process of preparing and approving the public budget in Jordan. More taxes were imposed on people, who were already suffering economically because of the pandemic, while experts anticipated an increased deficit in the following year, hence more debts.

This was accompanied by a shrinking economy, a decline in investment, remittances, trade, and tourism. Meanwhile, the government needed to be more transparent about revenues and spending and not to exaggerate budget forecasts as it did every year.

A study called “Evaluating the Impact of Covid on Women-Owned Businesses in Jordan,” conducted by the Jordan Forum for Business and Professional Women in collaboration with the Center for International Private Enterprise (CIPE), stated that 74% of workers laid off during the pandemic were women. The study noted that measures taken to fight the

15- Rashid: Transparency International in Jordan, Corruption Perceptions Index 2021, available at the link: <https://2u.pw/xVizDO>

The Corruption Perceptions Index for the year 2022 indicates that Jordan fell by two places on the Corruption Perceptions Index for the year 2022 to obtain a score of 47 out of 100, and dropped by three places in the international ranking and became ranked 61 out of 180 countries and regions.

pandemic did not take working women into consideration and did not provide them with the necessary support. The study showed that 70% of businesses owned by women had to take out loans to continue paying salaries and that 50% of these companies had to reduce the prices of their products so they would be able to compete considering closures and decline in demand. In addition, 30% of those companies had to reduce the number of employees.¹⁶

Another study entitled “Jordanian women in the shadow of the pandemic: How Covid affected the work and Safety of Jordanian women” was released in February 2022 by Al Quds Center for Political Studies. The study stated that 50% of women working in the private sector lost their jobs, 17% had to close their businesses, 5% lost their houses and had to live with a family member, and 7% had to move to cheaper houses. In addition, around one third of those women spent all their savings to cover housing expenses while 35% stopped working during the lockdown, 13.4% temporarily closed their businesses, and 57.7% lost a large percentage of their incomes and became indebted.¹⁷

16- Ibid

17- Conference: Jordanian women in the shadows of the “complex pandemic”
How has Corona affected the work and safety of Jordanian women? Jerusalem

As for Lebanon, according to the World Bank's Worldwide Governance Indicators, Lebanon's ranking dropped from 185 out of 214 countries in government effectiveness in 2020, compared to 2019. It also ranked 15th regionally in the Corruption Control Index, which measures the level of corruption in a country. This is attributed to prior economic and institutional collapse that coincided with the pandemic.¹⁸ It is not possible to claim that the pandemic is responsible for governance and transparency flaws in Lebanon, for it exposed those flaws in a new light. In fact, corruption and absence of good governance are inherent in state institutions owing to political disputes, which are aggravated by the prevalence of sectarianism, hence violating the main principles of a civil state. Nevertheless, several institutional and executive developments favouring pandemic containment were observed, especially in the efforts undertaken by the Ministry of Health. This includes establishing new Covid-19 departments in hospitals, opening more centers to accommodate a larger number of patients, and increasing the number of intensive care beds in hospital

Center for Political Studies, February 19, 2022, <https://bit.ly/48t7iTy>

18- Lebanon ranks 185th globally in government effectiveness... and its ranking in the level of corruption has not changed. An-Nahar newspaper website. Available via the link: <https://bit.ly/3H2Kb6t>

departments dedicated to Covid-19 patients. Continuous efforts were also made to secure additional oxygen tanks in anticipation of emergencies.¹⁹

The National Committee for Covid-19 Vaccine was formed in Lebanon, led by physician and MP Abdul Rahman Al Bizri. Several vaccines were made available in Lebanon in early 2021, including Pfizer, AstraZeneca, Sputnik, and Sinopharm, which sped up the vaccination process. These vaccines were distributed through a plan that considered age groups, storage requirements, and a national registration platform, ensuring an organized and efficient vaccination process for the Lebanese population. It is noteworthy that the authorities ensured from the beginning that everyone in Lebanon, without exception, would have access to the vaccine.²⁰ However, despite these efforts, the pandemic revealed more defects in the performance of the government, on top of which was lack of transparency and failure to respond to people's needs. For example, information

19- Middle East website (2020). Lebanon is preparing to reopen sectors after increasing "Corona" beds. Link, <https://bit.ly/48dgNqg>

20- Derian, Melissa (2021). "AstraZeneca" lands in Lebanon this week. Do we have the freedom to choose between vaccines? <https://elsiyasa.com/article/175698>

about procuring and administering vaccines was not fully available. The World Bank offered Lebanon a \$34-million loan to purchase vaccines after the government declared its inability to afford the vaccines. An agreement was reached between the World Bank and the government to conduct the vaccination process in a specific order that takes into consideration age group, medical history, and medical needs. The Impact platform was established for registration and to coordinate the prioritization of vaccine distribution based on agreed-upon criteria.

When the vaccination process started, journalist Taymour Al Azhari tweeted that 11 Lebanese MPs over seventy would attend a parliamentary session to receive the vaccine, in clear violation of the terms of the loan and without regard for the agreed-upon criteria between the government and the World Bank. The vaccines were indeed administered to the deputies. The head of the National Committee for the Coronavirus Vaccine in Lebanon, Abdul Rahman Al Bizri, commented, “What happened today is a violation that we cannot remain silent about. It is an attempt to Favor a group of people at the expense of the rest.” He threatened to resign from his position in response to the violation. It is noteworthy is that some deputies who received the vaccine not only refrained

from apologizing but also accused Al Bizri of populism. They also criticized the representative of the World Bank for the Middle East, Saroj Kumar Jha, after he described the incident as a violation of the agreement, accusing him of lying and fabricating information. In addition, they argued they were not the only ones to take the vaccine early and claimed that representatives of the International Red took did the same. This could have led to a major crisis between Lebanon and the World Bank, potentially halting the vaccination process and suspending the loan. The situation was rectified, but this incident remains a testament to one aspect of managing the crisis.²¹

In Egypt, the decision-making process during the pandemic was extremely centralized. With the onset of the pandemic and the introduction of the relevant amendments to the emergency law, the President delegated the primary responsibilities of managing the pandemic to prime minister Mostafa Madbouly, who in turn created a high commission to manage the pandemic. The commission was made up of high-ranking technocrats from the relevant ministries including

21- Anger in Lebanon after members of Parliament received the Corona vaccine without waiting for their turn, BBC Arabic, February 24, 2021, <https://www.bbc.com/arabic/trending-56184608>

-but not limited to- ministers. This commission oversaw the management of the Covid-19 pandemic. ²²

In 2022, Egypt ranked 130 out of 180 countries in Transparency International's 2022 Corruption Perceptions Index. Although the 2014 constitution stated in article 68 that Egypt needed to adopt a law on the right to information, no law has been thus far enacted even though civil society organizations and the Ministry of Justice both submitted draft laws on the issue to the parliament in 2012 and 2013, respectively. ²³ Limited access to information makes it difficult for citizens to hold the government accountable and is one of the reasons that corruption levels are so staggering. All this takes a toll on the democratic process. More troubling is Egypt's poor performance when it comes to maintaining rule of law. The World Justice Project's Rule of Law index ranked Egypt as 135th out of 140 states in terms of maintaining rule of law in the year 2022. This is down from 125th in 2020. This ranking comes mostly from lack of constraints on governmental powers, limited transparency, and failure to

22- Learn about the government's precautionary measures to confront the Corona virus, March 24, 2020, Youm7, <https://bit.ly/34kz1Ge>.

23- Egyptian Constitution of 2014, amended in 2019, <https://bit.ly/3TzWwXl>

protect fundamental rights, among other issues.²⁴.

As for women, the state tried to address the different ways in which the pandemic affected them. In general, women functioned as first responders or primary caregivers during the pandemic.²⁵ According to one poll, household work increased by 51% and time spent in childcare increased by 61% during the pandemic.²⁶ Government initiatives introduced during the pandemic focused on addressing the economic and social burdens of women, in line with the previous policy. They introduced a grant to support irregular employment of which 47% of their beneficiaries were women. The government granted paid leaves for women who were pregnant or caring for children under the age of 12 and

24- Rule of Law Index, “WJP Rule of Law Index - The Arab Republic of Egypt,” World Justice Project, 2022, <https://worldjusticeproject.org/rule-of-law-index>.

25- OHCHR, “Responding to the Needs of Women, ‘First Responders’ to Egypt’s COVID-19 Crisis,” UN Office of the High Commissioner for Human Rights, February 25, 2021, <https://www.ohchr.org/en/stories/2021/02/responding-needs-women-first-responders-egypts-covid-19-crisis>.

26- National Council for Women, Baseera the Egyptian Center for Public Opinion Research, and UN Women, “Women and the Covid 19 Pandemic,” April 14, 2022, <https://arabstates.unwomen.org/sites/default/files/Field%20Office%20Arab%20States/Attachments/Publications/2020/05/Egypt%20COVID-19%20Brief/women%20%20covid19%20en.pdf>.

continued programs for increasing childcare options in rural areas under the Decent Life Initiative in addition to projects for economic empowerment and improving literacy rates.

In Tunisia, the government discourse worked to establish a patriarchal relationship with citizens during the pandemic. On the surface, this relationship was based on experts and doctors giving people advice about dealing with the pandemic, yet it was also a way to restore repressive measures and replace civil laws with the emergency law.²⁷ In fact, the purpose of this “patriarchal relationship” in a faltering democratic context was to allow the government to absolve itself of the dire consequences of the lockdown, especially those related to social and health guarantees that enable vulnerable groups to access free medication.²⁸ In this regard, the government suppressed criticism of the official handling of the pandemic. Two bloggers were arrested in March 2022²⁹ for accusing the authorities of corruption,

27- القانون المنظم لحالة الطوارئ في تونس

<https://legislation-securite.tn/ar/law/41237>

28- Details of grant disbursement to those affected by the repercussions of quarantine measures, Al-Shorouk Al-Tunisia newspaper, June 11, 2021. <https://bit.ly/44Enoaz>

29- Freedom of the Press: An Essential Gain of the Tunisian Revolution in Danger, Deutsche Welle Al-Arabi, May 3, 2022, <https://bit.ly/3vsOs0u>

based on Article 86 of the Telecommunications Code³⁰. Since October 2021, a month after he was inaugurated as head of government, Hicham Mechichi³¹ has been using measures that are originally meant to curb the pandemic to clamp down on protest movements. This included imposing a four-day lockdown at the time when protests were supposed to be staged to mark the anniversary of the Tunisian revolution. The protest aimed at condemning the policies adopted by the government to deal with the pandemic especially with the number of daily cases amounting to 6,000 in the first quarter of 2021.³²

It becomes clear from the above that the pandemic shed light on the fragility of democratic practices in the Arab region and revealed the way democracy is not engrained in the four countries on the institutional, legal, or cultural levels.

³³ The pandemic did not enhance political participation,

30- This chapter indicates that anyone who intentionally offends others or disturbs their comfort via public telecommunications networks may be punished with imprisonment for a period of up to two years.

31- Combating Covid-19 in Tunisia: Mechichi's government, police station instead of vaccination, Nawaat website, July 7, 2021, <https://bit.ly/3ZbAuLp>

32- Ibid.

33- See the Tunisian case study, Fouad Ghorbali, under publication, within this project.

but rather served as a pretext for governments to consolidate their authority, adopt more centralized measures, and restore authoritarian practices. On the institutional level, central authorities marginalized the role of municipal councils in dealing with the pandemic and used the lockdown to clamp down on social movements. On a more positive side, governments worked on expanding healthcare coverage through pumping public funds into the medical sector, enhancing the skills of medical staff, and digitizing healthcare services for easier access and more effective performance. They also tried to make vaccines and medicines available to all segments of population regardless of socio-economic status. On the level of freedoms, measures to contain the pandemic were used to violate citizens' rights, which was particularly demonstrated in encroachment upon freedom of movement and freedom of expression as well as grounds upon which citizens can be arrested or detained. It was obvious that state players wanted to use the pandemic to strip citizens of democratic gains they made in the preceding decade, which was particularly illustrated through intensifying centralized practices and sidelining non-state players who had the ability to help in dealing with the crisis.

Governance in the Arab region: Comparisons and analogies:

Through examining the nature of governance in the four countries subject of this research, the following conclusions can be drawn:

- Civil society organizations were excluded from the decision-making process and from performing their social role during the pandemic even if in different degrees depending on each country.
- The state of emergency violated public rights, compromised the rule of law, and was used to clamp down on opposition.
- Even though the four countries ratified universal charters pertaining to governance and transparency, the four countries restricted access to information and applied several exceptional measures that rendered laws ineffective.
- Several political, legislative, and social practices adopted during the pandemic led to increased corruption such as lack of transparency, violation of public freedoms, absence of adequate legislations, and encroachment upon freedom of expression.
- Municipal councils were not able to perform their duties

owing to the control exercised by central governments, especially in Jordan and Egypt, and the same applied to legislatures, which were not able to conduct their legislative and monitoring roles.

