HUMAN RIGHTS IN THE ARAB WORLD UNDER THE WILL FOR CHANGE

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Abstract:

The people of our Arab homeland have endured foreign colonialism—French, British, Italian, and Spanish—that inflicted every form of violation against their human rights, which are prohibited by divine laws and civil statutes, such as murder, torture, detention, displacement, forced exile, and oppression. Their dignity was trampled, and they faced racism in its most horrific forms.

Upon achieving independence after revolutions that claimed the lives of their best sons for the sake of freedom and dignity, these nations were subjected to authoritarian regimes that stifled their freedom, restricted their thoughts and opinions, and squandered opportunities for advancement and development towards a life of freedom, justice, equality, and human dignity.

Consequently, these peoples aspire with all their will to change this reality, either through foreign intervention as seen in Iraq, Libya, Syria, and Yemen, or through internal popular revolutions aimed at changing the regime, as in Tunisia, Egypt, Sudan, and Algeria—phenomena known as the Arab Spring.

Did these revolutions achieve their goals of freedom and human dignity?

And did globalization assist in this?

Keywords: Human rights, Arab world, will for change, freedom, justice.

INTRODUCTION:

Human rights emerged as a direct political expression for the first time in the "American Declaration of Independence" in 1776 and the "French Declaration of the Rights of Man and of the Citizen" in 1789. Although the English Bill of Rights of 1689 referred to "ancient rights and freedoms" established by English law, it did not advocate for equal, universal, and natural rights. In contrast, the American Declaration emphasized that "all men are created equal" and that they possess "unalienable rights." Similarly, the French Declaration stated that "men are born and remain free and equal in rights," not limited to the French or to whites but encompassing "men," a term that meant all humans, both men and women.

The period between 1689 and 1776 was sufficient for rights, which were previously limited to a specific class of people, such as freeborn Englishmen, to evolve into universal human rights. The French coined the term "human rights." However, the nature of rights, their equality, and universality are not entirely sufficient; human rights gain meaning and significance when they have a political content. They are not rights for humans in the wilderness but rights for humans under the umbrella of society. They are not rights for humans in contrast to divine rights but are rights for humans in relation to each other. Thus, they are rights guaranteed within the political world and rights that require their holders to participate actively.

In recent decades, the world has witnessed the beginning of a new era for human rights and fundamental freedoms, considered among the most significant achievements of modern times, receiving national, global, and regional attention aimed at ensuring a dignified life for individuals through their right to life and freedom, whether individual or collective. This would not have been possible without the concerted efforts of political systems, particularly democratic ones, and international and regional organizations.

However, people in the Arab world have remained distant from these rights; they have not tasted freedom or felt human dignity in their homeland, as they have been ruled by iron and fire by regimes prioritizing oppression, the contempt of citizens, and trampling on all their rights and dignity. Their primary concern has been to remain in power and monopolize the resources of their nations.

In light of this pressure, shackling, deprivation of rights, and humiliation, the will for change became inevitable. The Arab citizen found himself caught between two wills for change: the external will, which sought foreign assistance, and the internal will, manifested in the internal revolutions known as the Arab Spring.

Which of these wills is more beneficial for change?

Did these revolutions achieve their citizens' goals of freedom and human dignity?

Did globalization have an impact on this?

The importance of this study lies in highlighting the extent of the horrific violations of human rights in the Arab world, which have manifested in killings that reached the level of genocide, systematic arrests and torture that strip individuals of their humanity, forced displacement, enforced disappearances, the violation of women's dignity, and the violation of children's rights. These violations have accompanied both external and internal change.

This study will be divided into three main sections:

The Conceptual Framework of Human Rights.

Violations of Human Rights in the Arab World Amid External Change.

Violations of Human Rights in the Arab World Amid Internal Change.

Section One: The Conceptual Framework of Human Rights

1. Definition of Human Rights:

The term "human rights" consists of two parts: the first relates to the nature of the right possessed by individuals, and the second concerns the individual who is the subject of that right. Often, the concept of rights overlaps with the concept of freedom or the individual in contrast to the social being, or public freedoms as human rights.

Traditional definitions of rights, whether personal, objective, or mixed, do not align with the definition of human rights because they do not encompass all rights, such as those of children and certain vulnerable groups. These definitions rely on will or interest, or both, which does not fit with human rights.

