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* Note on Egypt: The consultation process on the EU Progress Reports took place between April and June 2013. The monitoring of the Progress Report for Egypt is therefore based on the practices and policies from the regime of ex-president Muhammed Morsi and the Muslim Brotherhood. The current ongoing turbulent situation is causing rapid changes at the political level. SOLIDAR will closely follow the developments in Egypt and continue to monitor the practices and policies regarding freedom of association and democratic change of the transitory government and the new government that will be in place after new elections. (4 July 2013)

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SOLIDAR lobbies the EU and international institutions in three primary areas: social affairs, international cooperation and education.

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FOREWORD

The Arab Spring has fundamentally changed the political landscape of Europe's Southern neighbourhood – the Middle East and North Africa (MENA). But despite high expectations, after more than two years the revolutions have thus far been unable to produce consolidated and stable democracies; despite significant changes, measures continue to limit the democratic space in the region.

In the aftermath of the uprisings, the EU offered its Southern Mediterranean partner countries “*A partnership for democracy and shared prosperity*” in the context of the European Neighbourhood Policy. Bilateral relations with the MENA have concentrated on a number of dominant topics, such as the promotion of human rights and fundamental freedoms; democracy, good governance and rule of law; and the development of relations and partnerships with organisations that share the values of the Union.

In parallel, SOLIDAR has worked to establish a new **cooperation network “Social Justice in the Middle East and North Africa”** aimed at building new alliances between civil society organisations, think tanks, social movements, progressive political forces and independent trade unions to promote social justice in the MENA region.

In light of the Progress Reports on implementation of the European Neighbourhood Policy 2013, SOLIDAR conducted a consultation process from April to June 2013 to provide an opportunity for the organisations within the network to comment on the progress reports prepared by the EU. SOLIDAR would like to express its gratitude to the partners that contributed to this consultation. This briefing paper is the first of two monitoring reports and focuses specifically on the Freedom of Association and Peaceful Assembly.

The responses to the consultation clearly indicate that in Palestine, Egypt, Lebanon, Jordan, Algeria, Tunisia and Morocco worrying developments took place in 2012 and 2013 regarding the Freedom of Association and Peaceful Assembly; Freedom of Expression and Information; and democratic transition and civil dialogue. These developments demand attention in the new Progress Reports and should be incorporated in the policy making that shapes the relations between the EU and the region.

SOLIDAR hopes that you can join us in our struggle for social justice in the Middle East and North Africa; not to disappoint the high expectations raised during the Arab Spring.

Together for social justice!

Conny Reuter

Secretary General SOLIDAR

SUMMARY AND RECOMMENDATIONS

This briefing paper was produced in line with SOLIDAR's efforts to mobilise for social justice by supporting the democratic transition taking place in the Middle East and North Africa, and in relation to the 2013 Progress Reports on the implementation of the European Neighbourhood Policy. SOLIDAR, with the support of its members and their partners in the MENA region, conducted a consultation process between April and June 2013, providing an opportunity to comment on the progress reports produced by the European Commission. As a result of the consultation, two monitoring reports have been produced. This briefing paper is the first of these two documents and highlights the challenges to and encroachments of Freedom of Association and Peaceful Assembly in the MENA region. The second report will focus on the problems related to decent work and social protection.

The MENA region is in jeopardy. Lack of democracy and civil unrest remain a challenge. Although the Arab Spring triggered aspirations among the people, raising expectations of positive democratic change with more freedom and less restrictions, new measures have taken them in the opposite direction. In Egypt members and staff of international NGOs were convicted by criminal courts, sentenced to prison terms and fined. The Egyptian branches of their organisations were forced to close. In other countries, legislative or practical restrictions have been put in place limiting the right to associate and peacefully assemble, the scope of action for human rights defenders and the possibilities for civil society to participate in decision-making at all levels.

Not only is the freedom of association and peaceful assembly a cornerstone of any democratic system, the full exercise of the right to freedom of expression and information is also a prerequisite for an inclusive democratic transition. When Arab people gathered in the streets they called for social, political and economic change, yet what followed was, on the contrary, even more repressive practices by the authorities. In Algeria, the new media law stifles freedom of expression and information, as critical and independent journalists are prosecuted and subject to fines. In Morocco the long awaited reform of the media law has not yet taken place as the draft proposed by the government to reform this law did not remove the measures to repress freedom of expression.

Different political groups with different political and social views are trying to fill in the democratic space that was created after the revolutions. To ensure an inclusive democratic transition that considers the most vulnerable groups in society, civil dialogue and the participation of civil society in all decision making processes is indispensable. To achieve this, a favourable climate for associations and organisations has to be assured in which trade unions, civil society organisations, women's associations, minority groups and human rights defenders can freely operate. In many countries, however, obstacles continue to or are beginning to hinder civil society participation in decision making. The non-functioning of the Legislative Council in Palestine and the postponing of the adoption of the national action plan for democracy and human rights in Morocco are just two examples of this.

The EU is a major external actor that operates as a stabiliser for its partners and its members' partners in the MENA region in need of democratic transition and socio-economic development. In line with the benchmarks identified in the progress reports used to monitor the consultation process, SOLIDAR has drawn up the following general recommendations for EU decision makers to ensure an inclusive and international mobilisation for freedom of association:

1. Freedom of association and peaceful assembly

The European Institutions should step up efforts to actively support independent and democratic 'actors for change' in the region, to promote social protection, decent work and inclusive development and enable the spread of a 'culture of citizenship' based on the right to freedom of peaceful assembly and association.

2. Freedom of expression and information

Freedom of expression and information in the MENA Region should be protected and respected. The EU should intervene to help ensure that Arab people can practice this right. Moreover, the EU should ensure that access to information is enhanced and contribute towards creating a more pluralistic society, which will require new

regulatory frameworks for the media and civil society.

3. *Democratic transition and civil dialogue*

The EU, together with the international community, must provide an arena for multi-stakeholder dialogue at regional and national levels, in order to ensure participatory decision making processes and create new democratic government structures. It has to build a true inclusive democracy that respects human rights and activate real dialogue between different parties.

The European Neighbourhood Policy should encompass clear objectives for reforming legislation and policies, in consultation with social partners and social movements, taking into special consideration laws allowing for the development of an independent civil society that can promote social justice¹.

Freedom of association is the tool for the protection and promotion of collective rights and concerns in addition to socio-economic development. However, freedom of association is under threat in the MENA region. The Arab Spring was supposed to be about achieving the Arab people's vision for a democratic and better life. The revolutions seem to have led so far to greater oppression, and it is important therefore to support SOLIDAR in mobilising civil society, grassroots activists and workers' movements to advocate for social justice and change.

¹ [Mobilizing for social justice in North Africa – Learning from good development practices 2012](#)

PART I: SYNTHESIS MONITORING REPORT 2013

A PARTNERSHIP FOR DEMOCRACY AND SHARED PROSPERITY

The Arab Spring has fundamentally changed the political landscape of Europe's Southern neighbourhood – the **Middle East and North Africa (MENA)**. In the emerging environment, despite early promises of democracy, human and economic, social and cultural rights, Islamist parties emerged as the strongest political contenders for power in 2012, particularly following the elections in Tunisia, Morocco and Egypt. This trend is likely to continue in future elections in other countries of the region.

The region has been suffering for decades from the absence of democracy and from tyranny, which is why the European Union (EU) reacted to the historic events unfolding in the Southern Mediterranean rapidly and boldly. It has recast its policy. It has been at the forefront in supporting the efforts of those working towards change and reform. The European External Action Service (EEAS) and the European Commission (EC) have worked hand in hand to ensure that diplomatic efforts and EU policy instruments are fully and coherently deployed to achieve the best results on the basis of a 'more for more' approach.

On 8 March 2011, in their first joint Communication, the High Representative for the Union for Foreign Affairs and Security Policy and the Commission confirmed their support for the Southern Mediterranean peoples' drive towards greater respect for human rights, more democracy, dignity and prosperity. The EU offered its Southern Mediterranean partner countries "*A partnership for democracy and shared prosperity*" in the context of the European Neighbourhood Policy. The partnership is founded on an incentive-based approach supporting partners that are committed to reform. It focuses on three elements: democratic transformation; a partnership with people and civil society, and sustainable and inclusive growth².

Two years on, the EU still finds itself constantly needing to re-think its relationship with the region. There is a need to establish a link with the newly emerging forces in the region, while at the same time strengthening cooperation with civil society, independent trade unions and social movements. It is crucial that relations with civil society, moderate religious groups and political Islam be better understood. Any

such effort must be based on a wider understanding of actors' views as well as their political, economic, and social ideas and goals – something that is lacking in Western capitals³.

An actor for change and stabilisation

The EU is a major external actor that operates as a stabiliser for its MENA partners in need of democratic transition and socio-economic development. The EC launched its Mediterranean policy back in the 1960s with the idea of developing privileged relations with the countries of the Mediterranean basin, in practice by means of a set of bilateral association agreements of a mainly commercial nature⁴. Today it continues to be an influential actor in the region through partnerships and policies such as the Euro Mediterranean Partnership (EMP) and the European Neighbourhood Policy (ENP).

The EU therefore has considerable potential to support institutional reform and has reviewed its policies – further to the Arab Spring - towards the MENA region, including a commitment to both institutional reform and to civil society. Since the demonstrations in Tunisia in December 2010, the EU noted that discontent focused on the need for dignity, freedom, democracy and social justice. Dignity was an important factor and suggested the need to redefine the relationship between the individual, the state and the regime in terms of political rights and socio-economic factors⁵.

The EU's relations with the MENA have concentrated on a number of dominant topics, all of which remain very present in post-Arab Spring initiatives. "The EU prioritises the promotion of human rights and fundamental freedoms, democracy, good governance and rule of law, and seeks to develop relations and build partnerships with third countries and organisations that share these values"⁶.

The Arab Spring was not only about changing governments but about building the right institutions and attitudes, as EU High Representative for Foreign Affairs, Catherine

² [Partnership for Democracy and Shared Prosperity: Report on activities in 2011 and Roadmap for future action](#)

³ [Conference on Europe's Southern Neighbourhood 2013](#)

⁴ Bin, A. (1997) 'Multilateral Diplomacy in the Mediterranean: A Comparative Assessment', *Mediterranean Quarterly* 8(3): 57-76.