- Human rights activists particularly suffered during the pandemic due to restriction on public freedoms, especially under the state of emergency and the exceptional measures that accompanied it.
- Political parties had no substantial role in the pandemic since they hardly participated in the decision-making process with governments fully in control.
- Some groups benefited from the pandemic, especially medical suppliers that took advantage of shortage in equipment or medicine.
- Governments used the pandemic to monopolize the decision-making process and, in some cases, to issue new laws and legislations that jeopardize basic rights and freedoms.

Conclusion:

This paper examined the concept of governance that, despite of its many definitions, always revolves around a

set of criteria pertaining to human rights, accountability, transparency, partnership between state institutions, citizens, and civil society organizations, women rights, the rule of law, and equality and the elimination of discrimination. Based on the afore-mentioned examples, it becomes obvious that governance in the four countries subject of this research is shaped by the whims of governments rather than objective criteria. As a result, they become unable to deal with crises, which was the case with the Covid-19 pandemic that exposed the weakness of social protection systems. According to a report entitled “Brookings experts on the implications of COVID-19 for the Middle East and North Africa issued by the Doha Brookings Center, “The coronavirus pandemic has served yet another pretext for curbing human rights. Governments around the world are using their emergency powers to put in place exceptional restrictions to keep the virus contained. Their approach is reminiscent of the swift and repressive measures they previously took to enforce so-called counterterrorism policies... The emergency powers invoked by governments to inflict further repression, rather than genuinely control the spread of the coronavirus pandemic, point to the use and abuse of public health crises to entrench authoritarian rule. Once the pandemic subsides, lawyers and

policymakers wishing to reverse these restrictions will have their work cut out for them.”³⁴

As the paper showed, the impact of the pandemic on women, lack of transparency and accountability, and the exclusion of non-state players are all issues that were not caused by the pandemic, but the pandemic only exposed them in a flagrant manner. In fact, the pandemic played a major role in proving that democratic practices are not engrained into any of the four countries’ institutions³⁵. This was demonstrated in the reinforcement of centralization, exclusion of municipal entities and civil society organizations, and using emergency laws to clamp down on opposition and freedom of expression under the pretext of curbing the spread of the virus.

Recommendations:

First: Legal recommendations:

- Issuing laws that penalize officials who used the pandemic to achieve personal gains at the expense of public good.

34- Rachel Shoemaker, Governance in the Arab Region: Public Responses to the Coronavirus, Al-Ghad Jordanian Newspaper, available at the link: <https://bit.ly/3GTYPH5>

35- Fouad Ghorbali, previously mentioned reference.

- Clarifying the concept of governance in relevant laws in a way that ensures transparency and integrity.
- Organizing workshops for activists and civil society organizations to raise awareness on the concept of governance in universal treaties.

Second: Procedural recommendations:

- Conducting studies with civil society to examine how far existing laws and legislations abide by the principles of good governance.
- Facilitating access to information
- Governmental support for civil society organizations through allowing them to perform their duties and take part in managing crises as well as acknowledging their role in reducing unemployment rates through job opportunities they create.
- Ratifying legislations that provide civil society with the freedom to practice its activities and stop governments from confiscating funds directed at civil society organizations or using those organizations in a way that serves official agendas.

Third: Recommendation re non-governmental organizations:

- Cooperation between governments on one hand and the private sector and civil society organizations on the other hand to agree on a set of practices that guarantee transparency, accountability, and access to information.
- Authoring annual reports on governance in the Arab region that rank countries in terms of accountability and cooperation with civil society and using those reports to write guidelines on good governance.
- Agreements between governments and civil society organizations that allow the latter to perform their duties, including in crises, and facilitate the ratification of legislations in this regard.

Fourth: Recommendations re citizens:

- Drafting legislations that allow citizens to be an integral part in the democratic process through political participation, freedom of expression, freedom to establish associations, and the creation of a pluralist system.
- Empowering citizens to take part in community service and raising awareness about the importance of voluntary work and participation as part and parcel of citizenship.

Fifth: Recommendation re governance under Covid-19:

- Refraining from the suspension of civil laws in Favor of emergency laws
- Observing the principle of transparency in providing aid for sectors and individuals impacted by the pandemic.
- Allowing sectors that are most impacted by the pandemic to take part in the decision-making process and to propose and implement precautionary measures.
- Refraining from the politicization of the pandemic through observing the principles of good governance and abiding by relevant civil laws

The Covid-19 pandemic and political participation

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Introduction: Defining political participation:

The concept of political participation is not confined to impacting the work of governments and/or officials, but it also extends to all efforts that some groups exert to change policies, programs, or officials. Political participation is comprised of a host of interrelated political, social, and cultural factors that together determine the duties, tools, and mechanisms of a political system. Political participation is a basic democratic principle and one of the most important components of any democratic regime. It is also an essential part of the principles of citizenship and equality and is the criterion that distinguishes between authoritarian and

democratic regimes¹.

Political participation is often linked, but not limited to, elections. It is, however, the electoral system that determines the form and effectiveness of political participation and endows state institutions with popular legitimacy, hence establishing trust between the people and these institutions. For elections to be democratic, they must be fair and free, which means that voters should have the right to freedom of expression, choice, assembly and to creating and/or belonging to political parties, trade unions, and associations as well as access to information and resources. Political participation is impacted by several factors, on top of which is the political regime that determines the relationship between the people and the state. This relationship always depends on the political environment; hence it is stable when conditions allow for political participation and unstable when the state represses rights and freedoms.

This paper focuses on political participation during crises. Many analysts argue that the absence of political participation is what triggers and aggravates crises. This is because

1- Bassel Ahmed Ziab Amer. "The crisis of political participation and its impact on democratic transition in Palestine (1993- 2013) [Arabic]." MA dissertation, Al Najah National University, Nablus, 2014: <https://bit.ly/3NREZ8x>

monitoring the performance of the government and taking part in the decision-making process is what makes it possible to either evade crises altogether or effectively deal with them when they happen. On the other hand, crises obstruct political participation whether for political or technical reasons since during a crisis, officials are threatened by activists, social movements, and human rights groups that expose their mistakes in dealing with crises, hence try to crush any form of opposition. This becomes easier in the absence of transparency, accountability, and democratic practices. Most Arab countries, including the ones subject of this paper, impose restrictions on political participation to obstruct accountability. This was particularly demonstrated during the Covid-19 pandemic, which not only exposed the weakness of healthcare systems and their inability to deal with a crisis of such magnitude but also revealed the defectiveness of political systems in the region.

Factors impacting political participation:

The Arab region has been facing several challenges that are caused by political factors and have economic, social, environmental, and cultural repercussions. These challenges are linked to absence of responsibility and accountability,

which in turn obstructs the work of civil society. These challenges are as follows:

First: Geopolitical changes:

The political, economic, and social impacts of geopolitical changes are intricately linked to the global struggle for power, which is reflected on both regional and national levels in the Arab world. Added to this is the struggle within the region, especially through interfering in the domestic affairs of several countries and, in many cases, introducing political, economic, and social changes. Interfering in domestic affairs could be direct through political, military, security, or economic influence, usually exercised by domestic allies of external powers, and could be indirect through funding particular groups, governments, or parties, which was the case in Arab Spring countries during the democratic transition. Geopolitical changes ignited armed conflicts, which in turn trigger the influx of migrants and refugees. In fact, the Arab region is home to one third of the world's refugees and migrants according to the 2023 report issued by the United Nations Higher Commission for Refugees². In addition, violence and armed conflicts give rise to an “economy of war” where the influence of paramilitary groups grows to the extent

2- Global Trends, Forced Displacement in 2022, UNHCR, <https://bit.ly/44JVkD6>

that impacts public policies and economic choices not only in the countries where they operate but also in neighbouring ones. This does not belittle the role of economic, social, and cultural factors in the process of migration, whether internal or external. Unemployment, poverty, political exclusion, social disparities, and marginalization are all factors that drive people to migrate in search for job opportunities and better living conditions. Migration rates especially multiply during crises.

Second: The nature of the state:

The mechanisms of the decision-making process vary based on the nature of the state. In authoritarian states, constitutions and laws are sidelined and executive authorities take control. For example, the Egyptian constitution stipulates the creation of a decentralized system, but this never materialized, and Egypt remains an extremely centralized state³. The constitutions of most Arab countries stress the importance of respecting the political, social, and economic rights of citizens and most of them also ratified universal human rights treaties without reservations. However, these rights are constantly overlooked by decision-makers and in public policies. This

3- Salma Khalil. "Egypt and the Covid-19 pandemic [Arabic]." Included in the first volume of the project, under publication.

was demonstrated in Tunisia when President Kais Saïd suspended the constitution and dissolved the parliament. Most countries in the region are not states of law since neither laws nor constitutions are respected, and state institutions do not perform their regular duties as in democracies. In these cases, the minority exercises power over the majority, which means the exclusion of all other players such as civil society. In fact, when the pandemic started, civil society had conflicted with authorities in most Arab countries and the latter took advantage of the pandemic to clamp down on all forms of opposition and ban all gatherings under the pretext of curbing the spread of the virus.

Third: Civil society:

Civil society in the Arab region suffers from several structural defects as well as a shortage of resources and lack of expertise. Most Arab countries were ruled by autocratic regimes in the post-independence era and those regimes imposed multiple restrictions on civil society organizations and rights activists, driving them to work secretly in most cases and making it difficult for them to accumulate the necessary experience or secure enough resources. When the Arab Spring protests took place, this changed and civil society acquired more freedom. This, however, was short-lived since soon after the freedoms

gained after the revolutions were gradually undermined and democratic practices declined. As a result, civil society was restricted once more and was unable to acquire the skills it lacked in such a short interval⁴.

Fourth: Donors:

Most donors, especially international financial institutions, impose conditions on governments in return for getting aid or loans. These conditions usually involve austerity measures and the reduction of public spending on basic services. Meanwhile, neither citizens nor civil society take part in reviewing the conditions or evaluate their impact on their lives. This is aggravated by the fact that most donor entities ally with authoritarian governments and overlook their undemocratic practices such as lack of accountability and transparency, which means they do not prioritize the interests of citizens and only consolidate the global capitalist system.

Arab countries during the pandemic: Case studies:

Based on case studies conducted by experts in the four

4- Adib Naema. "Civic space in Arab countries [Arabic]." Civic Space Observatory and Arab NGO Network for Development, Aug 2023: <https://bit.ly/49iDHwg>

countries subject of this research⁵, reactions to the pandemic were quite similar since all of them used the pandemic for a political agenda by imposing restrictions on rights and freedoms. This was done through different measures that included suspending parliamentary sessions, giving executive authorities full control, amending laws and legislations to clamp down on freedom of expression, and declaring a state of emergency. Below are general remarks on the experience of the pandemic in the countries on which case studies were conducted:

First: The role of civil society:

During the pandemic, the role of civil society, and in some cases political parties, was restricted to providing humanitarian aid to alleviate the social, economic, and health impacts of the virus. In many cases, civil society organizations coordinated with the state. Shifting to humanitarian aid sidelined the original role of civil society, which is political, and seemed to support the discourse that prioritized healthcare over social and economic rights.

Second: Suppressive measures:

Authorities in the four countries imposed a set of repressive

5- Background paper for the project, under publication in the first volume.

measures even though the level of repression differed from one country to another. Such measures affected several basic rights such as the right to assembly and organization, freedom of expression, and access to information, all under the banner of the state of emergency. They also had a negative impact on political participation. Governments clamped down on different forms of opposition especially journalists and bloggers who criticized the official approach to the pandemic and many were arrested and/or accused of spreading false news and undermining the state. This was the case with teachers in Jordan⁶. In Lebanon, authorities violently crushed protests especially on August 8, 2020, where protestors accused the government of negligence that caused the Beirut harbour explosion⁷. Meanwhile, the parliament was dissolved in Tunisia and the president, who is known for his hostility to civil society, took full control.

Third: Conventional and conservative powers:⁸

6- Walid Hosni Zahra. "The Impact of the Covid-19 pandemic on governance in Jordan [Arabic]." Included under publication in the first volume.

7- Fatma Al Mosawi. "Collapse, politicization, and violation: Tracing the impact of Covid-19 in Lebanon [Arabic]." Included under publication in the first volume.