Contemporary jurisprudence defines rights in a way that somewhat aligns with the definition of human rights, focusing on the humanity of individuals.

A. Definition of Rights:

Linguistic Definition:

The term "right" is the opposite of falsehood, as mentioned in the Quran: "And do not mix truth with falsehood" [2]. The plural is "rights," and the root means to be established or confirmed. Al-Azhari states that it means to be obligatory, as in the verse: "Those upon whom the word has become due" [3], meaning confirmed. The general meaning of rights is the stable foundation for building individuals as individuals or groups, the measure by which things are weighed, and the standard sought by rational beings [5], as mentioned in the verse: "The word has become due upon most of them" [6].

Terminological Definition:

A right is an established matter that cannot be denied. It is said that correctness refers to hitting the right target. The difference between correctness, truth, and right is that correctness is a stable matter in the mind that cannot be denied, truth is the correspondence of what is in the mind with what exists outside, correctness is the opposite of error, and both are used in scholarly debates, while right and falsehood are used in beliefs [7].

Rights can also be defined as "claims, privileges, powers, or immunities individuals possess against the state, serving as constraints on the state, compelling the right-holder to demand them based on morally and culturally accepted foundations in society" [8].

In legal terms, rights are defined as the legal relation that allows a person to individually and exclusively control something or to demand a specific performance from another person [9].

In Islamic law, rights are defined as "a legal relationship that leads to a person's authority over something based on the compliance of another person within a defined and permissible framework." Rights in Islamic law have five pillars: the right-holder, the object of the right, the one against whom the right exists, a legal text that obligates the right, and legality [10].

B. Definition of the Individual:

Linguistic Definition:

The term "human" refers to people and is a gender term that includes both males and females, singular and plural. There are differing views on its derivation. Some say it is derived from "uns" (familiarity), with the root being "fa'lan." Others say it is derived from "nissyan" (forgetfulness), with the root being "if'an," where the original form is "insiyan" [11].

Al-Jawhari states that the term "human" is an estimation of "fa'lan," with a yā added for diminutive forms, just as "man" becomes "rugayl." Some say its root is "insiyan" on the pattern of "if'lan," with the yā dropped for ease due to frequent use, while diminutive forms revert to their original [12].

2- Terminological Definition:

From a terminological perspective, a human being is defined as a being opposite to an animal, applicable to both males and females, distinguished by noble character. The definition of a human being, as mentioned in the Quran and prophetic traditions, can be summarized in two definitions:

The first definition:

A human is a responsible creature, and responsibility is a prominent characteristic that distinguishes them from other beings due to the intellect, which is the basis of this responsibility.

The second definition:

The human created by God is a being fashioned in the best form, both structurally and innately. As God says, "We created man in the best stature."

In the view of sociologists and philosophers, a human is a social, rational, and thinking animal. It is said that humans, in their pure essence, reflect the processes of life within a being distinguished by spiritual qualities lacking in non-humans, through a value system that ultimately shapes human concepts beyond mere humanity.

Second: The Concept of Human Rights

There is no single agreed-upon term for human rights; rather, various expressions have been used to denote them, including "human rights," "humanitarian rights," and "personal human rights." These terms have been used interchangeably to refer to the same concept. Historically, the term "natural rights" was more commonly used, alongside "innate" or "original rights." However, since the nineteenth century, the most widely used term has been "human rights" [17].

The concept of human rights varies from one society to another and from one culture to another. This variability is primarily linked to the perception of what it means to be human. In fact, some who have attempted to study human rights have encountered difficulties due to the ambiguity of the idea and the confusion between the notion of the subject of protection and the mechanisms of protection [18].

The actual practices of the concept of human rights began before the term itself emerged in the aftermath of World War II. These practices were associated with ancient democratic systems, as enshrined in divine religions and positive laws [19].

In Islam, human rights are considered "eternal" and indispensable, as they are bestowed upon humanity by God. Since its inception, Islam has recognized these rights and freedoms for all people without discrimination based on gender, color, belief, social status, or economic position.

Islamic law seeks to reconcile individual interests with collective interests. Among the principles and foundations upon which Islamic society is built are justice, freedom, and equality based on fairness. The rulings established by Islam elevate the status of humanity, which God has honored. Thus, these rulings are universal and absolute, valid for all times and places, making them foundational to the political and social system [20] and a fundamental component of the state's pillars aimed at the comprehensive development of humanity. As Muhammad Ghazali stated: "Human rights in Islam are not a grant from a king or ruler, nor a recognition issued by a local authority or international organization. Rather, they are rights of divine origin, obligatory, and not subject to abrogation, suspension, alteration, or waiver" [21].