⁵ [Middle East and North Africa: The Role of Civil Society in Institutional Reform, 2011](#)

⁶ [Article 21\(1\) TEU](#)

Ashton, has indicated. She also stressed that what we in Europe have learned the hard way is that we need "deep democracy": respect for the rule of law, freedom of speech, an independent judiciary and impartial administration. It requires enforceable property rights and free trade unions. In the long run, "surface democracy" – people casting their votes freely on election-day and choosing their government – will not survive if deep democracy fails to take root⁷.

Lagging behind the promises of the Arab Spring

After more than two years, it seems that the "Arab Spring" has thus far been unable to produce a single consolidated and stable democracy. Despite significant differences in terms of the challenges faced and the varied nature of the political and social contexts, conflict and non-democratic measures continue to affect Libya, Tunisia and Egypt. It is possible that a democratic state will be born out of the struggles of at least one of these states, yet this possibility remains fragile at best⁸. In far too many countries and communities, people continue to be excluded, marginalised or restricted in terms of exercising their human rights, whether they are among the countries that experienced the

Arab Spring or not. There has, nevertheless, been incremental progress in combating, discrimination, and related intolerance, largely through the enactment or amendment of constitutional protection frameworks and domestic legislation. These steps are crucial for the protection of rights and providing avenues for remedy and redress. Yet tangible progress can only be achieved through the implementation and enforcement of these laws, which must be backed by the appropriate political will and by addressing the structural causes of discrimination. In some cases, it is the laws themselves - or the institutions and the practices - which are discriminatory⁹.

Therefore, since the EU functions to enhance democracy in the MENA region, it has to be aware of how significant the impact is and make further efforts to ensure protection of human rights organisations, women's advocates, independent trade unions, organisations that seek legal reform or groups

that champion minority rights, who are under growing pressure from regimes that are determined to marginalise or eliminate all perceived sources of opposition and dissent.

⁷[Local and Regional Dimensions of the European Neighbourhood Policy 2011](#)

⁸[Delivering Democracy : Repercussions of the Arab Spring on Human Rights](#)

⁹[Thematic priorities – OHCHR Report 2012](#)

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

Freedom of peaceful assembly and association must be recognised as an *enabling right* that underpins inclusive development, in which decent work and social protection and the progressive realisation of social, economic and cultural rights are key. As such freedom of peaceful assembly and association is a precondition for the defence of collective rights as well as the only way to protect the freedom of minorities. An approach that – when implemented in dialogue and coordination – can provide the cornerstones to build upon a true partnership for democracy and shared prosperity.

Ensuring the freedom of peaceful assembly and association is of paramount importance as:

- *It enables CSOs, social and grassroots' movements to play a vital role in contributing to the progressive realisation of economic, social and cultural rights.*
- *It is anchored in international labour conventions to enable trade unions and workers' movements to promote decent work and social protection for all workers.*
- *It enables, in addition to the above, women's movements to play a key role in shaping society by creating new norms and by making legal systems work for women.*

In September 2012, the UN Human Rights Council adopted a resolution that reminds states of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and association are in accordance with their obligations under international human rights law.

Freedom of Association at risk in the region

The protection of the freedom to peacefully assemble and associate is crucial to creating a

tolerant and pluralistic society in which groups with different beliefs, practices or policies can exist peacefully together (Guidelines on Freedom of Peaceful Assembly OSCE / ODIHR 2010). Unfortunately, these rights were neglected for too long in international human rights law. However, the events that have occurred in numerous countries in the MENA region since December 2010 have proved how these rights are important for people to express their aspirations and to influence policy decision makers.

A lack of democracy and civil unrest remain major challenges in the MENA region. Although the Arab Spring triggered aspirations among people, raising expectations of a positive democratic development with more freedom and less restrictions, the outcome so far has been the opposite. The once-in-a-lifetime political change that almost no one saw coming has imposed more restrictions and has not solved the corruption in the existing systems. Without the guarantee of freedom of association and peaceful assembly there can be no democracy.

Despite the fact that there have been a few changes, the reality in the region has not matched the standards aspired to. The standards laid out in international human rights conventions concerning the freedom of association and peaceful assembly have not been attained by several countries in the MENA region¹⁰.

Setting monitoring benchmarks

This briefing paper will focus on three benchmarks – related to freedom of association and peaceful assembly - that highlight the main challenges in the MENA region. In 2012, SOLIDAR together with members and partners organised two extensive consultations amongst more than 80 civil society organisations, think tanks, social movements, progressive political forces and independent trade unions during two international conferences: 26-27 June in Brussels (Belgium) and 13-14 November in Amman (Jordan). These consultations aimed at setting up a new agenda that promotes the development of modern pluralistic societies in the Middle East and North Africa and that brings the social dimension into the

¹⁰ [Guaranteeing the cornerstones of Democratic Systems 2013](#)

development equation, in which civil society organisations, think tanks, social movements and independent trade unions are recognised as crucial actors in ensuring the respect of civic, economic, social and cultural rights and equal opportunities – both women and men – for all¹¹. The main recommendations of these conferences are included below and were shared with the European Union in an open letter to Commissioner Stefan Füle, High Representative Catherine Ashton and European Parliament President Martin Schulz.

MONITORING BENCHMARKS

Freedom of Association and Peaceful Assembly

The right to assemble peacefully, together with freedom of expression and freedom of association, remains at the core of any functioning democratic system. Moreover, freedom of peaceful assembly and association is a fundamental human right that can be enjoyed and exercised by individuals and groups, unregistered associations, legal entities and even corporate bodies.

Assemblies and associations may serve many purposes, including the expression of diverse, unpopular (or minority) opinions. These rights can be an important strand in the maintenance and development of culture, such as in the preservation of respective minority identities. Freedom of peaceful assembly and association is also an enabling right that underpins inclusive development, in which decent work and social protection and the progressive realisation of social, economic and cultural rights are key.

Freedom of Expression and Information

The freedom of peaceful assembly and association is closely connected to the freedom of expression. This right would be of very limited scope if it was not accompanied by a guarantee of being able to share one's ideas or ideals in community with others. It is especially important that minority groups and vulnerable people also fully enjoy this right to ensure their voice is heard in decision making at times of democratic transition.

Democratic transition and civil dialogue

Building societies based on democratic principles will take time and needs a strong and organised civil society. There cannot be a democratic transition without freedom of assembly and freedom of expression. Freedom of peaceful assembly and association is the foundation of a strong civil society and an essential component of a pluralistic inclusive democracy. It has played a significant role in a number of democratic transformations and is a precondition for the defence of collective rights. An approach that – when implemented in dialogue and coordination – can provide sustainable pathways out of the current and social crisis.

On 20 March 2013 the European Commission launched reports of the progress made according to the agreements between the EU and **Egypt, Jordan, Lebanon, Morocco, Palestine and Tunisia**. Immediately after SOLIDAR launched a consultation on the implementation of the European Neighbourhood Policy 2013 amongst more than 100 think tanks, social movements, progressive political forces and independent trade unions engaged in its Social Justice in the Middle East and North Africa network. This briefing paper presents the findings of the consultation with regards to the recommendations defined.

¹¹[SOLIDAR policy recommendations MENA region](#)

MONITORING FREEDOM OF ASSOCIATION

Freedom of association and peaceful assembly remain issues of a great concern. Arab States should be reminded of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and association are compatible with their obligations under international human rights law¹².

The feedback gathered during the consultation on the progress reports on implementation of the European Neighbourhood Policy 2013, from Egypt, Jordan, Palestine, Lebanon, Morocco and Algeria, gives evidence-based insights into the evolving situation and concerns of active organisations in the region, providing the EU and governments with critical information for decision-making and policy formation. The detailed consultation forms can be found in the annex of this briefing paper.

1. Freedom of peaceful assembly and association

After the Arab Spring, countries in the Middle East and North Africa embarked on the promising path towards becoming societies in which human rights, active citizenship and inclusive governance are respected. Two years later, however, those civil society organisations, think tanks, social movements, independent trade unions and progressive political forces that stood at the heart of the Arab Spring have come under growing pressure¹³. These developments are reflected in civil society responses to the consultation, as follows:

- In **Palestine**, mostly as a result of the internal divisions, the freedom of expression has been violated by the Palestinian Authority in both the West Bank and the Gaza Strip. In February 2013, the Hamas parliamentary group

adopted a new trade union law in second reading. This law is extremely restrictive and does not respect international labour standards and fundamental human rights. It stipulates the same rules for professional unions and trade unions. This law has not been enacted yet, but raises serious concerns over the intentions of the Gaza government, particularly in view of the fact that the Minister of Labour in Gaza has refused to register any new unions, and at least one union has been directly requested by the Ministry staff to affiliate to the Islamic Trade Union Federation in order to obtain registration. It also enables government intervention in the affairs of trade unions, in violation of international labour conventions, especially ILO conventions 87, 98 and 135.

In the West Bank, pluralism in trade union work has become an accepted principle by the authorities, and since 2011 the Ministry of Labour has recognised unions on the basis of their submission of an internal statute, audited financial reports (once they have been established and operational for at least one mandate) and the organisation of union elections under their supervision. However, these rules drawn up by the Ministry are not supported by legislation detailing its competencies and their limitations concerning trade unions. The unified Palestinian trade union law is still a draft and no further progress has been achieved towards its adoption in the absence of a legislative council, from which the labour law does not offer adequate protection (in the form of deterrent sanctions for example). The Ministry has asked the GFITUP to merge their proposed legislation with the draft trade union law.

In addition, after the President of the Palestinian Authority, Mahmoud Abbas, issued the presidential decree regulating non-governmental organisations and charities, the Ministry of the Interior ordered the dissolution of a number of organisations tied to Hamas, claiming

¹² [Guaranteeing the cornerstones of Democratic Systems 2013](#)

¹³ [SOLIDAR policy recommendations MENA region](#)

that they had not followed proper procedures.