8- "Civic space in Arab countries [Arabic]" Civic Space Observatory and Arab NGO Network for Development, Feb 2023: <https://bit.ly/3r1djH0>

Conventional powers are political parties and different entities, such as political factions and trade unions, that usually ally with the state. These conservative powers usually take part in imposing restrictions on civil society and different forms of opposition. In Lebanon, these powers, which also included sectarian factions and security entities, violently crushed protests. This was the case with the parliament police, which reports to the parliament speaker and not the Ministry of Interior, in the protests staged after the harbour explosion. In some cases, such powers conduct assassinations to get rid of their opponents. This was demonstrated in the assassination of Jordanian activist Nahed Hattar by Islamist operatives and the assassination of Lebanese activist Lokman Slim by paramilitary powers. Added to that are the threats directed at opposition figures who threaten the interests of those powers.

Fourth: Media outlets:

Conventional media outlets in the four countries are mostly controlled by the state and defend its actions at the expense of citizens' interests. That is why independent powers and civil society organizations always resort to alternative outlets such as social media. However, even social media are controlled

by the state, which has the financial and technical resources to promote the political discourse that serves its agenda and to tarnish the image of activists and rights groups. Meanwhile, the resources of civil society organizations are too limited to counter those campaigns and reach as many people as the state.

Preliminary conclusions:

Considering the studies conducted about the four countries subject of the research, several preliminary conclusions can be drawn:

First: The four countries have authoritarian regimes even if at different levels. State institutions suffer from serious structural problems and neither legislative nor judicial powers are independent. As a result, actions taken by executive entities were not monitored. In all cases, parliamentary elections in the four countries are far from being democratic⁹, which means that their results are not representative of the people, hence lack legitimacy and drive the people to distrust

9- Election took place in Jordan in September 2020 and in Lebanon in May 2022. In Tunisia, early legislative elections were held in December 2022 (first round) and January 2023 (second round).

state institutions¹⁰. In fact, parliaments in the Arab region do not perform their main legislative and monitoring duties. Also, members of parliaments overlook their constituents' interests when drafting and ratifying legislations. This could be attributed to their realization that their victory in parliamentary elections is not thanks to voters but rather to lack of democracy, hence they have no interest in serving those voters.¹¹ Such undemocratic practices expose the absence of a "social contract" between the government and the people and shows that the state does not treat people like citizens but rather like subjects. This means that rights and freedoms are constantly violated, transparency and accountability are lacking, and political participation is non-existent. It is noteworthy that in Arab countries the decision-making process does not actually take place in relevant institutions such as the parliament. This is because discussions among members of Arab parliaments do not mean they are the ones who eventually agree on a given law since laws are drafted outside the parliament whose main job becomes only ratifying them. In many cases, those laws

10- Reports by the Arab Network for Democratic Elections underline legal and procedural violations in the elections held in Jordan, Lebanon, and Tunisia.

11- Ibid.

are drafted by executive entities and/ or the deep state in a way that ensures the power of such entities is not threatened and the same applies to public policies, which means total absence of political participation and the exclusion of people and groups directly impacted by those laws.

Second: The pandemic could be over for the time being, but this did not mean lifting the restrictions that were allegedly imposed for protecting public health. In fact, those restrictions had been in place long before the pandemic and continued after it ended. Therefore, the state of emergency could be technically linked to the pandemic, yet the practices it involves were never new. This applies to the violation of basic rights and freedoms, clamping down on opposition and civil society, and restrictions on political participation to cite a few examples.

Third: In most Arab countries, anti-revolutionary powers form alliances to crush any attempts at changing the status quo. For example, several political factions took part in the protests staged in Egypt in 2013 against the democratically elected president in 2013 and supported the coup that followed. The same applies to calls by the Egyptian presidency for holding a “national dialogue,” in which several political factions took part despite criticism that it is only a roundabout way to

contain opposition and embellish the image of the autocratic regime. In Tunisia, protests staged against the suspension of the constitution and the president's attempts at monopolizing power were opposed by several civilian factions that supported those measures, which undermined democratic transition in the country. Both cases highlight the role civilian groups can play in the counter-revolutionary movement that undermines the goals achieved by the Arab Spring. In addition, Lebanon and Jordan have been witnessing a remarkable deterioration in democratic practices. This is done through electoral laws that undermine democratic representation, suppressing social movements and trade unions, and imposing restrictions on civil society, as demonstrated in the case studies. This situation is aggravated by the lack of democratic awareness among citizens, hence negatively affecting political participation and making it easier for the state to impose its patriarchal discourse¹².

On the positive side:

Despite the bleak situation, some positive developments as far as political participation is concerned can be identified.

12- Fouad Ghorbali. "Democratic practices and political participation during the Covid-19 pandemic: The case of Tunisia [Arabic]." Included under publication in the first volume of the project.

This is particularly demonstrated in the role of civil society in the pandemic, which proved that despite attempts at restricting their work, they are the entities most capable of communicating with the people and responding to their needs. Cooperation between civil society and governments in supporting communities during the pandemic could be seen as a step forward in the relationship between them and might promise a more balanced relationship in the future and more freedom for non-governmental entities. Civil society organizations launched several initiatives during the pandemic, including the distribution of food and aid among impoverished families during lockdown, offering health care, and providing and/or manufacturing face masks¹³.

While elections held in 2020 in Lebanon were defective in many ways because of loopholes in the electoral law and the large sums of money spent by certain factions to influence voters, the results were quite positive. Opposition factions got more than 400,000 votes, which is more than one quarter of the voters, which reflects a real desire for political

13- Jihan Abu Zeid. "The role of civil society in facing the pandemic [Arabic]."

Unpublished study presented at the Arab Forum for Sustainable Development in collaboration with Arab NGO Network for Development and the United Nations Economic and Social Commission for Western Asia (ESCWA).

change. Elections at the lawyers,' doctors,' and pharmacists' syndicates also had positive results as "reformers" won a substantial number of seats in addition to one syndicate head position, which constitutes a success for democratic movements. In Jordan, although the government imposed strict measures and clamped down on opposition, teachers went on a strike and staged several protests, which led to arresting many of them. This shows that social movements are still capable of fighting for their rights despite repressions. In Egypt, activists used social media to oppose government policies and document violations of citizens' rights despite ongoing arrests and protest bans. In Tunisia, trade unions and women rights organizations continue to defend individual and public rights and freedoms and resist attempts at going back to the authoritarian regime. These examples demonstrate that civil society is determined to defend its right to political participation through all available channels and to protect democratic practices against attempts at reinstating authoritarianism.

Political participation: A conclusion:

Political participation is a complex process that takes

different shapes that include taking part in policymaking and parliamentary and municipal elections and referenda, exercising the right to freedom of expression through protests and media outlets, among others, and monitoring the performance of the government. Political participation is affected by several factors, on top of which is the nature of the state. Political participation requires respecting the constitution and the laws, separation of powers, adopting a decentralized approach, empowering state institutions, protecting individual and public freedoms, respecting civil society, and providing access to information. In the absence of these factors, political participation becomes minimal and ineffective. Political participation is also affected by elections, which must be free and fair, hence resulting in actual representation of different segments of society. Interference in a country's domestic affairs, whether direct or indirect, is also bound to undermine the process of political participation, which is especially the case with international financial institutions. The role of conventional powers cannot be overlooked since their support for undemocratic practices and/or state players are bound to obstruct political participation. In addition, civil society is an important component of political participation, and the more

resources and expertise civil society organizations have, the more capable they are of taking part in the decision-making process. It is not possible to have a plan that aims at effecting democratic change without taking all the aforementioned factors into consideration and understanding the link between them and the mutual impact they have on one another.

Conclusion:

Political participation is one of the most effective tools for monitoring and accountability since it ensures learning from past mistakes and enhances the ability of state institutions to perform their duties efficiently. This, in turn, braces societies against crises and enables them to alleviate their repercussions. Political participation also leads to making the best use of both financial and human resources, which again plays an important role at the time of crises. Studies about the countries subject of this research prove that absence of democratic practices and weakness of political participation obstructed civil society organizations and minimized their role in dealing with the crisis. The defective healthcare system and the inefficiency of relevant state institutions made the situation much worse. That is why it is important to reconsider

the social contract between the state and its citizens and to respect the principles of citizenship and protect basic rights to allow for real and effective political participation, hence upholding transparency, and accountability. This kind of sustainable change is what ensures the rule of law and enables countries to deal with crises.

Civil society and social movements under Covid-19

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Introduction:

The Covid-19 pandemic constituted a major shock for political regimes and social movements, both of which needing to adapt their strategies to the new situation and the challenges it caused. This paper first tackles the development of social movement theory with special emphasis on their emergence and the strategies they employed to counter state restrictions and achieve their objectives. Second, the paper will investigate the role of civil society in general and during the pandemic in particular. This will be done through

1- The author would like to thank researcher Salma Mustafa for her role in collecting material for this paper.

focusing on the way civil society adapted its strategies to deal with the repercussions of the pandemic and restrictions imposed by the state as well as the challenges it faced in the process. Third, the paper will underline the role women rights' organizations in protecting women, who suffered doubly during the pandemic, while shedding light on the limitations of this role and the challenges those organizations faced.

First: Towards a dynamic analysis of social movements under Covid-19:

This section examines the development of social movement theories with special emphasis on strategies they employed to protest and/or change state policies. This will be necessary for analysing the role civil society played during the pandemic, particularly in questioning and objecting to the official approach to the crises.

Social movement theory is based on the Political Process Model (PPM), founded in 1984 by Doug McAdam. The theory is based on three concepts/ schools:

1- Political Opportunity Structure (POS), which attempts to know how open a given political system is and the

political opportunities such openness would offer. In this regard, scholars need to determine the ways in which state institutions offer channels of expression for opposition² as well as political opportunities based on changes in the political context.³ This process involves the analysis of three factors:

- a- Dividing the intelligentsia into several competing parties with equal chances to replace one another⁴
- b- Strong supporters of social movements within the intelligentsia⁵
- c- Potential supporters of social movements

In this context, presence, or absence of repression, or rather any change in the level of repression, constitutes an opportunity for the emergence of social movements, especially under authoritarian regimes.⁶

2- Maryjane Osa, *Solidarity and Contention: Networks of Polish Opposition* (Minneapolis: University of Minnesota Press, 2003), 12.

3- Ibid, 12.

4- Ibid, 12.

5- Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics* (New York: Cambridge University Press, 1998), 78-80.

6- Ibid, 84-85.

2- Mobilizing Structures, defined as both official and unofficial entities through which people mobilize and engage in collective action⁷. This means that organizing is a prerequisite for the emergence of social movements since these movements do not solely depend on the availability of political opportunities but also on massive communal structures that can organize into a movement and make use of available political opportunities. This is what McAdam calls “potential of conversion”⁸.

3- Framing Process, which focuses on social movements’ use of intellectual ideas in the mobilization process. Scholars study the legacy of political opportunity structure school, which remained neglected till the 1980s, and investigate the struggle to produce opposing concepts. Theorists of this school believe that activists in social movements can produce new ideas that challenge the powers they are struggling against⁹.

7- Doug McAdam, John D. McCarthy, and Mayer N. Zald, eds., *Conceptual Origins, Current Problems, Future Directions* (Cambridge: Cambridge University Press, 1996).

8- Doug McAdam, *Political Process, and the Development of Black Insurgency, 1930-1970* (Chicago: University of Chicago Press, 1984), 44-45.

9- Robert D. Benford and David A. Snow, “Framing Processes and Social Movements: An Overview and Assessment,” *Annual Review of Sociology*,

The political process model was faced with harsh criticism due to its structural bias, undynamic and non-relational nature, especially as far as the political opportunity structure school is concerned. In fact, social movements do not deal with a state, structure, or regime but rather with the obstructions imposed by main players in this state/structure/ regime. Criticism directed against the political process model lends credibility to the Strategic Interaction Paradigm (SIP) introduced by Duyvendak & J. M. Jasper in their book *Players and Arenas: The Interactive Dynamics of Protest* (2015).¹⁰ The main focus of this paradigm is on “players” and “arenas” in the sense that players interact with one another in arenas of a different nature. In his essay “Linking Arenas: structuring concepts in the study of politics and protest” (2021), Jasper defines players as “individuals or groups who have some shared identity, some common goals, and who operate in at least one arena.”¹¹ Arenas, in this case, are “most of what

26: 611-639.

10- James M. Jasper and Jan Willem Duyvendak, eds., *Players, and Arenas: The Interactive Dynamics of Protest* (Amsterdam: Amsterdam University Press, 2015a), 295-318.