Section Two: Violations of Human Rights in the Arab World Amid External Change

The Universal Declaration of Human Rights was established to set international rules and standards to help protect all human beings from serious abuses against them in all political, legal, and economic fields. Notably, Article 3 states: "Everyone has the right to life, liberty, and security of person."

Moreover, it prohibits torture, cruel punishments, and degrading treatment. However, the Arab citizen who has suffered under oppressive political regimes has seen all his legitimate rights, recognized by divine laws and international treaties, violated. These regimes ruled through iron and fire. In light of this dictatorship, the citizen sees no salvation except through foreign forces to remove these tyrants and their henchmen who have trampled on their lives for decades.

Examples include U.S. intervention in Iraq, NATO in Libya, Iran in Syria, and Saudi Arabia and the UAE in Yemen.

Were these interventions truly for the sake of these peoples to protect their human rights and dignity, or were they to serve expansive agendas with geopolitical and economic dimensions for their imperial interests? This is what we will attempt to answer by enumerating these crimes and their impact on human rights.

A. Crimes of Killing:

In Iraq, Syria, Libya, and Yemen:

All international treaties, including the Universal Declaration of Human Rights and divine laws, prohibit the assault on human life, considering it a divine gift. Islam has emphasized this and urged its protection, as stated in the Quran: "Whoever kills a soul unless for a soul or for corruption [done] in the land—it is as if he had slain mankind entirely; and whoever saves one—it is as if he had saved mankind entirely." [22]

In Iraq, when U.S. forces intervened in 2003, they invaded this land and its people, unleashing a killing machine against them using various types of weapons—both smart and non-smart, tested and new, including internationally banned weapons. They committed horrific crimes that resulted in the deaths of hundreds of thousands of innocent people, qualifying as crimes of genocide against humanity. A study published by the medical journal The Lancet in 2006 estimated the number of Iraqis who died due to this war at 654,965. [23]

Currently, reliable studies indicate that approximately one million Iraqi civilians have been killed since 2003, and this number continues to rise due to the United States' use of depleted uranium, which will affect not only current generations but also future generations of Iraqis [24].

Perhaps the most heinous crime that occurred in Iraq and remains fixed in the minds of humanity is the bombing of the Al-Amiriya shelter, which resulted in the deaths of 408 individuals, most of whom were women and children, many of whose bodies were never recovered as they were reduced to ashes [25].

In Syria, the regime led by Bashar al-Assad—known for its brutality—has allied with vengeful Iranian forces and allied militias to commit horrific acts of murder against unarmed civilians. They employed aircraft, barrel bombs, and a variety of weapons, even resorting to the use of prohibited chemical weapons. According to the Syrian Observatory for Human Rights, this conflict has resulted in over 511,000 deaths as of March 2018, with many of these acts qualifying as crimes of genocide [26].

In Libya, NATO intervened to assist the rebels and eliminate Muammar Gaddafi's regime, leading to widespread chaos and the killing of the leader, which dismantled the established order. A proliferation of weapons ensued as various rival militias vied for power, resulting in significant bloodshed. By January 2018, the death toll had exceeded 10,071, with more than 20,000 injured [27].

In Yemen, following the success of the Yemeni revolution in ousting Ali Abdullah Saleh and appointing Hadi as his successor, the Houthi coup against this legitimacy occurred through the use of armed force. This led to Saudi and Emirati intervention alongside the Arab coalition in what became known as "Operation Decisive Storm," aimed at restoring Hadi's government as it represented legitimacy, while the Houthis represented the coup. A devastating war ensued

between these parties, employing various types of weapons, including internationally prohibited ones such as cluster bombs used by the coalition, landmines targeted at individuals used by the Houthis, and indiscriminate rockets and artillery shelling of residential areas. This resulted in humanitarian atrocities claiming the lives of over 6,872 individuals and injuring more than 10,768. [28]

B. Crimes of Torture :

Torture and degradation of dignity have become international crimes as they are considered crimes against humanity. Article 5 of the Universal Declaration of Human Rights stipulates: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." [29] Most national constitutions also prohibit such acts. The definition provided in paragraph (2)(e) of the International Convention Against Torture states: "Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession." [30]