In 2013, the de-facto authorities refused permission to hold a peaceful demonstration on May Day for the third year in a row in the Gaza Strip, in addition to other peaceful social demonstrations.

- In **Egypt** the Shura Council has recently granted preliminary approval to draft legislation prepared by the Freedom and Justice Party to revise existing laws on association. The new legislation, which was agreed "in principle" by the Shura Council in March 2013, revises Law 84/2002 on the regulation of non-governmental organisations. This recent legislation puts restrictions on the right to association as well as limiting the space for action of human rights defenders. It imposes complicated conditions for the registration of CSOs, controls the membership and partnerships of CSOs and limits the activities which can be carried out by foreign NGOs. They must be consistent with the needs of Egyptian society and with the priorities of development plans, taking into account public order and morals. In addition, the vaguely-worded draft legislation specifies that NGO funds will be considered public funds; and that NGOs will be banned from obtaining funds from abroad without prior permission from a ministerial committee. A number of United Nations special procedures mandate holders have expressed concerns that the new legislation infringes international standards on association and limits the space of civil society groups and human rights activists.

On 4 June the Cairo Criminal Court convicted 43 staff members of international NGOs in the so-called "foreign funding case." The defendants, who include nationals from Egypt, Palestine, Jordan, the US, Germany, Serbia, and Norway, received prison terms ranging from one to five years and were each fined 1,000 Egyptian Pounds.

- Freedom of association is enshrined in the constitution of **Lebanon**. But

implementation remains a problem. For instance, the law regarding labour unions and youth organisations remains very restrictive. Public servants are prohibited from setting up and belonging to trade unions and federations and thus cannot enjoy freedom of association. Political parties come under the same law as NGOs, but this might be misleading because they seek power while NGOs do not. Moreover, although around 11% of the Lebanese population is Palestinian, they are not allowed to form any kind of CSO or trade union. In addition, Lebanon has still not ratified ILO Convention No.87 (Freedom of Association and Protection of the Right to Organise) whose provisions could strengthen the normative framework.

- In **Jordan**, freedom of association for civil society organisations and trade unions and political parties is restricted by the need for governmental approval of their formation. The government also retains control over their agendas. In 2012 the government refused to register a number of new trade unions, including the Independent Trade Union of Workers in the Phosphate Sector, Independent Trade Union of Workers in Jordan Electrical Corporation, Independent Trade Union of Taxi Drivers and the Jordan Pilot Association. Moreover, through the Registrar Office the Ministry of Social Development has applied a new compulsory form for annual reporting in which each organisation has to choose one major objective to classify their NGO in order to define their future eligibility for funding.

In addition to this, during the mass demonstrations that took place in November 2012 to protest against the rise in the price of oil derivatives the Jordanian authorities arrested about 250 people, 89 of whom appeared before the State Security Court on charges of "illegal gathering" and "working to undermine the regime". Many of them were subjected to various forms of torture.

- In **Algeria**, the new law issued in January 2012 regarding associations is repressive and limits the activities of

NGOs. Freedom of assembly is limited by a presidential decree which bans demonstrations and peaceful rallies and trade unionists have been arrested. A year and a half after its enactment, associations are struggling to meet the conditions set by the new law governing their existence and activity. Some foreign NGOs are threatening to leave the country because of the restrictions. Representatives of associations have called for action to persuade the Ministry of the Interior to review these measures.

- In **Tunisia** self-appointed committees to defend the revolution are multiplying and establishing branches around the country. Despite the fact that freedom of assembly was guaranteed as a result of the revolution, the General Tunisian Labour Union has been attacked on many occasions by the self-appointed committees.
- In **Morocco**, associations known for their commitment to democracy and human rights have been excluded from the national dialogue on civil society initiated by the government. Moreover, the EC report failed to note that many associations are formed for electoral reasons and/or government related issues; hence, there is a need for a thorough revision to update the jurisdiction governing associations and civil action. Practical difficulties prevail, concerning registration and receiving grants, in addition to the long and complicated administrative procedures for establishing associations.

Pre-revolutionary practices remain in place. For example, there are practical difficulties (concerning registration and grant receipts) arising from the Moroccan government's lack of transparency. It is easier than before to create associations, although the administrative procedures are long and complicated. In addition, associations are drowning in administrative procedures that should normally be taken care of by public institutions, preventing them from fulfilling their role as advocacy organisations. Reforms are needed to improve freedom of expression and demonstrations. After a national

consultation, REMAJEC developed and distributed a memorandum for the amendment of the current law concerning freedom of association. Civil societies are under big pressure in Morocco, but are working on participating in national debates. One of the projects was participation in a debate on the Advisory Council for Youth and Community Action, where two national consultations were held with civil society and youth councils. This work has led to the development of a memorandum to be submitted to decision makers.

Many peaceful demonstrations were held in 2012. Several cases of violence and arbitrary arrests against protesters have been reported, especially against the unemployed graduates in Morocco, where 20 members are in prison. The problem is that Morocco lacks a law governing the right to protest.

2. Freedom of expression and information

The Arab Spring also provided a historic opportunity to lay the foundations for democratic transition, by fostering and safeguarding the right to freedom of expression and information. There has been progress in some countries, but there have also been examples of regressive legislative practices and state action:

- Even though in **Palestine** there is a strong tradition of a free media and a broad range of opinions, the government has been trying to limit freedom of expression, and the continual arrests of journalists without trial remains a critical issue.

The Israeli occupation is another restriction on freedom of expression in Palestine. The more stalled the peace process becomes, the more Israeli attacks there are against the Palestinians. Moreover, many attacks by the Israeli occupation forces on CSOs and different media institutions in Gaza and the West Bank were reported in which property, equipment and files were confiscated. Several NGOs in Jerusalem have been closed on Israeli military orders. In addition to

that, Hamas forces attacked the Labours Voice Broadcast and expropriated its equipment, refusing to return it to date.

- In February 2013, the **Egyptian** Cabinet approved a new draft law that restricts protests, by regulating the time, place, permission and activities of any protest. The text of the law stipulates that organisers must inform the authorities in advance of plans to protest, and the Ministry of the Interior has the right to refuse permission for a demonstration. One specific location in each province will be chosen by the governor to host all demonstrations, while platforms for speakers and the use of tents during sit-ins, as well as banners or chanting of slogans deemed “defamatory or insulting to religion or state institutions” will be prohibited by the law. The protest bill, which contravenes international standards on the right to peaceful assembly, was approved in principle by the Shura Council in March 2013. The fact that the state has failed to protect female demonstrators and the impunity granted to the assaulters on several occasions are both serious causes for concern.
- The **Lebanese** constitution stipulates freedom of expression in speech and in writing. Genuine implementation and monitoring of these practices in accordance with international standards are still lacking in Lebanon however.

With regard to the media environment, it is important to stress that Lebanon needs a media law reform. The reform should aim at allowing the creation of new newspapers and journals, in order to ensure that a range of opinions and views can be heard and/or expressed. Fees relating to establishment/ownership are currently very high, making it out of the reach of ordinary and independent people. Moreover, journalists are not allowed to practice or to benefit from social protection unless they belong to the Union of Journalists, but accessing the union is not easy.

The political practices of the media and continuous use of the media in the

political power game are compromising the independence of the sector. Such practices also weaken the contribution of the media to the social development of the individual citizen.

With regard to access to information, although the free flow of information and freedom of access to it is a basic human right, there is still no law to guarantee this right. Access to information is vital for increasing transparency and accountability, to raise public awareness and ensure a participatory democracy. Thus, it must be a priority in the Lebanese government's agenda. The survey undertaken by the Lebanese Transparency Association sheds further light on the situation: 72% of respondents confirm that it is very difficult to access information in Lebanon. More important, 81% mention favouritism and political pull as the most successful means of accessing information, while 23% refer to paying to access information. 48% say that public employees and officials are the primary recipients of these payments.

For years, progress reports have praised Lebanon's open, free, diverse media, noting few cases of limitations. Yet the politicised media and the “occasional” but continuous cases of arbitrary arrests and torture are too important to be ignored, as they violate freedom of expression and opinion, as well as indicating the problematic working environment of media employees.

- In 2012, **Jordan** witnessed the intensity of violations of freedom of opinion and expression and the press, and the right to freedom of information. Dozens of journalists and media workers were beaten and threatened, and had their equipment broken; and some journalists were taken before the State Security Court on charges of “anti-regime” activities. There was continued criticism of the “law to guarantee the right of access to information”, which contains a set of legal and procedural obstacles that make access to information a daunting and very complex task.

In the area of academic freedom there are still many factors limiting faculty members' exercise of academic freedom in their work, including those related to production, intellectual development or scientific research. This situation led a number of academics to publish critical articles on the decline in academic freedom.

In Statistics law No. 12 for the year 2012, the second paragraph of article (8), clearly states that any informal gathering and publication of statistical information should first be authorised, in writing, by the Director-General of the Statistics Department. In February 2011 the Prime Minister used this article to place, restrictions on conducting surveys and opinion polls, demanding that research centres conducting a survey should request official approval before doing so.

- In **Algeria**, following the restrictions and protests of 2011, the authorities called for a debate within civil society. An empty debate was what followed, including only government-linked CSOs and not the independent ones. The authorities effectively had a dialogue with themselves, which led to the creation of restrictive and repressive legislation on freedom of information.

The new media law stifles the freedom expression and information, creating serious obstacles for journalists who are brought to justice and are subject to fines. The media is under the absolute monopoly of the government, whereas independent civil society does not have access to this power.

- In **Tunisia**, freedom of expression and civil society organisations are under constant pressure. For example, the national conference for dialogue that was held by the Tunisian Labour Union was boycotted by the two major actors in Tunis. On the other hand, as a result of union pressure, an independent high authority for audio-visual communication (HAICA) finally emerged, and was announced on the occasion of world press freedom day. Internet censorship has significantly decreased but pressure remains on civil society and trade unions.