11- James M. Jasper, “Linking Arenas: structuring concepts in the study of politics and protest.” *Social Movement Studies* 20 no.2 (2021): 243-244.

has gone under the banner of structure”.¹²

According to Duyvendak & Fillieule,¹³ the concept of the arena takes us to the strategic interaction paradigm developed by Jasper. When studying a social movement, it is important to examine the interaction between players within the Contentious Process. Jasper argues that focusing on this interaction makes it possible for scholars to go beyond arguments by social movement theorists about these movements’ capability to act (agency) and the structural factors that obstruct this (structure).¹⁴ This dynamic paradigm makes analyses of social movements more interactive and more relational in the following ways:

First, this paradigm deconstructs the conventional division into “state” and “movements,” for instead it acknowledges the presence of different players that design and implement strategies and different arenas in which actions and interactions

12- Duyvendak, Jasper, eds., *Players, and Arenas*, 16.

13- Jan. W Duyvendak and Oliver Fillieule, “Conclusion. Patterned Fluidity: An Interactionist Perspective as a Tool for Exploring Contentious Politics.” In *Players and Arenas: The Interactive Dynamics of Protest*, edited by James M. Jasper and Jan Willem Duyvendak. (Amsterdam: Amsterdam University Press, 2015), 307-308.

14- James M. Jasper and Jan Willem Duyvendak, eds., *Breaking Down the State: Protestors Engaged*. (Amsterdam: Amsterdam University Press, 2015b), 17.

take place. The paradigm is comprised of dynamic factors: people, players, rules, expectations, physical arenas, actions that lead to each other and so on.¹⁵ Complex interactions between players cannot be reduced to a single context or structure since social movements do not interact with the state or given structures but with players, some of whom might be within those entities.¹⁶ That is why what the researcher would see as structural impossibilities should rather be considered an action on the part of a player trying to exclude another from a given arena.¹⁷

Second, this paradigm helps in underlining interactions and timelines within the contentious process as well as the history of players and arenas. This means that the paradigm allows scholars to follow different players in different arena over time, hence follow their choices, actions, coping mechanisms, means of resistance, and forms of interaction throughout the

15- James M. Jasper and Frédéric Volpi, "Introduction. Rethinking Mobilization after the Arab Uprisings." In *Microfoundations of the Arab Uprisings. Mapping Interactions between Regime and Protestors*, edited by Frédéric Volpi, James M. Jasper, and Jan Willem Duyvendak. (Amsterdam: Amsterdam University Press, 2018).

Duyvendak, Fillieule, "Patterned Fluidity," 295-318.

16- Jasper, Duyvendak, eds., *Players, and Arenas*, 22.

17- Jasper, "Linking Arenas," 243-257.

contentious process¹⁸. Since all actions are reactions, to analyse those interactions and follow their development over a certain time¹⁹, it is important to take previous decisions, negotiations, and expectations into consideration.²⁰ That is why it is important to know players' identities, professions, and cultural backgrounds since all these affect their ideologies, choices, and decisions.

Third, looking into strategies players use to achieve their goals makes it easier to study interactions within an arena. According to Jasper, players can use persuasion or coercion. Persuasion is intricately linked to rhetoric since words and speeches are the channels used to lend credibility to the movement, hence persuade people with the cause it advocates.²¹ Coercion can come in violent and nonviolent forms. The latter includes violating the law through stopping traffic, breaking store windows, and declaring civil disobedience through closure or occupation. Money is also an

18- Jasper, Duyvendak, eds., *Players, and Arenas*, 22-23.

19- Jabola-Carolus, I, et al., "Strategic interaction sequences: the institutionalization of participatory budgeting in New York City." *Social Movement Studies*, 19 no.5-6, (2020): 640.

20- Jasper, "Linking Arenas," 245.

21- James M. Jasper, *Protest: A Cultural Introduction to Social Movements*. (Cambridge: Polity Press, 2014), 46 – 47.

important factor not only because it is needed to fund social movements through recruiting staff, renting office space, or buying equipment, but also it can be used as a means of persuasion to encourage people to be part of the movement.²² The significance of this strategic orientation lies in the way it underlines trade-offs, choice points, and dilemmas that players deal with.²³ More often than not, players are faced with difficult choices and that is why strategic players always work on expanding their options while restricting those of their opponents²⁴ so that the opponents are placed in difficult situations in which options are minimal.²⁵ Here, “creative change” becomes possible when a player sees a trade-off as a choice point and becomes capable of making a choice that generates an opportunity to act in a different way.²⁶

It is important to adopt this relational, interactive approach in analysing the dynamics of contentious interaction between movement players, which could include movement leaders or influential players within the movement, on one hand and

22- Ibid, 48-49.

23- Jasper, *Protest*, 69.

24- Ibid, 65.

25- Duyvendak, Jasper, eds., *Players, and Arenas*, 20.

26- Jasper, *Protest*, 69.

regime players, which include state institutions and other influential players, on the other hand. To understand the struggle of civil society and social movements during and after the Covid-19, it is important to conduct an in-depth analysis of micro-level moves and countermoves between players in different arenas. Within this framework, this paper will focus on the interactions of civil society organizations in general and women rights' organizations in particular, especially their relationship with the state and the restrictions they faced. This will be done using the interactive, dynamic theory without necessarily applying all components of the theoretical framework.

Second: Civil society and societal initiatives:

This section offers a comparative analysis of the role of civil society and societal initiatives in dealing with the Covid-19 pandemic in the four countries subject of the research. Emphasis will be placed on restrictions the state imposed on civil society organizations and how they dealt with them.

In Jordan, the work of civil society organizations during the pandemic was undermined when the government put into effect that National defence Law on March 17, 2020. The law enacted emergency procedures that imposed several

restrictions on civil society. In addition, the impact of the pandemic on the Jordanian economy affected the funding and activities of civil society.²⁷ The Coordination Committee for Civil Society Organizations (HIMAM), a coalition of 16 nongovernmental organizations, submitted a request to the Jordanian government, asking to take part in alleviating the repercussions of the pandemic²⁸ or participating in the crisis management cell so they can share their experiences in policy making and working on the ground, but the government ignored this request.²⁹ However, such challenge drove civil society organizations to look for innovative solutions³⁰ despite prevalent doubts about their ability to unite and come up with strategies to deal with the crisis, especially in light of existing structural challenges. Several organizations had to change their field of work to be able to offer their services

27- Walid Hosni Zahra. "The Impact of the Covid-19 pandemic on governance in Jordan [Arabic]." Included under publication in the first volume of the project.

28- For more information check the Facebook page: <https://tinyurl.com/ysf9kg9q>

29- Walid Hosni Zahra. Op. Cit.

30- Phenix Center for Economics & Informatics Studies, (rep.), Shrinking Civic Space in Jordan: Concerning Developments Before and After COVID-19, (Amman, 2021).

during the pandemic, especially in the first months.³¹ These services included humanitarian aid, awareness campaigns, and launching platforms for communicating with the people and offering them guidance. The Jordan National NGO Forum (JONAF), which is comprised of forty organizations, played an important role in disseminating information and exchanging experiences³² as well as offering relief services and health and social protection in different forms.

In Egypt, civil society faced new challenges in addition to those it had already been facing before the pandemic due to restrictions imposed by the state. These included rising prices of medical supplies such as oxygen tanks, sanitization tools, face masks, and medicine especially considering monopolies³³, reduced funding, and the challenge of identifying the needs of vulnerable groups. Several unofficial initiatives were launched and used social media to communicate with and support affected groups such as individuals who contracted the virus or families whose

31- Ibid.

32- Arab Renaissance for Democracy and Development, (publication), Strengthening Localization in Jordan, (Amman, 2020).

33- “State and civil society in Egypt up against Covid-19 [Arabic].” Legal Agenda, August 23, 2020: <https://shorturl.at/ajsuY>

income was affected. Meanwhile, official organizations with a history of cooperating with state institutions, such as Orman Association, Misr El Kheir Foundation, and the Egyptian Food Bank, took part in supporting low-income families and the public medical sector through collecting donations. The Egyptian Food Bank and Orman Association also launched initiatives to support daily wagers.³⁴ Despite the importance of such initiatives in providing instant support, many of them were short-term and did not succeed in introducing sustainable plans to deal with the pandemic or setting foundations for societal response to health crises in general.³⁵ Most importantly, they were not capable of impacting the policymaking process in a way that addresses structural defects in the healthcare sector. In fact, the one entity that made remarkable achievements and adamantly opposed state policies was the Doctors' Syndicate that not only lobbied for the implementation of safety procedures to protect doctors during the pandemic but also the development of healthcare facilities in a way that guarantees saving patients' lives.³⁶

34- Ibid.

35- Ibid.

36- Salma Khalil. "Egypt and the Covid-19 pandemic [Arabic]." Included under publication in the first volume of the project.

In Tunisia, the government's response to the pandemic was labelled slow and limited. The first few months saw a failure of coordination among Tunisian ministries, growing hostility against media outlets, the increased presence of police forces in public spaces, and the imposition of hefty fines.³⁷ As was the case in Jordan, civil society organizations faced a lot of obstacles, mainly as a result of the lockdown that obstructed the funding process and made reaching vulnerable families much harder. However, civil society organizations still played an important organizational role in coordinating between volunteers and municipal councils to support families that were most affected by the pandemic.³⁸ This was done through distributing packages that include food supplies and detergents to low-income families,³⁹ hence making up for the vacuum created by the state as far as supporting vulnerable groups is concerned⁴⁰. In addition, civil society

37- Dhia Otay, "How Tunisia's Covid Response Demonstrates Governmental Dysfunction," Washington Institute, July 10, 2020, <https://tinyurl.com/yqtzs9g>

38- Hana Boulares. "Initiatives to counter Covid-19: Unity is strength but... [Arabic]." Jamaity, 2020: <https://bit.ly/49mEUmf>

39- "Civil society organizations volunteer to help Tunisians during lockdown [Arabic]." France 24, 2020: <https://bit.ly/49lTt9J>

40- Fouad Ghorbali. "Democratic practices and political participation during the Covid-19 pandemic: The case of Tunisia [Arabic]." Included in this volume.

worked on correcting wrong and contradictory information that spread in the first few months about the pandemic and official strategies to deal with the crisis⁴¹ through more than sixty societal initiatives that worked on spreading awareness, disseminating scientific information, and communicating with the people⁴². It is noteworthy that the work of civil society in Tunisia was extended to putting pressure on the government to reconsider its health emergency plan. On August 2, 2021, the Tunisian Civil Coalition issued a statement calling upon the authorities to take immediate measures to improve healthcare facilities in a way that makes them capable of curbing the pandemic, especially after the death toll had reached 20,000. The Tunisian General Labor Union was among the signatories.⁴³

Unlike the previously mentioned countries, response to the Covid-19 pandemic in Lebanon was fast and strategic. In fact, the role civil society played in Lebanon during the pandemic

41- Alexander Reiffenstuel, "Tunisia's Civil Society Supports Governmental Efforts of Slowing COVID-19 Transmission in Tunisia." *Freie Universität Berlin*, (2020).

42- Salma Bahi and Ahmed Abdelaziz, "Profil des initiatives communautaires de riposte contre la pandémie COVID-19 en Tunisie," *La Tunis Medicale*, 99nos.1 (2021) : 168–178.

43- Fouad Ghorbali. *Op. Cit.*

was compared to the one it played during the Lebanese Civil War and in the aftermath of the explosion of Beirut Harbor, especially in terms of humanitarian aid⁴⁴. At the same time, several societal initiatives were launched not only to raise awareness but also to offer technological support for patients and medical staff. In fact, those initiatives contributed to empowering the state's technological infrastructure, which had not been enough to address the crisis⁴⁵. Youths played an important role in organizing awareness initiatives, promoting technological empowerment, and supporting patients.⁴⁶ For example, students at the School of Healthcare at the Lebanese University started an initiative to offer medical care for sick and quarantined people and students from the Lebanese University and Beirut Arab University started initiatives to raise awareness, help people observe the lockdown, and support hospitals and the healthcare sector.⁴⁷ Despite the fact

44- Fatma Al Mosawi. "Collapse, politicization, and violation: Tracing the impact of Covid-19 in Lebanon [Arabic]." Included under publication in the first volume of the project.

45- Petra Khoury, Eid Azar, and Eveline Hitti, "Covid-19 response in Lebanon: Current Experience and Challenges in a Low-Resource Setting," *JAMA*, 324 no.6 (2020): 548–549.

