



# Advancing Social Justice in Closing Middle East Environments

Lessons from the Justice & Dignity Initiative about how to support  
civil society in promoting rights and social justice in sensitive environments



## INTRODUCTION

Reacting to optimism from the Arab Spring, the Justice and Dignity for the Middle East and North Africa (MENA) Initiative was designed to be a rapid-response mechanism that would seize upon transitions sweeping across the region and new opportunities for advancing fundamental freedoms. Justice and Dignity's stated objective was to help civil society actors effectively advance human rights and promote social justice in the MENA region, particularly those working to enshrine the fundamental freedoms of association, assembly, expression, and religion. Through this 5-year, \$11 million program funded by the Bureau of Democracy, Human Rights, & Labor (DRL) of the US State Department, IREX has provided technical assistance and small grants to local groups in MENA to advance fundamental freedoms and the rights of marginalized groups, including women, minorities, and persons with disabilities.



Five years since the beginning of Justice & Dignity, expectations for a new era of civic activism with eased restrictions on civil society proved to be short-lived. Although each country has taken a unique path since the Arab Spring, governments across the Middle East have restricted space for civil society and justified gradual curtailing freedoms in the name of national security and welfare. Governments limit fundamental freedoms through civil society regulations, ambiguous red lines for speech and assembly, and non-inclusive processes. Furthermore, in an environment of state-controlled messages of unity, parts of society and the media view rights as diversions from security, economic growth, and overall stability. Because civil society can be perceived as special interest promoters, impractical state-building partners, and agents of Western priorities, it faces challenges of building trust, renewing reputations, and demonstrating rights as integral for national development.

This brief reflects IREX's learning and best practices about supporting civil society in the post Arab Spring context. Violent conflict and political instability prompted IREX and Justice & Dignity partners to rethink how to promote rights and justice at local, national, and regional levels. Although the approach outlined here did not serve as an overall framework that guided projects throughout the five years of Justice & Dignity, it emerged from the initiative's learnings about when and how it was able to be most effective. The brief is divided into three sections:

1. **Analysis of challenges facing human rights promotion after the Arab Spring**
2. **Justice & Dignity's approach for advancing social justice at community and national levels**
3. **Recommendations for future Middle East flexible funding mechanisms like Justice & Dignity**

### JUSTICE & DIGNITY AT A GLANCE

- 120 local civil society partners reached through trainings and targeted technical assistance
- 44 local partners received grants
- \$1.45 million distributed in subgrants to local civil society partners
- Programming addressed disability rights, women's rights and gender-based violence, transitional justice, minority rights, LGBTQ rights

## Issue Analysis: Improving Human Rights Promotion in the Middle East

Human rights promotion in the Middle East has been criticized for being externally facing. National human rights groups focus their attention on advocating to the international community, believing that their governments are more responsive to international pressure than to domestic efforts. Consequently, human rights groups focusing on legal and government reform are unconnected to local constituencies and lack relationships with government actors necessary to leverage for human rights advocacy. As a result of an externally focused approach, human rights groups have been seen as adversarial and an extension of the international human rights regime.<sup>1</sup> Even civil society working on community levels are criticized for unsustainable efforts that perpetuate or reinforce the status quo. Activities like a children's rights campaigns are used by autocratic regimes as a pretense of openness to and appreciation of improving rights within their country. Grassroots awareness-raising and national level advocacy are not connecting and are ultimately failing to address the systemic causes of social justice challenges.

These criticisms of Middle East rights promotion show why human rights should not be viewed as universal concepts that can be extracted from international conventions and dropped into local practice. Civil society groups need to help develop and refine culturally-shaped understandings of rights and focus on improving how rights function in practice. Advancing rights involves grappling with discrimination, inequalities, and imperfect systems. Within sensitive environments, promoting human rights through a social justice lens can be a helpful approach for mainstreaming rights issues. Improving rights is not aimed at benefiting one group over another, but is part of improving inequalities and discrimination across all society. Social justice connotes a broader understanding of the ongoing nature of advancing rights and the interconnectedness of rights for all members of society. Social justice—the access to and distribution of human rights—more comprehensively captures the endless pursuit for greater justice and dignity.