- The long awaited reform of the media law in **Morocco** has not taken place because of the difficulties in building consensus among the concerned groups. Despite significant developments in the exercise of freedom of expression and information, the absence of such a consensus leaves the door open to barriers, obstacles and prohibitions, knowing that in many cases social media constitutes a danger to the expansion of freedom of expression and information. The draft text reforming the media law proposed by the government did not remove the repressive measures curbing the freedom of expression. The Minister of Communication has established an advisory committee for the reform of the media law and editing law. The committee's mission is to initiate a national dialogue concerning the reform and to ensure that these laws are consistent with the new constitution and remove custodial sentences on journalists and bloggers. In reality this committee is working behind closed doors, which prevents contributions from civil society and the public.

3. Democratic transition and civil dialogue

At the heart of any democratic transition stands civil dialogue, in parallel to democratically elected representative bodies and sound social dialogue with independent social partners. Hence, the informed policy dialogue between decision-makers and community leaders on one side and civil society organisations, think tanks, social movements and independent trade unions on the other has to be strengthened.

- The dysfunctional status of the legislative council in **Palestine** and the continuous delay in presidential elections are hindering democratic transition. Women's role in political life is still weak in spite of the Quota system, as they are subject to limited rights and face discrimination in their everyday life. The continuous divisions and the absence of the PLC are also major challenges to greater participation for women.

- The electoral commission in **Egypt** cancelled the parliamentary elections that were planned to take place on 22 April 2013. The elections have been postponed by the Administrative Court, which declared that the electoral law first has to be sent back to the high constitutional court for revision. On 21 April 2013, the administrative court dismissed the appeals against the suspension of the elections. The Shura Council passed a law in mid-June 2013 allowing the Supreme Electoral Commission the right to set a date for the elections.
- In **Lebanon**, revisions of electoral law are still designed to ensure a majority of votes for political leaders, rather than to provide a comprehensive law enabling citizens to elect their representatives in fair, free and democratic elections. Public debate around electoral law was focused on proportional representation, mainly because the majority voting system in Lebanon has many negative effects. Notably, it marginalises a number of social groups as it guarantees access to power for one party and disregards the other groups regardless of their representation and size.

Proportional representation with relatively big districts should be guaranteed by electoral law. This will require reconsidering the partitioning of electoral districts and a progressive switch from small districts to medium districts (at least 20 seats for each district).

As regards female participation in political life, Lebanon ranks 131st out of 141 countries according the Women in Parliament statistics. This is in contrast to the decisions of the Conference of Beijing signed by Lebanon that calls for the adoption of a women's quota in the nomination of candidates and in contrast to the EU-Lebanon action plan which prioritises increasing women's participation in political life.

Unfortunately systematic consultations with civil society are not common government practice in Lebanon. Added to this is the lack of disclosure

of information for CSOs effective involvement. Such practices remain ad hoc and selective.

- Although amendments to the laws on the organisation of political life in **Jordan** (election and political parties) were made in response to demands by the popular movement, and the development of the right to public participation and democracy, an analysis of their content and application confirms that progress in this area has been very limited. The great majority (82%) of seats in the House of Representatives still depend on the "one person, one-vote" system, a system that has drawn severe criticism from the majority of Jordan's political forces.

With regard to the formation of political parties, restrictions on this right still exist in the amended law on political parties for 2012. These restrictions include a minimum of 500 registered members to form a party, in which seven provinces are represented, at a rate of at least 10% each. Political parties still need to obtain a licence for publicity and a working permit from the government, instead of a notification. Women struggled to add the term "gender" to Article 6 paragraph 1 of the amended Constitution, to state that there shall be no discrimination between Jordanians as regards to their rights and duties on grounds of race, language and religion. This was refused at the last minute. Women have lost a very important change that could have assisted in abolishing the discriminatory laws in national legislation.

- Elections were held in **Algeria** on 10 May 2012, in which 46 members of the lower house of parliament were elected. 40 political parties participated and for the first time in Algeria, the EU deployed an observation mission to observe the elections. Despite that, elections were marred by massive fraud and over 12 million Algerians abstained.
- The Constituent Assembly in **Tunisia** voted to hold its next elections before 29 December 2013. The administrative court has prevented the

creation of an independent body to organise elections that does not comply with the procedures. Following the introduction of a new law on Associations in September 2011, around 4000 new organisation and unions have been created. Today, civil society in Tunisia plays an important role in democratic transition, electoral awareness, election observation, constitutional dialogue etc.

- The national action plan for democracy and human rights in **Morocco** has been updated, but has not been adopted. Slow implementation of the new constitution and the existence of structural problems such as the separation of powers are hindering the democratic process. In addition, part of the action plan was to educate and increase awareness of the public regarding their fundamental rights and civic obligations, but this plan was never approved. The establishment of

the Advisory Board (AALCC) is an opportunity to open a national debate on the role that will be played by civil society and open the space for more civil dialogue and participation.

PART II: DETAILED MONITORING REPORTS 2013

ALGERIA

No Country Progress Report is issued for Algeria since there is no ENP Action plan in force. This consultation is based on [MEMO/13/241](#) issued 20 March 2013 on the Political situation and latest developments in the EU relationship with Algeria

Benchmark	Memo 2013	Feedback
Freedom of peaceful assembly and association	While the laws on elections, on women's participation, on political parties, on mandates incompatibility and on decentralisation are on average positive, the laws on associations and information have been widely criticised as restricting freedom of association and expression.	<p>The new law issued in January 2012 regarding associations is repressive.</p> <p>All new laws and texts adopted during the state of emergency have been revoked in the so-called reform process. Peaceful marches and assemblies are still prohibited and suppressed by the police force. Trade union activists are detained, arrested and judicially prosecuted.</p>
	Following regional developments related to the Arab Spring and internal social and political unrest, the Algerian authorities lifted the state of emergency in February 2011, a positive development that has not yet been fully translated into concrete improvement as several restrictions to the work of civil society remain in place. The new law on associations released on January 2012 has been criticised as being regressive, and setting further limits on the activities of Non-Governmental Organisations, and freedom of assembly is limited due to a presidential decree (18 June 2001) banning marches in Algiers that has been used several times in 2012 to prevent demonstrations.	Under pressure from the people in the streets in 2011, the Authorities opened up a space for debate with civil society entering in an empty debate. The authorities held a dialogue with themselves, excluding independent civil society organisations, which led to the creation of restrictive and repressive legislation concerning freedom of information.
	During 2006-2010, the EU implemented a EUR 10 million programme to support Algerian NGOs. Implementation of ongoing programmes in support of local NGOs using EU financial assistance is progressing smoothly. The current approach is also to involve civil society in the EU funded	Algeria is a unique case. The authorities ignore all problems suffered by the young people, some of whom have felt desperate enough to immolate themselves in front of state institutions. Algeria has the highest rate of self-immolation, with over 102 cases documented. Even then, the authorities

	sectoral cooperation programmes whenever possible (e.g. in the new Cultural Heritage Programme and Youth Employment Programme).	refuse to open any dialogue and continue to suppress activists and civil society representatives.
Freedom of expression and information	While the laws on elections, on women's participation, on political parties, on mandate incompatibility and on decentralisation are on average positive, the laws on associations and information have been widely criticised as restricting freedoms of association and expression.	The new media law also stifles free expression and information. Journalists are prosecuted and the main media are under the complete monopoly of the government. Private actors cannot participate in the media landscape, neither can independent civil society.
Democratic transition and civil dialogue	As a result of a new law establishing a 1/3 quota for female candidates for elected assemblies, 143 women were elected. However, the national council (second chamber of parliament) has witnessed a decrease, from 8 to 4 women members. While these latest developments in Algeria testify to an increased role of women in public and political life, major discriminations remain in the legislative system and in practice.	
	In the framework of the SPRING programme, in March 2012 Algeria was allocated EUR 20 million, of which 10 million are subject to further progress on democratic reforms.	With the exception of the 1990 elections, Algeria has never known free elections. The elections held on 10 May 2012 in the presence of international observers were marred by massive fraud and over 12 million Algerians abstained from voting. In the same period 20 new political parties were created by the established power to keep up appearances and restore the credibility of the authorities.

EGYPT ¹⁴

Benchmark	Report 2013	Feedback
Freedom of peaceful assembly and association	<p>Current NGO legislation continues to hinder the work of NGOs in terms of registration and funding. The issue of revising the legislation has been under discussion since August 2011. It was high on the agenda of the first parliament elected after the uprising. The People's Assembly did not reach an agreement before it was dissolved and reportedly a new law will have to wait under a new People's Assembly is in place.</p>	<p>The Shura Council has recently granted preliminary approval to draft legislation prepared by the Freedom and Justice Party revising existing laws on association. The new legislation, which was agreed on "in principle" by the Shura Council in March 2013, revises Law 84/2002 on the regulation of non-governmental organisations. This recent legislation places restrictions on the right to association as well as limiting the scope of action of human rights defenders. The measures impose complicated conditions for registering CSOs, control the membership and partnerships of CSOs and limit the activities which can be carried out by foreign NGOs to those consistent with the needs of Egyptian society and in accordance with the priorities of development plans, taking into account public order and morals. In addition, the vaguely-worded draft legislation specifies that NGO funds will be considered public funds; and that NGOs will be banned from obtaining funds from abroad without prior permission from a ministerial committee. A number of United Nations special procedures mandate holders have expressed concern that the new legislation infringes international standards on association and limits the space of civil society groups and human rights activists.</p> <p>On 4 June the Cairo Criminal Court convicted 43 staff members of international NGOs in the so-called "foreign funding case." The defendants, who include nationals from Egypt, Palestine, Jordan, the US, Germany, Serbia, and Norway, received prison terms ranging from one to five</p>

