



## MIDDLE EAST AND NORTH AFRICA (MENA) SCOPING STUDY

### BACKGROUND

For a number of years INTERIGHTS has carried out some limited strategic work in the MENA region largely focusing on Egypt and Israel/OT providing a range of legal advice and assistance to particular NGOs. This work has been conducted largely through thematic programmes, on occasion supported by the Africa Team. In Egypt we have primarily worked with the Egyptian Initiative for Personal Rights (EIPR). Over the past six years we have taken numerous cases to the African Commission against Egypt, all but one with EIPR. The issues addressed include: freedom of religion, violence against women (the first case on women's human rights to be considered by the Commission), torture and arbitrary detention, and the death penalty (in the context of terrorism). We have also recently submitted a communication to the Commission which is now seized by the Court, on violations committed by the Libyan regime during the early days of the uprising in partnership with EIPR and Human Rights Watch.

In Israel, we have advised two of the leading litigation NGOs Adalah and Bizchut (the main Israeli disability NGO) on litigation before the Israeli Supreme Court on issues such as the right to independent living, impunity for the actions of the IDF in the OT in relation to civil suits. We have also prepared an *amicus* brief and expert opinion to the Israeli Supreme Court in litigation brought by HaMoked on the forcible and arbitrary transfer of Gazan origin Palestinians from the West Bank.

Other work has included participation in workshops organized by amongst others Mizan in Jordan and EIPR, and visits to the region to discuss cooperation with a range of partners.

In late 2008 we were given a one year grant from the Ford Foundation, which was extended by a year and then renewed to cover our ongoing work in the MENA region,



in addition to the production of an Arabic-language 'Bulletin' (produced in early 2011). This is continuing to fund limited litigation work, visits to the region and a potential capacity building event to be held later in 2011. However, this is insufficient to develop a comprehensive programme of work staffed by a full time lawyer. We do however have access to both Board members and a network of informal advisors. Therefore, before developing such a programme it is vital to have a comprehensive and expert analysis in order to make informed decisions about the appropriate way forward and strategic interventions.

There are clearly numerous challenges to working in the region – deeply flawed regional instruments in the form of the Arab Charter and Cairo Declaration; poor ratification of international human rights treaties (and strong reservations where they have been); but for Algeria and Libya, a failure to allow individual complaints to UN treaty bodies; a serious disconnect between lawyers who litigate and human rights NGOs impairing domestic human rights litigation; limited constitutional human rights guarantees; in some countries, the impact of emergency laws and of Shariah; complicated legal systems (blends of civil law, common law and Shariah) in some places; problems of judicial independence.

However, despite these numerous obstacles there has been continued interest within INTERIGHTS in re-establishing sustained work in the region based on:

- increasing awareness of relevance of international law generally (reflected in the increasing engagement in UN system of many NGOs in the region);
- increasing potential for the use of international/comparative human rights law in national courts;
- increasing awareness of the possibilities of taking cases to the African Commission from North Africa; and some international NGOs previously involved such as ICJ are less engaged (although others such as HRW are more so in terms of using the regional mechanism).
- the potential work of the nascent Arab League's Human Rights Committee
- the fact that, even without any active outreach in the region, we receive regular requests from NGOs in the region for support in their work, and are told that the involvement of INTERIGHTS provides public, political vindication for their work and increased security. At the same time international NGOs such as HRW rely on us in leading on regional litigation.
- recent political developments provide many potential opportunities (as well as threats)

The purpose of this consultancy is to support us to conduct a scoping study and produce a comprehensive report with recommendations on whether and, if so, how best, INTERIGHTS could develop a programme of work in the Middle East and North Africa.



## **PROCESS AND TIMESCALE**

- The study will be overseen by a steering group made up of INTERIGHTS Board members, staff and selected external advisors
- We would aim to complete the study within three months