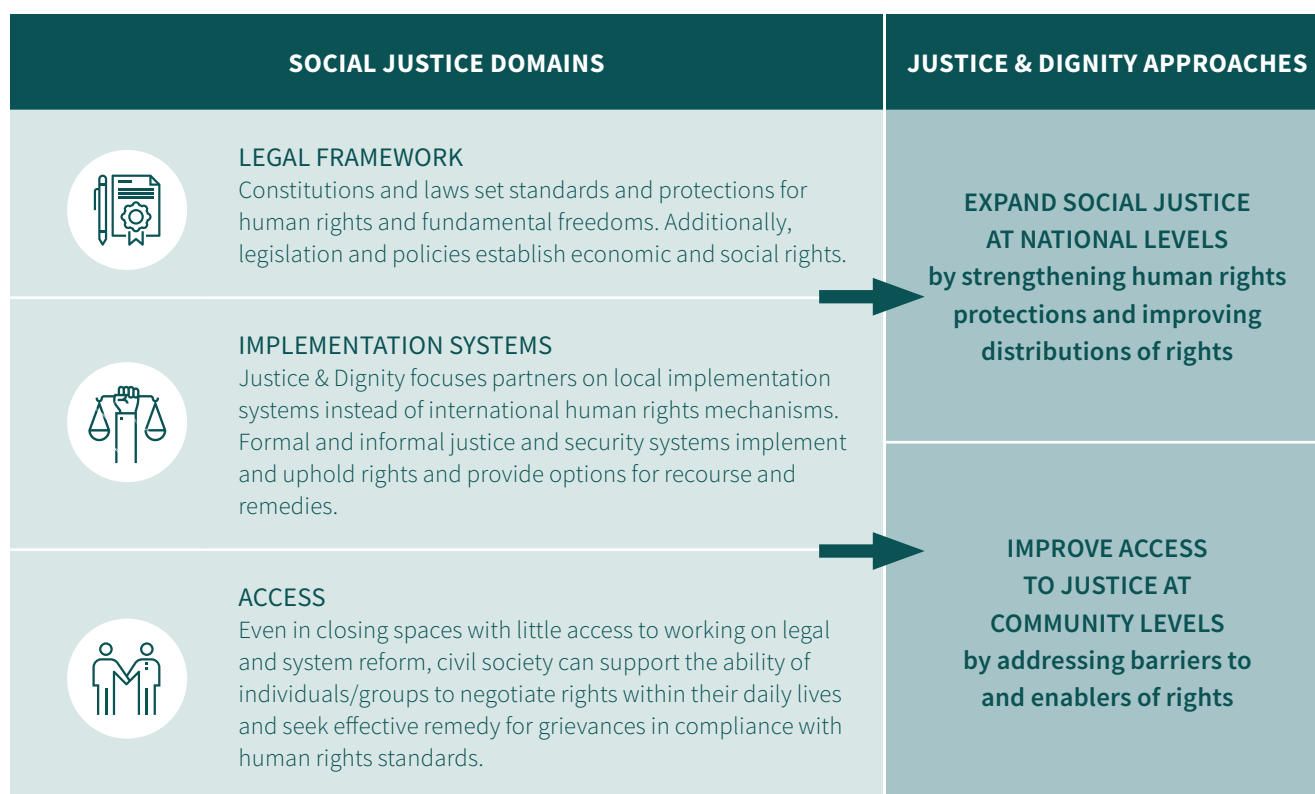
## JUSTICE & DIGNITY APPROACH

The reputation of human rights promotion in the Middle East requires finding new ways to be locally relevant and create opportunities for stakeholder engagement. Understanding the challenges associated with human rights promotion in the Middle East, IREX approaches advancing **social justice** from a systems perspective that incorporates three domains that influence the access to and distribution of rights—**legal frameworks, implementation systems, and access**. The long-term sustainable expansion of social justice requires connecting progress across all three domains. In closing spaces, the extent to which civil society can work across all domains and on which human rights issues varies. Nevertheless, there are always productive entry points to address social justice and civil society can develop relationships with local implementation systems around common community challenges to leverage for broader justice causes.

To move beyond talking about human rights, IREX found that guiding Justice & Dignity partners in understanding social justice issues across all three domains helped orient programming from a grassroots evaluation of needs and priorities. This approach stands in contrast to projects that start from a perspective of identifying gaps from human rights standards as a way to identify reform objectives for legal frameworks and implementation systems.

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<sup>1</sup> An-Naim, Abdullahi. "Human Rights in the Arab World: A Regional Perspective," *Human Rights Quarterly*, Vol. 23, No. 3, 2001, pp. 703.



Instead, Justice & Dignity worked with partners to engage their communities to understand the justice challenges in their own communities, especially incorporating the perspectives of marginalized groups. Then, considering influencing factors across the three social justice domains and the partner's assessment of opportunities, project objectives were designed to be practical and to further relationships that could create space for deeper engagement with implementation systems.

IREX helps Justice and Dignity partners identify where they are best positioned to advance social justice in order to design projects that fit their profile, mission, and assessment of threats and opportunities. Partners generally orient themselves to focus on one of the following levels:

- Improving access to justice at **community levels** by addressing barriers to and enablers of rights
- Expanding social justice at **national levels** by strengthening human rights protections and improving distribution of rights

Determining how to focus efforts must be based on an understanding of the partner's unique strengths and the broader landscape of opportunities.