¹⁴ The consultation process on the EU Progress Reports took place between April and June 2013. The monitoring of the Progress Report for Egypt is therefore based on the practices and policies from the regime of ex-president Muhammed Morsi and the Muslim Brotherhood. The current ongoing turbulent situation is causing rapid changes at the political level. SOLIDAR will closely follow the developments in Egypt and continue to monitor the practices and policies regarding freedom of association and democratic change of the transitory government and the new government that will be in place after new elections. (4 July 2013)

		years and were each fined LE1000.
	<p>The new Government disregarded the Labour Law that had been submitted during the transition period. A new law was tabled by the Muslim Brotherhood within the Parliamentary Committee in charge of Labour issues before the dissolution of the Parliament, but the debate stagnated. According to independent trade unions, the amendments to the already restrictive Trade Union Law 35/1976 would further weaken workers' and trade unions' rights, including in relation to freedom of assembly and freedom of association.</p>	<p>In 2012, over a thousand trade unions were formed; an indication of the need of the Egyptian workers to improve their labour rights and conditions. Unfortunately, the creation of new trade unions was a difficult process that faced many obstacles.</p> <p>Most notably, articles 51-53 of the new constitution prohibit the plurality of trade unions (Article 53) thus allowing for only one union per profession. This, in light of the formation of more than 1000 independent unions after the revolution, is a clear violation of the right to form associations, and specifically the right to create several associations as granted by Article 8 of the International Covenant on Social, Economic and Cultural Rights, as well as the International Labour Organisation's core Convention on Freedom of Association and Protection of the Right to Organise. The new constitution, therefore, is a threat to the independent unions, which were created in response to the corrupt state-controlled formal syndicates and unions.</p> <p>Many of the key founding figures of independent trade unions have faced arbitrary lay-offs.</p>
	<p>Protests are regularly held at locations that were previously considered unapproachable, including the Presidential Palace and various state ministries. However, there have been increasing concerns over rising violence in recent months during public demonstrations, in particular from security forces.</p>	<p>In February 2013, the Egyptian Cabinet approved a new draft law that restricts protest activities, by regulating the time, place, permission and activities of any protest. The text of the law stipulates that organisers must inform the authorities in advance of plans to protest, in which case the Ministry of the Interior has the right to refuse permission for a demonstration. One specific location in each province will be chosen by the governor to host all demonstrations, while platforms for speakers and the use of tents during sit-ins, as well as banners or chanting of slogans deemed "defamatory</p>

		or insulting to religion or state institutions” will be prohibited by the law. The protest bill, which contravenes international standards on the right to peaceful assembly, was approved in principle by the Shura Council in March 2013.
	Reported violence against women participating in demonstrations is a matter of serious concern.	The state’s failure to protect female demonstrators and the impunity granted to the assaulters on several occasions is a cause of serious concern. Demonstrations in late November 2012 witnessed a visible increase in the cases of rape and assault against women demonstrators. A series of gang rapes took place in downtown Cairo, where the demonstrations took place, while the state failed to condemn or even take notice of these acts. Victims were mainly women’s rights activists and human rights defenders taking part in demonstrations and other activities taking place in the city centre. Experts assert that the denial of the crimes and the impunity granted to the individuals who took part in these horrible crimes, has led to the spread and a widening of the scope of crimes practiced against women. The state has failed to adequately address the existence of such heinous crimes, let alone condemn them. In addition, the state has failed to push for the investigation of such crimes, while also failing to provide security for the peaceful female demonstrators and activists.
Freedom of expression and information	Despite the greater room for freedom of expression since former President Mubarak stepped down, cases of interference towards individuals and the media are still reported, including prosecutions against critics of the President and of the ruling party, and arrests and prosecutions under the blasphemy law, which predates the new administration.	Egypt continued to rank very low internationally on budget transparency. This low transparency and lack of citizen participation have increased in the financial years 2011/2012 and 2012/2013 public budgets. Despite a relatively clear legal framework, the Ministry of Finance and other ministerial entities do not meet the requirements of the law. This makes it very hard for CSOs and the public to hold the government accountable, particularly with the continued absence of a simplified version of the public budget which classifies spending and income into sectors. There is a need

		for a budget that can be accessed by all citizens representing how the government is managing its public spending on the programmes and activities defined in its economic plan.
Democratic transition and civil dialogue	Egypt held parliamentary elections in late 2011 and early 2012, under full judicial supervision. Observers found no evidence of any systematic attempt on the part of the authorities to rig the results of these elections in favour of any one party. Presidential elections were held in May, with run-offs in June in a highly charged and polarised political climate. Although some restrictions on foreign monitors were imposed, observers concluded that the elections were largely free.	The electoral commission in Egypt cancelled the parliamentary elections that were planned to take place on 22 April 2013. The elections have been postponed by the Administrative Court, which declared that the electoral law first has to be sent back to the high constitutional court for revision. On 21 April 2013, the administrative court dismissed the appeals against the suspension of the elections. The Shura Council passed a law in mid-June 2013 allowing the Supreme Electoral Commission the right to set a date for the elections.
	New political parties are regularly formed. There have been no reports of any official efforts to obstruct the formation of new parties, and no reports that any application has been rejected by the judicial committee in charge of vetting party applications.	
	In the 2012 upper house elections, women won only 4 out of the 180 seats.	
	In the aftermath of the Egyptian uprising, the Ministry of State for Administrative Development provided administrative and technical support to the democratic transition and electoral processes.	

JORDAN

Benchmark	Report 2013	Feedback
<p>Freedom of peaceful assembly and association</p>	<p>In July Jordan refused to allow the civil society organisations 'Tamkeen' (Partner of SOLIDAR member ARCI – Italy) and 'Acted' to accept foreign funding for projects targeting, the rights of migrant workers and refugees respectively. These were the first refusals of European funding since the adoption of the 2008 Law of Societies, as amended in 2009.</p>	<p>In addition to the case mentioned, freedom of association for civil society organisations and trade unions and political parties is restricted by the requirement of government approval of their formation. The government retains control over their agendas. The government refused in 2012 to register several new trade unions (Independent trade union of workers in Phosphate Sector, Independent Trade Union of Workers in Jordan Electrical Corporation, Independent Trade Union of Taxi Drivers and the Jordan Pilot Association).</p> <p>In 2013, the Ministry of Social Development (MOSD) applied a new compulsory form, through the Registrar Office, for annual reporting in which each organisation has to choose one theme as its major objective, the purpose being to classify NGOs in order to define their future eligibility for funding. If an NGO chooses “civic education” as its objective and submits the proposed funding of an environmental project for approval, funding will be refused because the environment was not selected as its major objective.</p>
	<p>With regard to freedom of assembly, public protests in Jordan continued throughout 2012 with several thousand demonstrations held, from small protests to larger marches. Jordanian police handled the protests in a peaceful and professional manner. In several cases in 2012, however, the government arrested activists and brought politically motivated charges against them.</p>	<p>In addition to this, during the large demonstrations that took place in November 2012 to protest against the rise in the price of oil derivatives the Jordanian authorities arrested about 250 people, 89 of whom appeared before the State Security Court on charges of "illegal gathering" and "work to undermine the regime". Many of them were subjected to various forms of torture.</p> <p>In this regards, AWO has received an official letter asking that the MOSD be notified 14 days prior to every event held outside its premises.</p>

<p>Freedom of expression and information</p>	<p>In January a demonstrator was sentenced to two years in prison by the State Security Court for torching a picture of the King. The demonstrator was eventually pardoned by King Abdullah. Several cases of freedom of speech, some involving journalists, were also taken before the State Security Court, despite a 2011 constitutional amendment that limited the court's jurisdiction.</p> <p>In September, security forces arrested a number of activists from Tafileh, Karak and Amman and charged them under terrorism provisions. They remain in detention.</p> <p>As regards media freedom, in April, a journalist and an editor from a local online news outlet were arrested when an article implied royal interference in parliamentary corruption proceedings.</p>	<p>Overall, 2012 witnessed serious violations of the right to freedom of opinion and expression and the press, and the right to freedom of information. Dozens of journalists and media workers were beaten and threatened, and had their equipment broken; journalists have also been taken before the State Security Court on charges of being "anti-regime".</p> <p>There was continued criticism of the "law to guarantee the right of access to information", which is seen as a set of legal and procedural obstacles that make access to information a daunting and very complex task.</p> <p>There are still many factors limiting the exercise of academic freedom for faculty members in their work, including those related to production, intellectual development or scientific research. This situation led a number of academics to publish articles critical of the decline in academic freedom.</p> <p>In Statistics law No. 12 for the year 2012, the second paragraph of article (8) clearly states that any informal gathering and publication of statistical information should first be authorised, in writing, by the Director-General of the Statistics Department. In February of 2011, the Prime Minister placed restrictions under the terms of this article on conducting surveys and opinion polls whereby research centres conducting a survey should request an official approval to conduct such activity.</p>
	<p>In September, the Parliament adopted an amendment to the Press and Publications Law which the government claimed would ensure better organisation and accountability in the sector. The law met with strong public criticism; with the online media community joining in a civic protest against the law calling for disobedience. The law empowers a government agency - the Press and Publications Directorate - to define a website as an "electronic publication", to make a request for it to register and to punish it with a fine if it does</p>	

	not.	
	In a number of instances in 2012, the General Prosecutor continued referring civilians to the State Security Court for offences involving free speech, contrary to the constitutional amendments made in 2011.	
Democratic transition and civil dialogue	As regards the implementation of the ENP Action Plan, there were some positive developments towards achieving deep and sustainable democracy, in line with the recommendations set out in the previous Progress Report. Political reforms continued in 2012 in particular with the establishment of an independent electoral commission, the establishment of the Constitutional Court, the adoption of a new political parties' law and a new electoral law. The latter law, however, has been strongly criticised by most opposition parties claiming it does not ensure a fair distribution of seats and perpetuates the previous law based on the "one person, one-vote" system (i.e. the single non-transferable vote).	<p>Although the amendments to the laws on the organisation of political life in Jordan (election and political parties) were made in response to the demands of the popular movement and the development of the right to public participation and democracy, an analysis of their content and application confirms that progress has been very limited.. A great majority (82%) of seats in the House of Representatives still depend on the "one person, one-vote" system, a system that has drawn severe criticism from the majority of Jordan's political forces.</p> <p>Restrictions on the right to form political parties are still in place in the amended law on political parties for 2012. These restrictions include a minimum requirement of 500 registered members to form a party, in which 7 provinces are represented at a rate of at least 10% each. Political parties still need to obtain a licence for publicity and a working permit from the government, instead of notification. Moreover, women struggled to add the term "gender" to Article 6 paragraph 1, in the amended Constitution to state that there shall be no discrimination between Jordanians as regards their rights and duties on grounds of race, language and religion. This was refused at the last minute. Women have lost a very important change that could have assisted in abolishing the discriminatory laws in national legislation.</p>