The published images have confirmed that the instances of torture committed at Abu Ghraib prison in Iraq are far worse than previously believed. After part of these images was released for the first time in early 2004, they revealed atrocities committed by American soldiers against Iraqi prisoners, subjecting them to severe torture, unleashing dogs on them, trampling them underfoot, engaging in sexual violations, and all forms of torture, persecution, humiliation, and degradation of human dignity, with some cases even resulting in death. [31]

In Syria, human rights violations have reached an unprecedented level of sadism and victimization, with most cases ending in death due to extreme torture. These detention centers and prisons do not distinguish between men, women, and children in their torture and humiliation, as if their goal is to extinguish the humanity within each person.

Similarly, in Yemen and Libya, each party in the conflict indulges in torturing prisoners and detainees from the opposing side to extract information, further escalating humiliation and vindictiveness.

C - Crimes of Forced Displacement of Persons :

The crime of displacement or forced transfer of civilian populations is classified as a crime against humanity, as stated in Article 7 of the Statute of the International Criminal Court and the Fourth Geneva Convention on the Protection of Civilian Persons of 1949. [32] The number of Iraqi refugees outside Iraq has exceeded two and a half million in neighboring countries and around the world, with a similar number of displaced persons within Iraq, making them the second largest group of refugees globally. [33]

The plight of the Syrian people is unparalleled in the twenty-first century, as the number of Syrian refugees has reached 6.6 million, displaced in neighboring countries and around the world, alongside 5.6 million internally displaced persons. This tragedy resulted from the convergence of the regime, foreign intervention, and the alliance of terrorism, leading to this catastrophe. [34]

The same applies to the Libyan and Yemeni tragedies, which are also marked by refugees abroad and internally displaced persons, all representing horrific violations of human rights, with their numbers amounting to approximately 10 percent of the population.

Section Three: Violations of Human Rights in the Arab World Amid Internal Change

At the beginning of 2011, the Arab world witnessed an unprecedented popular uprising, manifested in popular revolutions responding to the need for internal change due to the oppressive and corrupt regimes that had long maintained control. These regimes subjected their populations to various forms of suffering, leading to deteriorating economic conditions, rampant unemployment, the absence of social justice, and gross violations of rights and freedoms, humiliating human dignity in the most atrocious ways.

It was imperative to eliminate this tyranny and injustice through a strong will for change. Several factors contributed to the emergence of these uprisings and popular revolutions in the Arab world, primarily due to significant imbalances in wealth distribution. A narrow elite closely linked to power monopolized the resources of wealth while marginalizing vast sectors of Arab societies. This phenomenon markedly increased in recent years, coinciding with a shift towards adopting market

mechanisms and free trade, the decline of the economic and social role of the state, the entrenchment of repression and tyranny, and the widespread violations of human rights, with power concentrated in the hands of a narrow elite connected to the ruling party or family.

The state of political suffocation experienced by these countries has led to the emergence of a large number of protest movements, some of which are of a political or social nature, while others have a religious or ethnic dimension. This occurred after most Arab countries failed to achieve national integration among the different religious, ethnic, and racial groups. Most marginalized minorities or majorities in the Arab world have faced exclusion and discrimination based on religion, culture, and social status. The rising influence of regional and external powers has prompted these groups to demand their cultural and political rights or to call for partial or complete secession from the mother state. [35]

Arab states have become accustomed to resisting all forms of influence, often resorting to temporary maneuvering and bending while coloring the impending change without addressing its substance. At times, they wield a range of religious, cultural, and nationalistic weapons to prevent change from approaching their now unfortified walls. However, this may confuse and disorient those who do not truly understand the internal dynamics. Arab states have managed to avoid initiating genuine democratic reforms out of conviction, as those in power have failed to recognize their mistakes and shortcomings. This awareness is a prerequisite for transformation or change, meaning the recognition of an existing problem followed by the initiation of its resolution.

Thus, these political regimes in the Arab world did not realize that their end was near, and that the incident of Mohamed Bouazizi setting himself on fire in protest against local authorities confiscating his vegetable cart would mark the beginning of a phase of popular uprisings and revolutions in the region. This movement started in Tunisia and spread to Egypt, Libya, Yemen, Jordan, Bahrain, and elsewhere. While the revolutions in Tunisia and Egypt succeeded in forcing their presidents to resign after sustained popular mobilization and a notable determination to pay the price of change with martyrs in the face of the government's security repression, other popular uprisings faced different circumstances, influenced either by tribal and military dynamics as seen in Libya and Yemen, or by sectarian factors as in Bahrain.