46- Elda Al Ghosin. "Citizenship in the Face of the Coronavirus: Lebanese Youth Volunteerism as a Model." Salam was Kalam, 2020: <https://bit.ly/4a8h52F>

47- Fatma Al Mousawi. Op. Cit.

that the pandemic proved beyond doubt the impact of civil society in dealing with crises in Lebanon, organizations still faced several obstacles in organizing relief programs due to difficulties related to funding as well as the general economic crisis that got even worse after the pandemic.⁴⁸

Civil society organizations and societal initiatives in the four countries subject of this research faced similar challenges that were related to funding whether because of restrictions imposed by the state or the general economic conditions, the latter specifically applying to Lebanon. Other challenges were related to freedom of movement as was the case in Jordan. In the four countries, civil society organizations adopted a flexible approach to be able to offer the needed support during the pandemic, which was particularly the case in Jordan. In Egypt, Tunisia, and Lebanon, societal initiatives had a substantial impact through raising awareness and supporting patients. In all four countries, technology and social media played a major role in communicating with and supporting affected individuals and groups. In some cases, other entities complemented the role of civil

48- Sophia Warby, "Lebanese Civil Society and the Impact of COVID 19: A Survey of Perceptions and Responses to the Pandemic," Ark International, July 11, 2020, <https://tinyurl.com/yu5ha62l>

society organizations particularly through lobbying for policy changes such as the Doctors' Syndicate in Egypt and the Civil Coalition in Tunisia. Despite all those efforts, attempts at unifying civil society in a way that makes it more effective and structurally stronger have not yielded the desired results, especially in Egypt, Lebanon, and Jordan.

Third: Women rights' organizations:

This section offers a comparative analysis of the role of women rights' organizations in dealing with Covid-19 in the four countries subject of the research and the challenges they faced in their initiatives to support women during the pandemic.

Women in Jordan faced several challenges, on the professional level since precautionary measures imposed by the state did not take gender-based differences into consideration. Many women were forced to leave their jobs when schools were closed, and classes shifted online because they had to stay at home with their children. Added to this is the remarkable rise in domestic violence during the pandemic.⁴⁹ The pandemic also shed light on the main structural and institutional

49- Walid Hosni Zahra. Op. Cit.

problems that obstruct the feminist movement⁵⁰. Among the manifestations of such problems is the absence of women from planning committees created during the pandemic⁵¹. In fact, imposing restrictions on civil society in Jordan, especially during the pandemic, led to weakening feminist networks in the country.⁵² In fact, several feminist activists criticized the marginalization of civil society,⁵³ and feminist movements defied the government's restrictive measures. Although the government banned any public gatherings of more than twenty people, hundreds of protestors gathered in front of the parliament to condemn violence against women and the beating to death of a Jordanian woman called Ahlam. Her death took over social media with a campaign called "Ahlam's Screams." Protestors demanded changing articles 99 and 340 in the Jordanian penal code and which allow

50- The impact of Coronavirus on healthcare, domestic violence, and the economy in Jordan: A gender-based approach [Arabic]." Economic and Social Council, 2020.

51- "Feminist leaders: Women took part in empowering families against Coronavirus [Arabic]." Jordan News Agency, 2020: <https://tinyurl.com/2xddpgmy>

52- Nermine M. Garlick and Bessam Jaber, "Impact of Shrinking Space on Women Organising in Jordan," Kvinna till Kvinna Foundation, 2021, <https://tinyurl.com/ymh7buaq>

53- Walid Hosni Zahra. Op. Cit.

lenient punishments for perpetrators of honour crimes and insisted the father gets maximum penalty.⁵⁴ Women rights' organizations also played an important role in organizing both virtual and actual protests against the government's lockdown measures and the closure of the independent Teachers' Syndicate on July 25, 2020 in accordance with the emergency law.⁵⁵

Egyptian women, like their Jordanian counterparts, suffered from the same problems pertaining to childcare and domestic violence⁵⁶. Women working in the informal sector, especially farming, handcrafts, and domestic help, suffered the most since they do not have any form of legal protection, and they lost their incomes because of the lockdown. Added to that is the fact that they are more prone to physical, sexual, and psychological abuse. One of the few organizations that supported women who work in domestic help was Al Shehab Foundation for Comprehensive Development, which raised awareness and

54- Garlick and Jaber, *Impact of Shrinking*, 2021.

55- Ibid.

56- "Responding to the needs of women, "first responders" to Egypt's covid-19 crisis," OHCHR, February 25, 2021, <https://tinyurl.com/yvsvbvmxw>

offered immediate relief services.⁵⁷ In this context, several women rights' organizations launched initiatives to support women's economic, social, and psychological rights. These initiatives included creating help hotlines, organizing meetings on digital platforms, and issuing reports that focus on policies to counter gender-based violence and to protect women during the pandemic.⁵⁸ Several organizations offered legal and psychological support for victims of domestic violence, on top of which was the Center for Egyptian Women's Legal Assistance. On October 15, 2021, the center submitted in cooperation with the Center for Economic and Social Rights a report on Egypt to the 80th session of the Convention on the Elimination of All Forms of Discrimination Against Women.⁵⁹ In light of restrictions imposed on civil society organizations, several online campaigns were launched to raise awareness on domestic violence and call for penalizing perpetrators.⁶⁰ These campaigns, which were launched in

57- "Coronavirus and its social impacts on women: Crisis management in Egypt, Tunisia, and Lebanon [Arabic]." Friedrich Ebert Stiftung, 2021.

58- Ibid.

59- "CEWLA and CESR Submit a Follow up Report on Egypt to the CEDAW's 80th Session, "Center for Economic and Social Rights (CESR), 15 October 2021, <https://tinyurl.com/yulddnmy>

60- Salma Khalil. Op. Cit.

2020, offered a safe space for victims of sexual violence where they could file reports on condition of anonymity. The campaign called Takalami (speak up) was among the most influential especially that it managed to draw the attention of several officials, which in many cases led to a fast response to sexual violence cases.⁶¹

In Tunisia, violence against women increased since the release of government decree number 156 for the year 2020 on March 22, 2020, listing precautionary measures to curb the pandemic. Women who worked in the medical sector were among the most affected, especially cleaners who were exposed to the hazards of medical waste and who had to work for longer hours. Women in other sectors were also affected such as shop attendants, who were more at risk to contract the virus, and peasants, who did not have any form of social protection.⁶² Even though feminist movements in the countryside are not as strong as those in big cities,⁶³ several initiatives were launched to support women in rural areas. The

61- "Speak Up: empowering victims to combat sexual harassment and gender-based violence in Egypt, "World Justice Project, 2022,<https://tinyurl.com/yuahecco>

62- Fouad Ghorbali. Op. Cit.

63- Ibid.

Tunisian Forum for Economic and Social Rights created with several civil society organizations a coalition called “Living Safely.” The coalition called upon the ministries of health and transport to invest in improving public infrastructure and provide funding necessary for giving female peasants safe means of transportation.⁶⁴ Several organizations, such as the Women for Citizenship and Development Association and the Tunisian Union for Social Solidarity, launched training programs for rural women and worked as information centers in the countryside.⁶⁵ Civil society organizations utilized their expertise in mobilization to lobby for policy changes through documenting gender-based violence incidents and using them in awareness campaigns. Women rights’ organizations also criticized the police and the Ministry of Justice for not taking women’s complaints seriously.⁶⁶ The Tunisian Association of Democratic Women put pressure on the Supreme Judiciary Council and the Ministry of Justice to consider incidents of

64- Alessandra Bajec. “Tunisia: Covid-19 increases vulnerability of rural women, “Arab Reform Initiative, April 1, 2021, <https://tinyurl.com/y7dfyxke>

65- Bajec. “Tunisia.”

66- Maro Youssef and Sarah Yerkes, “The Power of Bipartisan Mobilization: The success of Tunisia’s feminist movement during the coronavirus pandemic. “Middle East Law and Governance, 14 no.1, (2021): 114–127. <https://doi.org/10.1163/18763375-14011296>

violence against women urgent cases that have to be taken to court on the spot during the pandemic⁶⁷ in response to the council's decision on March 23, 2020 to postpone all civil status cases.⁶⁸ Feminist movements also created a hotline for women subjected to domestic violence and put pressure on the Ministry of Women, Family, Childhood, and Seniors to open a new shelter for victims of domestic violence. However, women rights' organizations faced several obstacles with the coming to power of current president Kais Saeid and even received threats that warned them of publicly criticizing state policies, which drove them to restructure their networks and coalitions to start working again⁶⁹.

In Lebanon, women suffered during the pandemic as well as in the aftermath of the Beirut harbour explosion as their duties doubled and many of them had to leave their jobs to stay with their children. The situation worsened with the collapse of the local currency, which in turn led to the reduction of incomes. Groups of women suffered more than

67- For more information see the Facebook page: <https://tinyurl.com/ywyo5pme>

68- Fouad Ghorbali. Op. Cit.

69- Maro Youssef and Sarah Yerkes, "COVID-19 and Gender-Based Violence: Pandemic Response and Impact on Civil Society in Tunisia," "Middle East Political Science, 2022, <https://tinyurl.com/ynkbfzhj>

others such as those working in the healthcare sector, whose duties multiplied and were more likely to contract the virus. Migrant workers were also among the most affected groups not only because they had to work longer hours but also because in many cases their employers paid them less or did not pay them at all. This is attributed to the sponsor system that regulates bringing in foreign domestic help. This system does not include any social protection for these women since all arrangements are made between the employer and the employed. Violence against women increased and reporting abuse became harder when, like Tunisia, courts dealing with such cases closed, hence leaving abused women without legal protection.⁷⁰ Feminist organizations cooperated with the Anti-Racism Movement to support migrant female workers. They also created channels through which women could report abuse and get protection in addition to awareness campaigns to enable women to safely report abuse. These organizations also worked on aiding for foreign women married to Lebanese men and who had issues with their residency permits, returning to Lebanon from abroad during the pandemic, and/ or paying their children's tuition fees.

It becomes obvious that women faced the same problems

70- Fatma Al Mousawi. Op. Cit.

during the Covid-19 pandemic. However, dealing with those problems differed based on the influence of women rights' organizations in each country and the restrictions the state imposes on them. In Jordan and Egypt, governments restricted the work of civil society in fields other than humanitarian aid, which led those organizations to resort to technology to communicate with women and respond to their needs. Unlike Egypt, women in Jordan managed to stage protests despite restrictions on gatherings according to the emergency law. In Lebanon and Tunisia, the space allowed civil society in general, and women rights' organizations in particular was bigger. Tunisian women rights' organizations put direct pressure on the authorities to support marginalized women. In Tunisia, however, this was before the current president. In Lebanon, women rights' organizations worked as much as they could on protecting women and supporting, hence doing what the state should have done.

Conclusion:

First, civil society in its broader meaning and civil society organizations proved their ability to adjust their strategies within the space they are allowed and in a way that suits the context especially regarding funding obstacles and

challenging economic conditions. In Jordan, for example, civil society organizations adopted a flexible approach as they channelled their activities towards supporting people affected by the pandemic. Civil society in its broader sense displayed remarkable dynamism in Egypt, Tunisia, and Lebanon as it managed to recreate itself in the form of societal initiatives that managed to overcome restrictions imposed by the state to a great extent. Despite the limited success of revolutions in Egypt and Lebanon achieved, less so in Tunisia, several networks are still capable of organizing and acting. Ironically, the pandemic offered those networks the chance to prove they can still be active even if not politically.

Second, women rights' organizations also changed their strategies to make the best use of their resources considering restrictions imposed on them. In Egypt and Jordan, where civil society is heavily restricted, women rights' organizations used technology and social media to voice their demands and object to restrictions. Most importantly, their activities had an impact on the official level as governments started responding to their initiatives on sexual violence. In Lebanon and Tunisia (at least before the current president), civil society enjoys more freedom, and this enabled women rights' organizations to lobby for supporting marginalized women. In Lebanon,

these organizations almost played the role of the state, which was absent at times and helpless at others, in the services they offered to individuals and groups affected by the pandemic.

Third, trade unions played a major role especially in Egypt and Tunisia. In Egypt, while civil society organizations hardly managed to unite to push for policy changes, the Doctors' Syndicate played an active role in the pandemic not only through demanding the protection of doctors and healthcare staff but also the protection of patients through making medical supplies available. The closure of the Teachers' Syndicate in Jordan demonstrates how influential it was and how capable to put pressure on the government. The experience of the Doctors' Syndicate in Egypt and the Tunisian General Labor Union before and after the revolution confirm that trade unions always play a substantial part in any form of social or political change.

Finally, social networking websites and technology proved to be crucial tools that enabled civil society organizations and women rights' organizations to surpass bureaucratic, spatial, and security restrictions imposed by the state during the pandemic. These tools made it possible for organizations to communicate with vulnerable groups and provide them with the required support. In fact, technology has been

increasingly involved in different forms of change and are expected to be more so with younger generations, which are part of civil society in its broader sense, but the question is whether it can change the balance power between these generations and political regimes. This remains to be seen in the coming years.⁷¹

71- Other references consulted by the author:

Bahi, Salma, and Ahmed B Abdelaziz. "Profil Des Initiatives Communautaires de Riposte Contre La Pandémie COVID-19 En Tunisie." *La Tunis Medicale* 99, no. 1 (2021): 168–78.