LEBANON

Benchmark	Report 2013	Feedback
<p>Freedom of peaceful assembly and association</p>	<p>Human rights and fundamental freedoms are generally well respected in Lebanon. Freedom of association and religion prevails.</p>	<p>Such a broad generalisation on human rights and fundamental freedoms as “generally well respected” does not correspond to the actual added value that the progress reports can bring, especially given that the respect of democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights is at the centre of the bilateral relations established between the EU and Lebanon. (Association Agreement Article 2).</p> <p>In this context, a human rights assessment of the progress reports should rather follow a clear set of indicators and benchmarking and reflect an in-depth analysis of the situation in terms of the priorities set.</p> <p>It is true that freedom of association prevails in Lebanon, that the right is enshrined in the Constitution. But the role of the progress report must be, rather than ascertain this fact, to assess the real implementation on the ground and the related challenges faced.</p> <p>The law remains very restrictive, for instance, with regard to labour unions and youth organisations. Public servants are prohibited from setting up and belonging to trade unions and federations and thus cannot enjoy the freedom of association. Political parties are under the same law as NGOs, but this might be misleading because they seek power while NGOs do not. Moreover, although around 11% of the Lebanese population are Palestinians, it is important to note that they are not allowed to create any form of CSO including trade unions, yet the progress report does not focus on this. Moreover, Lebanon has still not ratified the core ILO Convention No.87 (Freedom of Association and Protection of the Right to Organise) that could strengthen the normative framework.</p>

	<p>In the field of economic and social rights, tripartite dialogue began in early 2012 following strikes led by the General Union of Labour Workers (GULW) but this process was not sustained. Later in the year there were further protests by teachers and civil servants despite the fact that, legally, civil servants cannot unionise.</p>	<p>The analysis of the strikes and protests by civil servants is correct but aside from considering it as an indicator for freedom of peaceful assembly and association, we would rather focus on the root causes behind these strikes, mainly the lack of sound social and economic policies including employment. The long-term economic approach, weakly managed privatisation, and overall economic liberalisation policies in Lebanon restrict the development of policies that meet the needs of the citizens.</p> <p>The tri-partite dialogue and the negotiations following the strike remained limited and were not inclusive (given that for instance civil servants cannot join unions and the private sector boycotted). Moreover, whereas the strikes were asking for the adoption of a new wage policy including new salary scales the dialogue was only about what amount the wage rise should be.</p>
<p>Freedom of expression and information</p>	<p>The media environment is relatively liberal and freedom of expression is respected although there have been some isolated incidents of censorship and intimidation.</p>	<p>The Lebanese constitution stipulates freedom of expression in speech and in writing. Genuine implementation and monitoring of the practices in accordance with international standards are still lacking in Lebanon however.</p> <p>With regard to the media environment, it is important to stress that Lebanon needs a media law reform. The reform should aim at allowing the creation of new newspapers and journals-in order to ensure a range of opinions and views can be heard/expressed.</p> <p>The fees with regard to establishment/ownership are very high at present which puts it out of the reach of the ordinary and independent people.</p> <p>Journalists are not allowed to practice or to benefit from social protection unless they belong to the Union of Journalists, but accessing the union is not easy.</p> <p>The political practices of the media and continuous use of the media in the political power game should be noted as well, as it endangers the independence of the sector. Such</p>

		<p>practices also weaken the contribution of media to the social development of the individual citizen.</p> <p>With regard to access to information, although the free flow of information and freedom of access to it is a basic human right, the law on access to information is still lacking. Access to information is vital for increasing transparency and accountability, to raise public awareness and ensure a participatory democracy. Thus, it must be a priority in the Lebanese government's agenda. The survey undertaken by the Lebanese Transparency Association sheds further light on the situation: 72% of the respondents confirm that it is very difficult to access information in Lebanon. More important, 81% mention favouritism and political pull as the most successful means of accessing information, while 23% refer to paying to access information. 48% say that public employees and officials are the primary recipients of these payments.</p>
	<p>The media in Lebanon is relatively free to comment on all issues. Articles in the penal code prohibit blasphemy and insults against religion. The General Security (GS) censor films and literature in this regard. In April controversial draft legislation to regulate online media organisations was withdrawn for review after heavy criticism from civil society groups. Isolated cases of limitations on people's freedom of expression occurred during the reporting period. These included occasional cases whereby journalists, comedy actors and graffiti artists were intimidated, beaten and arrested. There were also restrictions on filming and raids on media institutions. The authorities' poor record in prosecuting such violations is a matter of concern.</p>	<p>For years, progress reports have appreciated Lebanon's open, free, diverse media, noting few cases of limitations. Yet the politicised media and the "occasional" but continuous cases of arbitrary arrests and torture are important to note, violating the freedom of expression and opinion, as well indicating the problematic working environment of the media employees.</p> <p>With regard to censorship, the role that the General Security plays must be well assessed, as the institution has extensive powers in censoring and its directives can be stretched in any direction, resulting in violations of the freedom of expression.</p> <p>Overall, with regard to enjoyment of freedom of expression and opinion in Lebanon, the steady fall in the ranking of Lebanon in the Press Freedom Index from 78 in 2010 to 93 in 2011-12 and 101 in 2013 should be noted.</p>
<p>Democratic transition and civil dialogue</p>	<p>A revised version of the draft electoral law approved by the Council of Ministers (the Cabinet) in August 2012 remained</p>	<p>The electoral law revisions remain focused on ensuring a majority of votes for political leaders, in a way securing their electors, rather than aiming at providing a comprehensive</p>

	under the scrutiny of a parliamentary committee before being voted on by Parliament. Due to its late approval, there is a risk that this law will not be actually implemented by the time of the parliamentary elections expected in June 2013. The date of the poll has not yet been set.	law enabling citizens to vote in a fair, free and democratic election.
	No independent electoral commission has been established, the representation of women cannot be guaranteed (given the requirement only to have at least one representative of each gender on each list), and the constitution has not been amended to lower the voting age from 21 years to 18.	
	Public debate on the draft electoral law has been focused on proportional representation. A lack of political consensus on this issue delayed progress on other aspects of the electoral framework. Civil society was involved only to a limited extent.	Public debate around electoral law was focused on proportional representation, mainly because the majority voting system in Lebanon has many negative aspects and marginalises a number of social groups as it guarantees access to power for one party and disregards the other groups regardless of their representation and size. Proportional representation with relatively big districts must be ensured by electoral law. This requires a reconsideration of the partitioning of electoral districts and a progressive switch from small districts to medium districts (at least 20 seats for each district).
	Female participation in political life remains low. No woman holds a ministerial post and there are only four female members of Parliament. The current draft election law limits the requirement for women on candidate lists to one woman per list.	Lebanon ranks 131st out of 141 countries according to the Women in Parliament statistics. This is in contrast to the decisions of the Conference of Beijing signed by Lebanon that calls for the adoption of a women's quota in the nomination of candidates and in contrast to the EU-Lebanon action plan which prioritises increasing women's participation in political life.
	Civil society has not been systematically consulted on or involved in government work. One positive development was the consultation concerning the new EU-Lebanon Action Plan.	ANND together with civil society groups in Lebanon focuses on the necessity to adopt a participatory and inclusive approach in all relevant spaces, including in partnership with the EU. Unfortunately systematic consultations with civil society are not common practice for governments in Lebanon, added to which there is a lack of disclosure of

		<p>information for CSOs effective involvement. Such practices remain ad hoc and selective.</p> <p>On the other hand, during the revision of ENP Action Plan, ANND received an invitation to contribute, from the EU Delegation in Lebanon, and contributed substantively with 20 other civil society organisations. (Please find attached the comments on the EU-Lebanon Action Plan)</p>
Other comments or analysis	Please add feedback on issues not indicated in the above mentioned bench marks.	The ENP progress reports based on implementation of the Action Plan present several challenges faced in Lebanon. At the core of all these challenges lays the lack of a comprehensive, participatory, inclusive and transparent national dialogue.

MOROCCO

Benchmark	Report 2013	Feedback
<p>Freedom of peaceful assembly and association</p>	<p>In the area of freedom of association, practical difficulties (registration and grant concession) persist. The publication of the list of Moroccan associations receiving subsidies and a draft government circular on the financing of associations have raised strong opposition from civil society, as illustrated by the Rabat Declaration signed by a collective of over 400 associations. They called for a wider debate on freedom of association.</p>	<p>The same practices from before the so-called Spring persist in a different form. The current policy of the government is to take over control of the associations' work. The practical difficulties (registration, grant concession, the lack of transparency regarding NGO funding) that have endured hitherto are due to the lack of good governance by the Moroccan administration.</p> <p>Although it has become more and more easy to create associations, the administrative procedures remain long and complicated. There are no clear specifications regarding the concession of funding and the modalities often change depending on the decision makers and elected officers. An official directory of registered associations does not exist and it is difficult to obtain accurate and up to date information. Many of the associations registered on paper are no longer active.</p> <p>Associations have trouble fulfilling their role as advocacy organisations as they drown in administrative procedures that should normally be taken care of by public institutions.</p> <p>The government initiated a national dialogue on civil society, but associations that have a clear commitment to democracy and human rights are excluded. Moreover, the progress report by the European Commission fails to note that many associations are formed for electoral reasons and/or governmental related issues; hence, there is a need for a thorough revision to update the jurisdiction regarding associations and civil action.</p>