The revolution against Libyan leader Muammar Gaddafi was militarized internally, especially with the conflation of the state and the regime in the person of the Libyan leader. The external factor became more pronounced with the no-fly zone imposed by the United Nations Security Council to protect civilians in light of the excessive violence of Gaddafi's forces against the rebels. Meanwhile, the Yemeni regime resorted to a scenario of security repression in the Change Square against protesters, which could lead to an expected collapse and regional fragmentation that would undermine the unity of the state itself. The uprising in Bahrain, however, had a sectarian basis, as it was framed by the regime as a Shiite revolt, but it actually included all segments of society demanding their legitimate rights, prompting external intervention from the Peninsula Shield Forces to save the ruling Sunni family from collapse. [36]

In Algeria and Sudan, the people engaged in peaceful popular movements demanding the ousting of the regimes that had long oppressed both nations, amidst the absence of democracy, political deadlock, rising unemployment, deteriorating living conditions, and human rights violations. The fear of a future akin to the Syrian or Libyan situations loomed large. However, the two peoples remained determined in their movements until they succeeded in ousting the ruling clique. Yet, they still faced a long journey ahead to achieve their desired goal of embodying the will of the people through legitimate elections to choose their leaders and to remove them if they failed to fulfill their constitutional duties. Achieving social justice and safeguarding human rights and human dignity also remain critical objectives. Nonetheless, it seems that there will be long-standing conflicts and significant suffering to achieve this, considering the deep-rooted corruption left behind by these regimes, which has permeated the state's apparatus and institutions, fiercely resisting any change or innovation, as such changes threaten their vested interests established under these corrupt systems.

Conclusion

The revolutions witnessed in the Arab region, commonly referred to as the Arab Spring, aimed primarily at achieving democracy, which was the foremost demand of the masses who rose against the tyranny of rulers who clung to power for extended periods. These rulers monopolized the country's resources alongside their loyalists, depriving the majority of the people of justice, development, and the preservation of their human dignity. The situation revealed a deepening crisis in the relationship between the ruler and the ruled, characterized by the suspension of constitutions and laws, exploitation of state wealth, a lack of a culture of peaceful power transition, and the constriction of political participation and competition, which are fundamental to democratic systems.

The rapid collapse of certain Arab regimes necessitates a reconsideration of political analysis methodologies that have long neglected the latent and unorganized movements for change within Arab societies, while simultaneously overestimating the capabilities and tools of Arab political systems to absorb any apparent change that supports their survival.

Among the most notable findings of this discourse are the following:

External Change Mechanisms: The involvement of foreign forces has proven to be a dismal failure in achieving the democracy they advocated, as evidenced by the destruction, killing, displacement, torture, and violations of human rights experienced by the Iraqi people—a pattern that has recurred in Libya and Syria through systematic state dismantling.

Geopolitical and Economic Interests: Foreign interventions have demonstrated that they pursue expansionist geopolitical objectives and economic interests aimed at seizing Arab oil resources to finance their economies and ensure Israel's security.

Indifference to Human Rights: These interventions have shown that they are unconcerned with human rights in the Arab world or the violations occurring therein, including killing, torture, and restrictions on freedoms, as long as the ruler serves their interests and meets their demands.

Internal Change Factors: Two types of factors contributed to these uprisings and revolutions: structural and circumstantial. Structural factors included corruption, security repression, and a politically closed system that permits no free expression. Circumstantial factors included the failure of traditional forces to comprehend and integrate new youth movements, and developmental gaps between different regions within a single country.

Resource Monopoly: A small elite monopolizes state resources through the entrenched equation of "the marriage of power with corrupt money," alongside the widespread poverty and unemployment in Arab societies as a consequence of economic reforms.

Lack of Rule of Law: These states have not established systems based on the rule of law; instead, they have been founded on the authority and sovereignty of the ruler, often operating under states of emergency and exceptional laws.

Suppression of Civil Society: There has been a systematic suppression of civil society's role, a stifling of the fundamental freedoms of Arab citizens, and an increase in control and violence against political forces, in addition to these regimes imposing themselves as the sole center of legitimacy and power.

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