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Human rights under the Covid-19 pandemic

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Introduction:

The Covid-19 pandemic constituted a real danger to people all over the world, their rights, lifestyles, and jobs. It also put the world's economies and political regimes to the test especially as far as sustainability, security, democracy, and priorities are concerned. According to the United Nations,

1- She has been involved in human rights activism and has contributed to the establishment of several civil society organizations focusing on human rights and women's rights. She was one of the founders of the "Tahar Haddad" Cultural Club. She also contributed to the establishment of the Women's Committee in the Tunisian General Labor Union and held several important positions. In 2011, she was a member of the Expert Panel of the Higher Authority for Achieving the Goals of the Revolution, Political Reform, and Democratic Transition.

“it became clear early on that the pandemic was more than a health crisis; it is a socio-economic crisis, a humanitarian crisis, a security crisis, and a human rights crisis. It has affected us as individuals, as families, communities, and societies. It has had an impact on every generation, including on those not yet born. The crisis has highlighted fragilities within and among nations, as well as in our systems for mounting a coordinated global response to shared threats.”²

Human rights were impacted in several ways during the pandemic whether through encroachment upon citizens’ basic rights and freedoms in general or vulnerable groups under the pretext of protecting public health. Looking into those violations raises questions about striking a balance between dealing with an emergency health situation and respecting human rights and lessons learnt from the Covid-19 pandemic, especially that both international laws and local legislations set conditions for restricting freedoms at the time of crises.

2- “United Nations Comprehensive Response to Covid- 19: Saving lives, protecting societies, recovering better.” June 2020: https://unsdg.un.org/sites/default/files/2020-09/un_comprehensive_response_to_covid-16_Sep_2020.pdf

First: Most common restrictions during the pandemic:

The pandemic was accompanied by a set of procedures that aimed at curbing the spread of the virus yet constituted a major violation of citizens' basic rights and freedoms. This was especially the case in countries that declared a state of emergency and imposed exceptional measures such as Tunisia³. In this regard, former UN High Commissioner for Human Rights Michelle Bachelet warned against using precautionary measures to encroach upon people's rights: "Emergency powers should not be a weapon government can wield to quash dissent, control the population, and even perpetuate their time in power. They should be used to cope effectively with the pandemic – nothing more, nothing less."⁴ Several countries did not take this into consideration and through exceptional measures violated universal human rights treaties they ratified and did not respect the local legislations that are supposed to protect those rights.

1. Rights restricted during the pandemic:

- Civil and political rights:

3- The state of emergency is regulated by decree number 50 for the year 1978, which was issued in the aftermath of the January 26, 1978, events. The law has not been changed despite its unconstitutionality.

4- Michelle Bachelet, Geneva, April 27, 2020.

Democratic practices were negatively impacted by restrictions on civil and political rights, including freedom of movement, travel bans, and use of public space, among others. This was attributed to declaring a state of emergency and imposing curfew.

- Curfew:

In Tunisia, the pandemic did not only expose social and regional disparities that the state could not handle during the crisis but also demonstrated how basic freedoms have never been engrained into state institutions, which was particularly illustrated in precautionary measures that were mostly rushed and improvised.⁵ This was the case with presidential decree 24/2020 to close the borders⁶ and presidential decree 28/2020 to impose curfew and set rules for gatherings outside curfew hours,⁷ both issued

5- Lawyers without Borders. “Two months of struggle against Covid-19 in Tunisia: Analysis of the rule of law [French]”: <https://www.asf.be/wp-content/uploads/2020/06/ASL-Covid-19-1.pdf>

Fouad Ghorbali. “Democratic practices and political participation during the Covid-19 pandemic: The case of Tunisia [Arabic].” Included in this volume.

6- Presidential decree number 24/ 2020, issued on March 18, 2020, imposed a curfew throughout the country.

7- Presidential decree number 28/2020, issued on March 22, 2020, regulated going out and gathering outside curfew time.

in March 2020. In Jordan, the state of emergency was declared by a royal decree⁸ and emergency law number 13 for the year 1992 was activated⁹ after 48 cases were reported between March 15 and 20, mostly coming from abroad. On March 20, curfew was imposed all over the country and was applied March 21, that is 19 days after the first case was reported.¹⁰ The prime minister was given extensive authorities that included restricting basic

8- The Emergency Law was released based on Article 124 of the Jordanian constitution: “In the event of what necessitates the defense of the country in the case of emergencies, a law in the name of the Defense Law shall be enacted by virtue of which power shall be given to the person specified by the law to take the necessary actions and measures including the power of the suspension of the ordinary laws of the State to ensure the defense of the country. The Defense Law shall come into force when this is declared by a Royal Decree to be issued on the basis of a decision by the Council of Ministers.”

9- The royal decree was issued on March 17, 2020 and stated the following: “I hereby direct the Government to ensure that the implementation of the Defense Law and the orders issued under it will be within the most limited scope possible, without infringing on Jordanians’ political and civil rights, but, rather, safeguarding them and protecting public liberties and the right to self-expression enshrined in the Constitution and in accordance with regular laws currently in effect, and guaranteeing the respect of private property, be it real estate, or movable and immovable funds.” See <https://rhc.jo/en/media/news/royal-decree-approves-cabinet-decision-proclaim-defence-law>.

10- Arabia Weather: <https://2u.pw/XfFzDz>

freedoms in different aspects of life despite pledging otherwise. Those restrictions stripped citizens of their right to stage peaceful protests and gather in public and affected their cultural rights with the closure of movie theatres and coffee houses.

- Mandatory quarantine:

In Tunisia, people coming from abroad were subjected to mandatory quarantine in places chosen by medical authorities.

- Freedom of speech:

Restrictions imposed during the pandemic had a negative impact on freedom of expression. In Tunisia, a blogger called Emna Chakri was accused of disrespecting religious beliefs and violating public decency for posting a sarcastic text entitled “Surat El Corona” and was prosecuted accordingly. Social media activists faced restrictions and five other bloggers were penalized for posting videos that criticized the government’s performance in managing the crisis¹¹. In Jordan, putting the emergency defence Law into effect undermined freedom of speech, freedom of the

11- Olfa Belhassine. “Social, economic, cultural, and individual rights during lockdown [Arabic]” The inseparability of rights and freedoms, edited by Wahid Ferchichi, Tunis, 2020.

press, and personal and political freedoms, which were especially affected by the curfew. It is worth noting that laws and legislations regulating freedom of expression did not undergo any changes in years 2020 and 2021.

- Civil society organizations:

In Tunisia, civil society organizations played a major role in helping vulnerable groups and people with special needs. They also formed coalitions¹² that put pressure on the government to modify its emergency plan¹³ or to ensure that women's sexual and reproductive health is not negatively impacted by the closure of clinics.¹⁴ Feminist organizations supported victims of domestic violence and created channels through which they can report abuse. The Association of Tunisian Women for Development Research made shelters available for victims under the supervision of the Ministry of Women. In Lebanon, the

12- <https://ftdes.net/ar/collectif-de-defense-du-secteur-public-de-la-sante/>

13- The Civil Coalition issued on August 3, 2021, a statement after the number of deaths reached 20,000 underlining hospitals' inability to provide all patients with oxygen tanks and calling upon the state to improve conditions in all medical facilities. The Tunisian General Labor Union was among the signatories.

14- The Tawhida Ben Sheikh Group launched an extensive campaign for reopening reproductive and sexual health centers that were closed during the pandemic based on instruction from the minister of health.

reaction of civil society was in line with the global stand on rising rates of violence against women during the pandemic¹⁵. Civil society organizations in Lebanon also worked on aiding for foreign women married to Lebanese men and who had issues with their residency permits, returning to Lebanon from abroad during the pandemic, and/ or paying their children's tuition fees.

- Personal freedoms:

During the pandemic, personal rights were violated on different levels, including making vaccinations mandatory. Governments also imposed kinds of vaccines that were not accepted in other parts of the world. For example, European countries did not accept Chinese and Russian vaccines, which made it difficult for many to travel. In addition, restrictions were imposed on freedom of movement, the right to work, and the right to use public space¹⁶.

15- UN Women. "The impact of Covid-19 on violence against women and girls in the Arab states—through the lens of women civil society organizations." 2020: https://arabstates.unwomen.org/sites/default/files/Field%20Office%20Arab%20States/Attachments/Publications/2020/12/Final-VAW%20CSO%20report_EN_21220.pdf

16- Fatma Al Mosawi. "Collapse, politicization, and violation: Tracing the impact of Covid-19 in Lebanon [Arabic]." Included under publication in the first volume of the project.

- The right to fair trial:

Precautionary measures included closing courts except in emergencies, which affected citizens' access to justice. This was reflected on women as cases of domestic violence were not taken to court. According to the Minister of Women, domestic violence increased five folds during the pandemic, and the ministry was receiving more complaints from abused women¹⁷. Despite growing domestic violence, the Supreme Judiciary Council decided on March 23, 2020, to put off all hearing sessions on civil cases, which included family courts that deal with cases of domestic violence. These procedures deprived women of their constitutional rights. This led many to think of the possibility of holding court sessions remotely. On April 18, 2020, the Minister of Justice announced during her visit to El Haouareb Prison in central Tunisia equipping a room at the Mornaguia prison¹⁸ to hold remote trials and said the same will be done in other prisons. She also added that two rooms will be equipped for the same purpose in the court of first instance in Tunis.

17- Statement issued on April 1, 2020.

18- Mornaguia prison is the biggest men prison in Tunisia.

- Economic and economic rights:

Restrictions imposed during the pandemic had a negative impact on economic and social rights, including the right to education, work, and healthcare.

- The right to education:

The pandemic triggered the world's worst education crisis because of shutting down schools. In Tunisia, the lockdown imposed on March 22, 2020, led to the closure of more than 6,000 educational institutions and more than one million students were forced to stay at home. This led governments to launch remote learning initiatives to guarantee that classes are not interrupted. For example, the National Educational Channel was launched in Tunisia in collaboration with the Tunisian Television to broadcast classes for students¹⁹. This meant cutting the school day by half in all stages, which led to a remarkable deterioration in the students' standards and made them reluctant to learn. Staying at home for a long time also increased the number of hours spent on social media and video games, hence increasing the chance of exposure to inappropriate content. Students with disabilities were doubly impacted.

19- Announcement by Tunisian minister of education on April 14, 2020.

In addition, the closure of schools did not have the same effect on all segments of society since vulnerable groups suffered on a much larger scale.

- The right to work:

The lockdown proved that the right to work is not fully protected since many lost their jobs or at least a major part of their income and work became contingent upon lifting precautionary measures.

- The right to healthcare:

Healthcare is a basic service that the government should provide for all people, yet this was not the case during the pandemic. In fact, several governments adopted a contradictory approach to the crisis. On one hand, many citizens did not receive required healthcare whether because of the shortage in medicine and medical equipment or because several clinics, such as those specialized in women's reproductive health, were closed and many related surgeries were put on hold²⁰. On the

20- The Tawhida Ben Sheikh Group and the Tunisian Association of Midwives in collaboration with the United Nations Population Fund. "Midwives and sexual and reproductive activities during the Covid-19 pandemic [French]." Based on a study conducted on a sample of 126 midwives. Tunisia, 2020.

other hand, the authorities justified restrictions on basic freedoms by the necessity of sacrificing for the sake of the right to healthcare. This approach seemed to assume that the right to healthcare becomes only relevant at the times of crises or that this right conflicts with other basic rights. It also does not always look at healthcare as a priority regardless of whether there is a crisis or not. In addition, certain sectors of healthcare were not considered a priority, such as those related to women, which violates the main criterion upon which the principle of healthcare is based, which is equal access regardless of gender or any other designation.

2. Vulnerable groups:

According to the report issued by the Cairo Institute for Human Rights Studies in 2020, the Covid-19 pandemic had a negative impact on several vulnerable groups, who had already been suffering across the Arab region.

- Persons with disabilities:

Several centers for people with special needs in Tunisia cut down on or suspended their services as part of precautionary measures, which led them to suffer even

more than they had already suffered before the pandemic. After ending the lockdown, the Ministry of Health and relevant entities did not produce a plan that can protect people with disabilities from future crises and did not allocate a budget for making this possible.