		<p>A multiple actor debate is required for a successful reform of the law on associations. Civil society is largely included at all levels and the authorities tend to promote democratic participation, but difficulties remain when it comes to peaceful demonstrations and assembly.</p> <p>There is still no regulation for the official recognition of voluntary work.</p> <p>Both AIDCA and REMAJEC contributed to and signed the Rabat Declaration. In addition, REMAJEC formulated a proposal for a law regarding freedom of expression and demonstration based on a national consultation.</p>
	<p>Many peaceful demonstrations were held in 2012. Several cases of violence by the police and arbitrary arrests of protesters have been reported.</p>	<p>After the demonstrations of unemployed youth in many Moroccan cities about 20 protesters were put in jail. Arbitrary arrests by the police forces have been reported, for example in Al Hoceima and Rabat.</p> <p>The repression of peaceful demonstrations is not methodical but occurs on specific occasions. The number of protest movements is increasing and they are generally tolerated by the authorities.</p> <p>The absence of legislation that governs the right to demonstrate creates space for arbitrary decisions.</p> <p>In the revision of the law on associations, there has to be more emphasis on freedom of expression.</p>
<p>Freedom of expression and information</p>	<p>Obstacles to the exercise of freedom of association and peaceful assembly continue to exist, as well as intimidation and repression against journalists and the media. The reform of the press law has not yet been completed.</p>	<p>One of the long awaited reforms is the reform of the press law, which has not been achieved because the different actors around the table did not come to a consensus.</p> <p>Despite the significant improvements regarding the exercise of freedom of expression and information, the absence of a true</p>

		<p>consensus leaves the door open for barriers, obstacles and prohibitions.</p> <p>The draft for reforming the media law proposed by the government did not exclude the repressive measures regarding freedom of expression.</p> <p>Often local authorities impose administrative procedures that are in violation of the Constitution.</p>
	<p>The reform of the Press Code was concluded in 2012. In October 2012, the Minister of Communication established an advisory committee to reform the Press Code and the Code of Publishing. The committee's mission is to initiate a national dialogue on the reform of the two codes. The stated goal of the reform is to ensure that these codes are consistent with the new Constitution and to eliminate jail sentences which still exist against some journalists or bloggers in particular. Several issues of European newspapers were banned from publication last the year.</p>	<p>The Minister of Communication has established an advisory committee for the reform of the Media and Publishing law. The committee's mission is to initiate a national dialogue on the reform and to ensure that these laws are consistent with the new constitution and absolve journalists and bloggers that are condemned to custodial sentences. In reality this committee is working behind closed doors, which prevents the contribution of civil society and public opinion.</p> <p>The imprisonment of several journalists and the censorship of some issues of European newspapers reflect the shortcomings of the existing legislation and the ambiguities that it presents. The future Press and Publishing Law must include the complete abolition of jail sentences when it comes to freedom of expression and opinion.</p>
<p>Democratic transition and civil dialogue</p>	<p>Despite the updating of the national action plan for democracy and human rights in order to take into account the provisions of the new Constitution on strengthening fundamental freedoms, it still has not been adopted. However, this objective is included in the government's policy statement.</p>	<p>The reform of the national action plan for democracy and human rights aims to improve education and increase public awareness of fundamental rights and civic obligations, but it has not been adopted. Slow implementation of the new constitution and the existence of structural problems like the difficulties regarding the separation of powers are hindering the democratic process. The EC progress report ignores the conservative nature of a good part of society regarding the declared intentions of modernisation of the authorities and</p>

		<p>certain political and civil forces in the country. In addition, the transition to democracy has been affected by some extraneous factors such as the fight against terrorism and the current global crisis.</p> <p>The implementation of new constitutional provisions is taking a lot of time despite the optimistic declarations of the current government. In the field, not much change has been noted. The establishment of the Advisory Board (CCJAA) is an opportunity to open a national debate on the role of civil society and to create space for more civil dialogue and participation. The national dialogue about the new role of civil society organisations is polemical due to the lack of transparency, the diverging opinions and the absence of a real inclusive participatory process.</p>
Further comments /analyses	Please add feedback on issues not indicated in the above mentioned bench marks.	There is no official statute for social workers in Morocco, e.g. social assistants working in associations, courts or hospitals.

PALESTINE

Benchmark	Report 2013	Feedback
<p>Freedom of peaceful assembly and association</p>	<p>The lack of respect by the PA for freedom of expression and freedom of assembly was a cause of increasing concern particularly in light of the arrests of journalists and bloggers and the violent suppression of peaceful demonstrations in July 2012.</p>	<p>This remains a great concern, as does the impunity of perpetrators of such violations even when an official inquiry has taken place and has clearly identified the guilty parties (as was the case for the violent suppression of the peaceful demonstrations in July 2012).</p> <p>The occupation forces suppress Palestinian popular demonstrations in villages and camps.</p> <p>Journalists continue to be arrested without trial.</p> <p>The arrests of the Legislative Council's members continue, restraining parliamentary process.</p> <p>Restrictions and obstacles against freedom of association have continued. Hamas security forces took over the headquarters of the General Union of Palestinian Workers, and illegally confiscated property and assets during the coup.</p> <p>In the Gaza Strip, the de – facto authorities of Hamas continued imposing restrictions against worker activists' and members' right of movement, as well as preventing the first of May celebrations since 2007.</p> <p>The Hamas parliamentary bloc in the PLC issued a series of laws that focus on the restriction of freedoms, and a narrow set of religious thoughts and ideas, such as the recently approved article in Civil Law that states employees may not launch any legal action against employers after one year,</p>

		<p>since the old law allowed up to 15 years.</p> <p>The Syndicates (Trade Unions) Law contravenes basic rights and freedoms. It requires registration by the Ministry of Justice, and prevents the establishment of more than one union in the same field. It also imposes government intervention in the affairs of trade unions, in violation of international labour conventions , especially Convention Nos: 87 , 98 and 135.</p> <p>As a result of the internal Palestinian division, the freedom of expression has been violated by both the PA in the West Bank and the governments in the Gaza Strip. These violations impact on the freedom of expression and the right of association. It is important to develop existing laws and orders related to the freedom of expression.</p> <p>Also there is a need to empower journalists and CSO's to raise awareness and put pressure on the authorities to respect the freedom of expression, and to unify the journalist Union in Gaza and West Bank</p>
	<p>The situation in the occupied territories remained tense, given the stalled peace process and worrying developments on the ground, including increased settlement activity in East Jerusalem and the rest of the West Bank. Exercise of the freedom of association and freedom of expression continued to be problematic. (ENPI report Israel)</p>	<p>Even though there is a strong tradition of free media voicing opinions from multiple angles, there are efforts by the government to limit both freedom of expression and association.</p> <p>The occupation and the settlements are the main causes of violations of freedom of expression in Palestine. The more stalled the peace process gets, the more Israeli attacks and aggression there are against the Palestinians.</p> <p>Many attacks were reported by Israeli occupation forces in CSO's in Gaza and the West Bank, such as on the PNGO</p>

		office in Ramallah
	<p>Various violations of freedom of association continued to be reported in both the West Bank and the Gaza Strip. The requirement for security clearance is still being applied to the registration of NGOs in violation of the 2000 NGO law. Rejected registrations, the forced election of board members and even the closure of NGOs continued to be reported. Moreover, court rulings ordering the re-opening of forcibly closed NGOs were not implemented. The Presidential Decree issued on 28 April 2011 requiring the transfer of all assets of dissolved NGOs to the PA, which contravenes the NGO Law, remains in force.</p>	<p>In February 2013, the Hamas parliamentary group adopted a new union law in second reading. This law is extremely restrictive and does not respect international labour standards and fundamental human rights. It stipulates the same rules for professional unions and trade unions. This law has not been enacted yet, but raises serious concerns over the intentions of the Gaza government, particularly in view of the fact that the Minister of Labour in Gaza has refused to register any new unions, and at least one union has been directly requested by the Ministry staff to affiliate to the Islamic Trade Union Federation in order to obtain its registration.</p> <p>In the West Bank, pluralism in trade union work has become an accepted principle by the authorities, and since 2011 the Ministry of Labour recognises unions on the basis of their submission of an internal statute, audited financial reports (once they have been established and operational for at least one mandate) and the organisation of union elections under their supervision. However, these rules drawn up by the Ministry are not supported by legislation detailing its competencies and their limitations concerning trade unions. The unified Palestinian trade union law is still a draft and no further progress has been achieved towards its adoption in the absence of a legislative council. Draft legislation to protect the rights of trade unions and unionists has been submitted by the General Federation of Independent Trade Unions (GFITUP) to the Ministry of Labour, after several cases of arbitrary dismissal of unionists and anti-union practices in 2011 and 2012, from which the labour law does not offer adequate protection (in the form of deterrent sanctions for example). The Ministry has asked the GFITUP</p>

		<p>to merge their proposed legislation with the draft trade union law.</p> <p>In 2013, DWRC was refused permission by the de-facto authorities to hold a peaceful demonstration on May Day for the third year in a row in the Gaza Strip. Furthermore, the security forces tried to prevent an alternative celebration inside a closed hall to take place under the pretext that this also requires a permit. The hotel, where DWRC Gaza branch had booked a hall for the planned celebration, received the visit of members of the security forces, who told them that the celebration was forbidden. We booked another hall and went ahead with organising the celebration; members of the security forces showed up once again and affirmed that the celebration was illegal, but they left after the DWRC Gaza branch coordinator refused to give in to their demand to cancel the event.</p> <p>The Israeli occupation closed different NGO's in Jerusalem on military orders.</p> <p>International NGOs registered with the PNA in the West Bank faced increasing difficulties over the election of Board Members for example, security clearances, imposed audits...</p> <p>In the Gaza Strip the Ministry of Labour refused to register new trade unions such as the Union of Civic Organisation Workers and the Union of Telecommunication Workers, under the pretext of their approval by the illegal General Union of Palestine Workers affiliated to Hamas government.</p> <p>In Gaza the Ministry of the Interior issued many orders such as the unified financial system to be applied by the NGOs.</p>
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<p>Freedom of expression and information</p>	<p>The exercise of media freedom, freedom of expression and freedom of assembly remained problematic in Palestine. (ENPI report Israel)</p>	<p>The occupation forces raided different media institutions; the latest was Watan TV taking its tools and equipment. They also raided different journalists' and media offices expropriating tools and equipment.</p> <p>Hamas security forces took over the Labour's Voice Broadcast office and equipment during the 2007 coup and has still not returned them. They also arrested the Labour's Voice employees</p> <p>Although there have been reasonable improvements concerning the freedom of expression and the media over last year, many journalists were interrogated and arrested by security forces in Gaza and the West Bank.</p> <p>Divisions within the Journalists' union in the West Bank and Gaza is another indicator of the deteriorating conditions facing journalists. Hamas has repeatedly targeted the Palestinian Journalists Union and seeks to replace its membership with Hamas affiliated media.</p>

	<p>The lack of respect by the PA for freedom of expression and freedom of assembly was a cause of increasing concern particularly in light of the arrests of journalists and bloggers and the violent suppression of peaceful demonstrations in July. 2012 also witnessed an increase in abuses of media freedom following a previous deterioration with regards to online media and the use of social networks. This included serious violations by the security forces, illegal detention, threats, pressure and the prevention of the printing and distribution of banned newspapers despite a relevant decision to allow their redistribution. During one of the PA's largest campaigns against political activists in September - mainly from the Hamas movement - a number of journalists were among more than 100 people arrested. However, during the protests against the austerity measures announced by the authorities in September, there were no further attacks by PA security forces on journalists or demonstrators in contrast to the public attacks on journalists in June. Following the Gaza escalation in November 2012, Fatah allowed Hamas to organise anniversary rallies across the West Bank for the first time since 2007. In return, Hamas allowed Fatah to celebrate its 48th anniversary in Gaza. There was no progress on the legal framework for the press.</p>	<p>According to human rights associations' reports there are violations against freedom of expression and freedom of assembly in the Gaza Strip, especially as concerns peaceful demonstrations and social celebrations.</p> <p>Although political arrests have reduced compared to previous years, they still occur..</p> <p>The absence of the Palestinian Legislative Council remains a significant issue as it has an important role in monitoring violations and issuing legislation that protects the right and freedom of expression.</p>
	<p>In Gaza, violations of fundamental freedoms by the de facto authorities continued. Media freedom continues to deteriorate, with journalists being attacked by security forces, severe restrictions on journalists' movements and the Palestinian Journalists' union prevented from holding activities.</p>	<p>Attacks against journalists continue.. Many journalists were assassinated and injured, and their offices were bombed by Israeli air strikes in the Gaza Strip during the latest aggression.</p> <p>Journalists were banned from crossing checkpoints and were under siege.</p> <p>Many violations were recorded such as preventing news papers from being printed in the West Bank and Gaza.</p>

		<p>There were also Israeli attacks on press agencies and media offices in Gaza and the West bank such as the Alquds satellite channel in Gaza in November</p> <p>The occupation force denies free safe access for journalists between Gaza and the West Bank.</p>
Democratic transition and civil dialogue	<p>In 2012, there was some progress on human rights issues such as the development of a PA national action plan for human rights and the removal of security clearance for public sector recruitment, yet various human rights violations, e.g. of freedom of expression and assembly, denote an overall diminishing of democratic space.</p>	<p>The non-functioning of the Legislative Council and the continuous delay in presidential elections is hindering democratic transition.</p>
	<p>The space for civil society has also been restricted. NGOs are requested by the de facto authorities to register and to submit their books for auditing.</p>	<p>This is a requirement in the Organisations law, but the American Agency for Development and other donors refused to allow their projects to be subject to legal accountability applicable in Gaza Strip and the West Bank.</p> <p>Local NGO's are already registered according to the law, and INGOs were requested to register.</p>
	<p>Women's participation in Palestinian political life is still very weak. In order to increase the number of women candidates, the Palestinian Liberation Organisation's (PLO) reform committee agreed in June 2012 that party lists for upcoming Palestinian National Council elections must have at least one woman among the top three candidates.</p>	<p>Women's role in political life is still weak in spite of the Quota system as they are subject to limited rights and face discrimination in their everyday life.</p> <p>The continuous divisions and the absence of the PLC are also challenges to the greater participation of women.</p> <p>The Israeli siege and the isolation of Gaza from the West Bank weaken the capacity of CSO's to organise joint efforts and events.</p>
Other comments or analysis	<p>Please add feedback on issues not indicated in the above</p>	<p>The lack of national reconciliation and the absence of presidential and parliamentary elections are major concerns</p>

	<p>mentioned benchmarks.</p>	<p>as the mandates of the president and the Legislative Council members have long expired. In both the West Bank and the Gaza Strip, legislation is being issued that has no legitimacy due to its flawed adoption process. Last week, 120 NGOs signed a statement demanding an end to these practices.</p> <p>The report lacks deep analysis; considering occupation as a one external factor is not acceptable at all, because the Palestinian situation is a result of occupation policies. We agree with some of the criticism against the PA and Hamas concerning internal freedoms, but the report criticises them without referring to the role of occupation.</p> <p>There are reservations on a significant part of the analysis, even if we listed some of our observations.</p>
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TUNISIA

Benchmark	Report 2013	Feedback
Freedom of peaceful assembly and association	Freedom of assembly, obtained after the revolution, has generally been guaranteed and many peaceful demonstrations were held in 2012. However, there have been several cases of excessive use of force by the police (e.g. in Gauteng in November), and the use of violence by some extremist groups (including self-appointed committees defending the revolution as well as "Salafi" groups). The violence culminated in the attack against the Embassy of the United States on 14 September 2012, the death of a member of the opposition party Nida Tounes in Tataouine at the end of 2012, and the murder on 6 February 2013 of Chokri Belaïd, Secretary General of the Democratic Party of Patriots. In the same period, many encroachments of the right to freedom of peaceful assembly and expression were denounced.	<p>In 2012, Tunis witnessed a reversal in freedoms, but unions and those affiliated to PSI have been working on the transition to democracy and have participated in several demonstrations in the Avenue Habib Bourguiba, a symbol of the revolution.</p> <p>We stood up for the freedom of press and demonstrated together with the journalists' union. A hunger strike by our trade unions against the appointment of a new CEO as head of the newspaper Le Temps led to the departure of the person appointed by the Troika.</p> <p>Self-appointed committees pretending to defend the revolution are in a process of consolidation and are creating branches at all governmental levels. Despite the fact that freedom of assembly was guaranteed as a result of the revolution, the Tunisian General Labour Union was attacked on many occasions by the self-appointed committees.</p>
Freedom of expression and information	The past year has been marked by intense political debate over whether certain of the authorities' initiatives and practices are compatible with the aim of moving towards an independent media and justice, and implement transitional justice based on a national consensus. At the same time, outbreaks of violence by some extremist groups, including the self-proclaimed Salafist groups and committees for the defence of the revolution, recurrently put the achieved progress in freedom of expression under pressure.	<p>Trade unions and civil society organisations exercise continuous pressure, especially within the National Congress for Dialogue.</p> <p>There are autonomous committees for press freedom and justice and there is a close collaboration with the League of Human Rights and the Lawyers Association on all matters.</p>
	In terms of media freedom, no tangible progress has been noted in 2012. The implementing decrees of the new "Act	Freedom of expression and the work of civil society organisations are under constant pressure. For example, the

	<p>of press, printing and publishing" that came into force in 2011 have not been adopted, and similarly, in the absence of implementing regulations, the creation of the "Independent High Authority for Audiovisual Communication" that was agreed in 2011, is still pending. Despite the political decision announced by the government after pressure from the journalists' union and the international community to finally implement decrees 115 and 116, the texts have not yet been applied. While the application of the decrees approved in 2011 is still pending, the appointment of certain officials of public media institutions by the government and the legal prosecutions against some media have raised strong opposition from both the sector and civil society organisations.</p>	<p>national conference for dialogue held by the Tunisian Labour Union was boycotted by the two major actors in Tunis.</p> <p>On the other hand, as a result of union pressure from the audiovisual sector, an independent high authority for audiovisual communication (HAICA) finally emerged and was officially announced on the occasion of World Press Freedom Day on 3 May 2013. The composition of this body has not been criticised by the different actors from Tunisian society but there are still discussions ongoing to improve the founding text.</p> <p>Internet censorship has significantly decreased but pressure remains on civil society and trade unions.</p>
	<p>In the field of the creation of an information society, internet access and the quality of the service are improving rapidly. The removal of filtering and censorship of the internet has increased the availability of bandwidth by 33%.</p>	<p>Some attempts at censorship have been registered, but civil society and trade unions continue to exercise pressure, with the support of the international community, to improve the situation.</p>
<p>Democratic transition and civil dialogue</p>	<p>Following the first free and democratic elections on 23 October 2011 and the establishment of the National Constituent Assembly (NCA), the priority of the Tunisian political transition in 2012 was the preparation of the new Constitution.</p>	<p>The third phase of the reform of the Constitution is currently ongoing and the legislative proposals from members of the TROIKA are incoherent. For example, the right to strike is guaranteed but several different laws define the modalities.</p>
	<p>A draft constitution was published in August 2012. A new revised and partial text of the Constitution was published in</p>	<p>The third revision of the Constitution recognises the right to form</p>

	<p>late November 2012. At the same time, the work of various drafting committees of the Constitution is progressing at a slower pace than initially scheduled. The political parties that make up the government majority proposed that the next general elections will be held on 23 June 2013. Given the status of the Constitution, the delays in the development and implementation of the independent body responsible for organising the elections and the delays in the finalisation of the new electoral law, it seems however unlikely that this date can be met.</p>	<p>a union and the right to strike as universal human rights.</p> <p>The constituent assembly voted to hold the next elections before 29 December 2013. The administrative court has prevented the creation of an independent body to organise the elections reasoning it does not comply with the procedures.</p> <p>Following the introduction of a new law on Associations in September 2011, around 4000 new organisation and trade unions have been created. Today, civil society in Tunisia plays an important role in the democratic transition, electoral awareness, election observation, constitutional dialogue and other matters.</p>
	<p>The law establishing an independent body to organise elections was adopted on 12 December. Its effective implementation will be a priority in the coming months.</p>	<p>Several civil society organisations expect a delay in the adoption of the law and in the selection of the members of a high independent body for the organisation of the elections.</p>
	<p>Following the introduction of a new Law on Associations (No. 2011/88) in September 2011, approximately 4000 new associations were created. Civil society actively participating in public debate on democratic reform and transition is flourishing in Tunisia.</p>	<p>The number of associations and trade unions is indeed increasing rapidly.</p> <p>Civil society plays an important role in the democratic transition as regards public awareness, observation of the electoral procedures and constitutional dialogue.</p>