- Children:

The pandemic made children more vulnerable since no special measures were taken to alleviate the impact of the crisis on them. Also, during lockdown children were more subject to domestic violence and other kinds of abuse. In fact, the Tunisian Human Rights League documented several cases of sexual assault against children.²¹

- Non-binary people/ genderqueers:

People with nonconventional sexual orientations/ identities were victims of abuse, discrimination, and violence. In Tunisia, gays, lesbians, and transexuals became more vulnerable than they had already been especially on the social and economic levels during lockdown since they were not provided with any support and many of them

21- "Freedoms at the time of Coronavirus [Arabic]." The Tunisian association for the defense of individual freedoms, Tunis, 2020.

were jobless.²² Many of them were forced to live with their families, which constituted a major challenge for their lifestyle, while others who could not find anywhere to go since no shelters or similar alternatives were provided.

- Refugees and migrants:

Among the groups that were most exposed to violations during the pandemic were refugees and migrants, especially undocumented ones. They suffered from racism and discrimination and were stripped of their basic rights.

- Women:

According to a study conducted by UN Women Arab States about the first six months of the pandemic, “less than 5 per cent of the overall COVID-19 response spending in the Arab States region was gender-sensitive. The biggest bulk, about 90% of the governments’ spending in response to the pandemic, was invested in protecting employment and economic activity and only 6% of spending on this pillar was gender-sensitive.”²³ Gender-based violence

22- Ibid.

23- UN Women – Arab states. “Gender-sensitive investment, essential for COVID-19 recovery in the Arab States: UN Women study.” Oct. 23, 2021: <https://arabstates.unwomen.org/en/news/stories/2021/10/gender-sensitive-investment-essential-for-covid-19-recovery-in-the-arab-states-un-women-study>

remarkably increased during the pandemic and was by no means limited to domestic violence. That is why UN Women called violence against women and girls the “shadow pandemic” for “while the world’s attention is focused on containing COVID-19, this other scourge is growing, exacerbated by the very measures put in place to mitigate the spread of the virus, such as lockdowns, social distancing and other forms of restrictions on movement.”²⁴ It is noteworthy that precautionary measures imposed by governments did not take gender into consideration at all, which led to the total absence of gender-based justice. During the pandemic, women’s responsibilities multiplied when schools and nurseries closed, which meant they not only had to stay home with their children but also cope with the additional duties of remote learning. This led thousands of women to quit their jobs. In some countries, a new social protection system was launched to help mother through funding nurseries.

The pandemic disrupted all aspects of life across the world and intensified problems that had already existed before

24- María-Noel Vaeza. “Addressing the Impact of the COVID-19 Pandemic on Violence Against Women and Girls.” UN Chronicle: <https://www.un.org/en/addressing-impact-covid-19-pandemic-violence-against-women-and-girls>

in many countries. It also shed light on the gap between governments and citizens since the measures imposed by the former did not take into consideration the interests of the latter. This led to the violation of many of the citizens' basic rights and highlighted the urgency of producing a strategy that allows managing crises while protecting basic rights and freedoms.

Second: Conditions for restricting human rights:

“Now more than ever, our priorities remain relevant, and our message is unequivocal: in order to recover better, human rights must be placed at the center of all recovery efforts, so that no one is left behind,” said former UN High Commissioner for Human Rights Michelle Bachelet”²⁵.

1. Adopting a human rights-based approach:

It is important to stress that human rights are basic rights that should be guaranteed for all people regardless of their nationality, race, ethnicity, colour, religion, or language.

25- “Annual report 2020: Human rights at the heart of COVID-19 response and recovery.” UN High Commissioner for Human Rights, April 19, 2020; <https://www.ohchr.org/en/stories/2021/06/annual-report-2020-human-rights-heart-covid-19-response-and-recovery>

These rights are indivisible; they complement each other, are treated as a whole package, and cannot be taken away. Human rights and universal treaties regulating them should also be the foundation upon which national constitutions and laws are based. Human rights included in those treaties revolve around a set of principles, on top of which are human dignity and equality.²⁶ Human dignity is one of the most important principles in universal treaties and was ratified for the first time in 1948 in the Universal Declaration of Human Rights²⁷.

The principle of equality, which directly stems from the concept of human dignity, is affirmed Article 1 of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” This means that while people differ in their ethnicity, socio-economic status, ideologies, age group... etc. they are all the same in terms of dignity and equality. However, this is not the case on the ground

26- “Humanity is not a state we suffer. It’s a dignity we must strive to win” (De Vercors).

27- The Universal Declaration of Human Rights, authorized and released to the public by the UN General Assembly Resolution 217 on December 10, 1948.

since the principle of equality is always subject to different violations, which led to drafting a series of universal treaties that aim at protecting people from certain violations. These include torture, forced disappearance, violating social and economic rights, and the protection of vulnerable groups such as women, children, migrants, and people with disabilities, among others. Inequality is a direct result of discrimination, which means granting privileges to certain groups at the expense of others. This issue is the focus of Article 2 of the declaration: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made based on the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.” In fact, all universal treaties on human rights tackle the issue of equality and include measures for eliminating discrimination.

Restrictions on human rights warranted by universal treaties and constitutions are bound by a set of rules, which means that those rights cannot be limited unless under specific

conditions. These conditions, however, vary²⁸. On the international level, several universal and regional charters specify the conditions under which rights and freedoms can be limited. For example, in the International Covenant on Civil and Political Rights²⁹ and according to the Human Rights Committee (General Comment 29 on Article 4, Paragraphs 13-16), aspects of certain rights that are not identified in Article 4 (2) cannot be violated, which means that any measures taken to restrict freedoms cannot conflict with a state's obligations under international law and cannot imply any form of discrimination³⁰. This, for example, applies to prisoners, which is stated in Article 10: "All persons deprived

28- Khaled Mejri. "Regulations on rights and freedoms: A commentary on Article 49 of the Tunisian constitution [Arabic]." International Institute for Democracy and Electoral Assistance (International IDEA), 2017: <https://www.idea.int/sites/default/files/publications/regulations-of-rights-and-freedoms-commentary-on-chapter-49-of-the-tunisian-constitution-AR.pdf>

29 - صادقت كل من تونس والأردن ولبنان ومصر على هذا العهد.

30- Article 4 of the Covenant: "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin."

of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

Several other rights cannot be derogated despite not being explicitly specified in Article 4 (2), including the right to a fair trial (Article 14) and equality³¹. According to the Human Rights Committee’s comments, especially Comment 19, any restrictions on freedoms must be temporary and exceptional and should be implemented only in cases of emergency³². In

31- See UN. Human Rights Committee, General Comment 29 on article 4 (states of emergency) clarifies that no derogation from Article 18 (freedom of thought, conscience, and religion) is allowed during a state of emergency.

32- General Comment 29 on article 4, paragraph 2: “Measures derogating from the provisions of the Covenant must be of an exceptional and temporary nature. Before a State moves to invoke article 4, two fundamental conditions must be met: the situation must amount to a public emergency which threatens the life of the nation, and the State party must have officially proclaimed a state of emergency. The latter requirement is essential for the maintenance of the principles of legality and rule of law at times when they are most needed. When proclaiming a state of emergency with consequences that could entail derogation from any provision of the Covenant, States must act within their constitutional and other provisions of law that govern such proclamation and the exercise of emergency powers; it is the task of the Committee to monitor the laws in question with respect to whether they enable and secure compliance with article 4. In order that the Committee can perform its task, States parties to the Covenant should include in their reports submitted under article 40 sufficient and precise information about their law and practice in the field of emergency powers.”

addition to Article 4, Article 21 specified the conditions under which the right of assembly can be restricted: “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others.” In this context, General Comment 31, Paragraph 6, stated the following: “States Parties must refrain from violation of the rights recognized by the Covenant, and any restrictions on any of those rights must be permissible under the relevant provisions of the Covenant. Where such restrictions are made, States must demonstrate their necessity and only take such measures as are proportionate to the pursuance of legitimate aims to ensure continuous and effective protection of Covenant rights. In no case may the restrictions be applied or invoked in a manner that would impair the essence of a Covenant right”³³.

In 1984, the Siracusa Principles on “the Limitation and Derogation Provisions in the International Covenant on

33- UN Human Rights Committee, “The nature of the general legal obligation imposed on States Parties to the Covenant.”

Civil and Political Rights” were ratified by the Human Rights Committee³⁴. The principles aim at ensuring the proper implementation of the International Covenant on Civil and Political Rights and identifying the limits within which restrictions can be applied. According to Articles 1 and 2 of the Siracusa Principles, “No limitations or grounds for applying them to rights guaranteed by the Covenant are permitted other than those contained in the terms of the Covenant itself” and “The scope of a limitation referred to in the Covenant shall not be interpreted so as to jeopardize the essence of the right concerned.” Based on Article 54, “the principle of strict necessity shall be applied in an objective manner. Each measure shall be directed to an actual, clear, present, or imminent danger and may not be imposed merely because of an apprehension of potential danger.”

In 2020, the UN Human Rights Committee issued the “Statement on derogations from the Covenant in connection with the COVID-19 pandemic.” In this statement, “The Committee is of the view that, in the face of the COVID-19 pandemic, States (parties) must take effective measures to

34- Under the Siracusa Principles, restrictions are only justified when they support a legitimate aim and are provided for by law, strictly necessary, proportionate, of limited duration, and subject to review against abusive applications.

protect the right to life and health of all individuals within their territory and all those subject to their jurisdiction. It also recognizes that such measures may, in certain circumstances, result in restrictions on the enjoyment of individual rights guaranteed by the Covenant.” In the statement, the committee reminds states of the conditions outlined in Article 4 of the Covenant and the committee’s general comments especially comment twenty-nine on the state of emergency. The statement adds that when exercising powers related to the state of emergency, member states that take measures which derogate their obligations under the Covenant must inform other members of this derogation and its reasons if it is urgently required to protect public health and restore a state of normalcy. This derogation should also be minimal and should be proportionate with the geographical boundaries of the emergency. The statement stipulated that “States parties should not derogate from Covenant rights or rely on a derogation made when they are able to attain their public health or other public policy objectives by invoking the possibility to restrict certain rights” and that “States parties may not resort to emergency powers or implement derogating measures in a manner that is discriminatory, or that violates other obligations that they have undertaken under international law, including under other international

human rights treaties from which no derogation is allowed.” The statement asserts the importance of “ensuring respect for the rule of law and the principle of legality even in times of public emergency, including the right of access to court, due process guarantees and the right of victims to obtain an effective remedy.”

The Committee on Economic, Social and Cultural Rights issued General Comment number 14 on Article 12 of the International Covenant on Economic, Social and Cultural Rights on “The right to the highest attainable standard of health.”³⁵ According to Article 12 of the comment, the right to health contains several “interrelated and essential elements, the precise application of which will depend on the conditions prevailing in a particular State party.” These elements are availability, accessibility, acceptability, and quality.³⁶

35- Committee on Economic, Social and Cultural Rights, 23rd session, Geneva (April 25- May 12, 2000), article 3 of the agenda, general comment 14.

36- “The notion of “the highest attainable standard of health” in article 12.1 considers both the individual’s biological and socio-economic preconditions and a State’s available resources. There are a number of aspects which cannot be addressed solely within the relationship between States and individuals; in particular, good health cannot be ensured by a State, nor can States provide protection against every possible cause of human ill

According to The Statement on “Universal and equitable access to vaccines for the coronavirus disease (Covid-19)” issued by the Committee on Economic, Social and Cultural Rights,³⁷ every person has the right to the best physical and mental health. For this to happen, states must “make health facilities, services and goods, including vaccines, available, accessible, acceptable and of good quality.” The statement adds that the state’s responsibility does not stop at making Covid-19 vaccines available but extends to making them accessible to everyone: “States must, firstly, remove any discrimination based on grounds such as religion, national origin, sex, sexual orientation and gender identity, race and ethnic identity, age, disability, migration status, social origin, poverty or any other relevant status; secondly, guarantee physical accessibility to vaccines, especially for marginalized groups and people living in remote areas, using both State-

health. Thus, genetic factors, individual susceptibility to ill health and the adoption of unhealthy or risky lifestyles may play an important role with respect to an individual’s health. Consequently, the right to health must be understood as a right to the enjoyment of a variety of facilities, goods, services, and conditions necessary for the realization of the highest attainable standard of health.”

37- Statement on universal and equitable access to vaccines for the coronavirus disease (COVID-19): statement by the Committee on Economic, Social and Cultural Rights E/C.12/2020/2

run and private channels and by strengthening the capacity of health systems to deliver vaccines; thirdly, guarantee affordability or economic accessibility for all, including by providing vaccines free of charge, at least for lower income persons and the poor; and fourthly, guarantee access to relevant information, especially through the dissemination of accurate scientific information on the safety and effectiveness of different vaccines, and public campaigns protecting people against false, misleading or pseudoscience information concerning vaccines, which is rapidly spreading on the Internet and social media.” The statement notes that states should make providing vaccines its topmost priority: “Instead of pursuing health isolationism and a race for a vaccine, States should honour their obligations to contribute to the enjoyment of all human rights, including the right to health, globally. The distribution of vaccines and the prioritization of access to them should be organized and supported by international cooperation and assistance, which includes the sharing of benefits of scientific progress and its applications.” In addition, “States parties should therefore develop strategies and mechanisms for a fair distribution of the financial costs associated with research into and the production and distribution of vaccines for Covid-19, including through a reduction in the debt burden for countries that need it. They

should also adopt transparent and participatory mechanisms that ensure that prioritization in the global distribution of vaccines is based – as should be the case also at the national level – on medical needs and public health considerations. Such support can be organized by using the WHO- supported COVAX Global Vaccines Facility.”

According to Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.”³⁸ Meanwhile, the High Commissioner for Human Rights issued “Covid-19 and women’s human rights: guidance” under the title “What Is The Impact Of Covid-19 On Gender-Based Violence?” The guide tackled the impact of the lockdown on violence against women.³⁹ After the pandemic, the CEDAW Committee issued a Guidance

38- Article 12: “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.”

39- https://www.ohchr.org/sites/default/files/2022-01/COVID-19_and_Womens_Human_Rights_ar.pdf

Note on CEDAW and Covid-19⁴⁰. In the guidance note, the committee expressed “deep concern about exacerbated inequalities and heightened risks of gender-based violence and discrimination faced by women due to the current Covid-19 crisis and calls on States to uphold the rights of women and girls.” The guidance note stressed that states “have an obligation to ensure that measures taken to address the Covid-19 pandemic do not directly or indirectly discriminate against women and girls” as well as “an obligation to protect women from, and ensure accountability for, gender-based violence, enable women’s socio-economic empowerment and guarantee their participation in policy and decision making in all crisis responses and recovery efforts.” The guidance stressed the importance of providing support for women from disadvantaged groups such as older women, women and girls with disabilities, poor women, migrant women and girls, refugee and internally displaced women and girls, Indigenous women and girls, women and girls belonging to minorities, lesbians, bisexual and transgender women, and women prisoners. The guidance also called for protecting women and girls in humanitarian settings and continuing the implementation of the women, peace and security agenda and

40- Guidance note on CEDAW and COVID-19: <https://bit.ly/3qVibJ9>

added that “states parties must adopt a rights-based approach and undertake a gender-conflict analysis to protect women and girls in humanitarian settings and conflict situations. They must take remedial measures to reduce the risk of Covid-19 and counter disruptions of services to prevent avoidable maternal and child morbidity and mortality in humanitarian settings.”

2. Conditions for restricting human rights in regional charters:

Several regional treaties permitted the derogation of some rights and freedoms listed in their texts under incredibly special circumstances. For example, the Arab Charter for Human Rights⁴¹ stated that only in exceptional cases can rights and freedoms be restricted, provided that these restrictions do not involve any form of discrimination based on race, colour, gender, language, religion, or social status. They should not also involve torture, life-threatening

41- The Arab Charter on Human Rights (ACHR) was adopted by the Council of the League of Arab States on May 22, 2004, in Tunisia. The charter came into effect on March 16, 2008 when Jordan, Algeria, Bahrain, Libya, Syria, Palestine, and the UAE followed by Yemen, Qatar, Saudi Arabia, Lebanon, Iraq, Sudan, Kuwait, Mauritania, Egypt, and Yemen: <https://carnegieendowment.org/sada/23965>

measures, exploitation, unauthorized medical experiments, or human trafficking nor should they deprive individuals of their right to a fair trial or adequate healthcare⁴². In addition, restrictions cannot be imposed on freedom of faith, which is indispensable for the protection of “public safety, public order, public health or morals or the fundamental rights and freedoms of others”.⁴³ On the other hand, the African Charter

42- The Arab Charter on Human Rights, Article 4: “1. In exceptional situations of emergency which threaten the life of the nation and the existence of which is officially proclaimed, the States parties to the present Charter may take measures derogating from their obligations under the present Charter, to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the grounds of race, colour, sex, language, religion or social origin. 2. In exceptional situations of emergency, no derogation shall be made from the following articles: article 5, article 8, article 9, article 10, article 13, article 14, paragraph 6, article 15, article 18, article 19, article 20, article 22, article 27, article 28, article 29 and article 30. In addition, the judicial guarantees required for the protection of the aforementioned rights may not be suspended. 3. Any State party to the present Charter availing itself of the right of derogation shall immediately inform the other States parties, through the intermediary of the Secretary-General of the League of Arab States, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

43- The Arab Charter on Human Rights, Article 30: “1. Everyone has the right

on Human and Peoples' Rights⁴⁴ does not specify cases in which restrictions can be imposed on basic rights and freedoms. In fact, Article 22 states that "all peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind" and that "states shall have the duty, individually or collectively, to ensure the exercise of the right to development.

3. Conditions for restricting human rights in national charters:

For the first time, the 2014 Tunisian constitution included an article on cases in which limitations on basic rights can be

to freedom of thought, conscience and religion and no restrictions may be imposed on the exercise of such freedoms except as provided for by law. 2. "The freedom to manifest one's religion or beliefs or to perform religious observances, either alone or in community with others, shall be subject only to such limitations as are prescribed by law and are necessary in a tolerant society that respects human rights and freedoms for the protection of public safety, public order, public health or morals or the fundamental rights and freedoms of others. 3. Parents or guardians have the freedom to provide for the religious and moral education of their children."

44 - الميثاق الإفريقي لحقوق الإنسان والشعوب، تمت إجازته من قبل مجلس الرؤساء الأفارقة بدورته العادية رقم 18 في نيروبي (كينيا) يونيو 1981.

<http://hrlibrary.umn.edu/arab/a005.html>

imposed. Article 49 states the following: “The limitations that can be imposed on the exercise of the rights and freedoms guaranteed in this Constitution will be established by law, without compromising their essence. Any such limitations can only be put in place for reasons necessary to a civil and democratic state and with the aim of protecting the rights of others, or based on the requirements of public order, national defence, public health or public morals, and provided there is proportionality between these restrictions and the objective sought. Judicial authorities ensure that rights and freedoms are protected from all violations. No amendment may undermine the human rights and freedoms guaranteed in this Constitution.” The 2022 constitution, which replaced the 2014 constitution, kept the same article yet the part about the civil state was removed. Article 55 of the new constitution states that “no restrictions shall be established on the rights and freedoms guaranteed by this Constitution except by law, as a necessity required by a democratic system and for the purpose of protecting the rights of others or the requirements of public security, national defence, or public health. Such restrictions must not prejudice the essence of the rights and freedoms guaranteed by this Constitution and must be justified by their objectives, proportionate with their motives.”

According to Article 3 of the Jordanian constitution, “the State shall guarantee freedom of opinion; and every Jordanian shall freely express his opinion by speech, writing, photography, and the other means of expression, if he does not go beyond the limits of the law. The State shall guarantee the freedom of scientific research and literary, technical, cultural and sports excellence if such does not violate the provisions of the law or public order and morality. The State shall guarantee the freedom of the press, printing, publication, and information media within the limits of the law. Newspapers and information media may not be suspended, nor the license thereof revoked except by a judicial order in accordance with the provisions of the law. In the event of the declaration of martial law or an emergency, the law may impose a limited censorship on newspapers, publications, books and information and communication media in matters related to public safety and national defence purposes.”⁴⁵

The 2014 Egyptian constitution, amended in 2019,⁴⁶ imposed limited censorship on newspapers and the media at the time of

45- Full text of the Jordanian constitution and all amendments: <https://bit.ly/41z3aze>

46- The Egyptian Constitution, https://www.constituteproject.org/constitution/Egypt_2019?lang=ar

emergency. According to Article 48, “in a state of emergency or in time of war a limited censorship may be imposed on the newspapers, publications, and mass media in matters related to public safety or purposes of national security in accordance with the law⁴⁷. The Lebanese constitution did not specify guarantees that protect rights and freedoms in case they are restricted.

Conclusion:⁴⁸

47- Ibid.

48- Other references consulted by the author:

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Report of the Independent Expert on human rights and international solidarity Obiora Chinedu Okafor submitted in accordance with Human Rights Council Resolution 44/11 “A/77/173: Global vaccine solidarity and human rights in the context of the coronavirus disease (COVID-19) pandemic.”

United Nations High Commissioner for Human Rights, “COVID-19 and women’s human rights: guidance.” April, 15, 2020 : <https://www.ohchr.org/en/documents/tools-and-resources/covid-19-and-womens-human-rights-guidance>

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Institute for Human Rights and Business (Institut pour les droits de l’homme et les entreprises), « Le respect des droits de l’homme en temps de pandémie COVID-19 : Examen de la responsabilité des entreprises à l’égard des travailleurs et des communautés touchées » (avril 2020) sur <https://www.ihrb.org/focus-areas/covid-19/report-respecting-human-rights-in-the-time-of-covid19>

Mahmoud Zani, « L’Organisation des Nations unies et la lutte contre la pandémie de Covid-19 », Cahiers de la recherche sur les droits fondamentaux, 19 | 2021, 75-85

Stéphanie Renard. Covid-19 et libertés : du collectif vers l’intime RDLF 2020 chrono. N°10

María-Noel Valez. La pandémie de COVID-19 et la violence à l’égard des femmes et des filles

Marie Rota, « Les régimes dérogatoires en droit international des droits et libertés : approche comparée (Comité, Cour européenne et Cour interaméricaine des droits de l’homme) », Cahiers de la recherche sur les

It is obvious that most countries ratified universal and/or regional human rights treaties, which specified conditions for imposing restrictions on rights and freedoms. Constitutions of those countries also stipulated that those restrictions must be imposed only in cases of emergency in a way that is proportionate with the crisis and only through the law. However, with the spread of Coronavirus, many countries overlooked their universal and regional obligations and did not respect their constitutions as they declared a state of emergency and imposed measures that restricted rights and freedoms on many levels. Precautionary measures restricted freedom of expression, the right to assembly, and the right to work. These measures did not equally affect all segments of society since vulnerable groups were harmed the most, which was demonstrated in the number of workers who lost their jobs and women who became victims of domestic violence.

droits fondamentaux, 17 | 2019, 191-199

Marie Rota. « Protection régionale des droits humains et Covid-19. L'apport de la Cour interaméricaine des droits de l'homme. Dans *Civets* 2020/2 (N° 45), pages 165 à 183

Nations Unies. Assemblée générale.troisième commission.soixante-quinzième session,1re & 2e séances plénières, matin & après-midi. La pandémie de COVID-19 et ses effets sur les droits de l'homme s'invitent dans les travaux de la Troisième Commission dès leur ouverture. AG/SHC/4286. 5 octobre 2020.

Meanwhile, civil society organizations were not allowed to take part in managing the crisis even though they launched several initiatives to curb the pandemic while respecting human rights.

Recommendations:

Below are recommendations for overcoming the impact of the pandemic on human rights and striking a balance between respecting human rights and restrictions that can might imposed on them under special circumstances:

- Respect for the rule of law:
 - 1- Respecting the constitution and the law
 - 2- Specifying and limiting the time of the state of emergency
 - 3- Ensuring that limitations to rights and freedoms are proportionate with the crisis.
 - 4- Not using force in imposing restrictions unless lives are at risk.
 - 5- Providing citizens with access to the justice system under all circumstances
 - 6- Drafting laws on managing health crises
 - 7- Respecting citizens' wishes not to get vaccinated and

requesting their permission before receiving treatment or getting examined.

8- Subjecting precautionary measures to judicial and administrative monitoring

9- Allowing citizens to participate in the decision-making process through their representatives or media outlets.

- Respect for human rights:

1- Taking human rights into consideration when implementing precautionary measures

2- Prioritizing the protection of human rights and sustainable development goals in crisis management

3- International solidarity in health crises and cooperation in the supply of vaccines

4- Protecting vulnerable groups and giving them access to vaccines and medicine.

- Gender-sensitive approach:

1- Countering gender discrimination and domestic violence

2- Acknowledging the role of civil society in supporting victims of domestic violence

3- Economic protection for women

- 4- Access to sexual and reproductive health services always
- 5- Gender equality in duties and responsibilities
- 6- Ensuring the participation of women and girls in the processes of decision-making and policymaking
- 7- Giving women access to justice and courts.
- 8- Adopting intersectional theory as a means of achieving equality
- 9- Condemning all forms of discrimination including intersectional discrimination