### Practical Approaches to Rights Promotion in Libya

To design a project to improve Amazigh rights, IREX mentored an Amazigh group in mapping the factors contributing to challenges facing the Amazigh community in Libya and the group's opportunities for action. The CSO examined on mother tongue challenges associated with four decades of Arabic as the only official language of all official business and education systems. The Amazigh CSO initially focused on high level advocacy plans to advocate for language recognition within the Libyan constitution. While a worthy objective, the CSO determined that other groups were already advocating to the Constitutional Committee and they could contribute to, but not duplicate, these efforts. Instead, the Justice & Dignity partner searched for ways to normalize the integration of the mother tongue. Focusing on the use of T'amazigh and Arabic within the justice sector, the CSO developed bilingual legal glossaries for lawyers and judges and also worked with a law school to develop a T'amazigh-Arabic curriculum. At a time when protecting minority rights has stalled at the levels of Libya's legal framework and national system development, the CSO found ways to make incremental changes at a subnational level. "I feel really proud that we were able to develop practical tools that can be used not only in Libya but so in Morocco and other countries." – Member of Amazigh CSO





### Missteps in Emphasizing National Advocacy

Sustainable impact is difficult to achieve when projects are designed from the top down. Justice & Dignity's first project, Advocate for Morocco, showed that interventions guided by broad strategic objectives at national levels, such as constitutional reform or law reform rather than the existing capacities, relationships, and needs of specific partners, have limited potential impact. International stakeholders viewed the enlarged legal space for civil society within Morocco's 2011 constitution as an opportunity to establish a dialogue between CSOs, their constituencies, and the government. As such, Advocate for Morocco's stated objectives included forging connections between CSOs and government and improving CSO advocacy tools. Furthermore, US Embassy contacts strongly encouraged Justice & Dignity to only work with partners outside major cities. Working with remote nascent CSOs, the project was overly ambitious in targeting national advocacy when partners lacked basic operational experience. Justice & Dignity scaled back the original focus on high-level advocacy and instead worked on fundamental basic advocacy skills and even how to run an effective meeting. Ultimately, a closed-program evaluation showed the Advocate for Morocco partners made very little progress in forging relationships with government, and the advances they were able to make proved unsustainable. Project objectives need to be developed alongside partners, accounting for their past experience, existing relationships, and long-term visions.

Although Arab Spring transitions encouraged CSOs to pursue national level advocacy, social justice programming must go beyond structures. Laws can have limited influence over human rights, adopted in name but not in practice. Furthermore, in unstable environments, advocating for legal reforms can be quickly erased with a change in parliament or political figure. In environments that are unstable or antagonistic to civil society, focusing on ways to improve access at community levels can have more direct influence on rights within daily lives than focusing on state systems that are not open to engagement.

IREX's recommended approach understands that opportunities within closing spaces are *created* through relationships and reputations. Being able to productively work with implementation systems on reform requires relationships and what is not possible for one CSO may be possible for another that has developed mutually beneficially interests and collaboration with stakeholders. Therefore, it is important for civil society to be able to analyze their unique position and how relationships with other stakeholders and CSOs can expand their impact of their work beyond community levels to state systems.



## ACCESS TO JUSTICE AT COMMUNITY LEVELS: address barriers to and enablers of rights

At community levels, civil society can advance social justice by addressing the barriers to and enablers of accessing justice. Reducing barriers to accessing rights may include increasing awareness of rights and processes, improving affordability and accessibility of services, and promoting changes in social norms surrounding issues of rights. Starting with this level of approach may be the most practical in constrained environments because it can take place without the explicit support of authorities and can instead involve community stakeholders like religious leaders, schools, media, and businesses. As possible, however, civil society should engage with the formal and informal justice and security actors who influence access to rights, such as through providing targeted capacity building support or conducting activities to improve public trust. Below are community level examples from Justice & Dignity partners, either implemented or planned.



**Conducting outreach to and training for the LGBTQ community about detention rights and tips for what to do when detained by police or security officers.**



**Building the capacity of humanitarian service providers to improve inclusion of persons with disabilities.**



**Training community leaders in conflict-dispute resolution and mediation to address family and community level problems with an equal rights approach.**

### Advancing Women's Rights in Zawiya, Libya



A CSO in Zawiya, supported by three Justice & Dignity small grants, created space to improve access to justice for women. Through radio shows, informational materials, and workshops, the CSO campaigned to address social norms that discourage women from



asserting their rights within common dispute situations, such as stigmatizing attitudes against women advocating for full inheritance under sharia. The campaign aimed to empower women to be more confident negotiating rights within their daily lives through knowledge about Libya's labor and personal status laws as well as sharia interpretations from positive religious leaders. By increasingly engaging lawyers, police, and Ministry of Justice officials, the CSO was able to leverage the campaign to conduct dialogues about ways justice and security officials can better work with women. The CSO now serves an informal referral role for women with justice issues and trains the Department of Family and Children on gender sensitivity and legal aid. Although instability in Libya and competing governmental authorities have prevented civil society from engaging on broad justice and security sector reform, the Zawia experience demonstrates that civil society can develop relationships with local implementation systems to create space for collaboratively improving rights. When seeking opportunities to advance access to justice in unstable environments, it is crucial to strategically cultivate relationships and take a holistic view of how diverse stakeholders and social norms contribute to rule of law.

A criticism of community level efforts can be that they ultimately do not change the structural barriers in place, such as personal status laws that enshrine discrimination against women or sharia judges that are all men. Because progress made at community levels is still influenced and restricted by larger structures, IREX recommends connecting partners to groups operating at national or regional level, but ultimately CSO should work where opportunities exist, expand allies, and develop relationships that create space to influence greater structural changes. It is important to remember that changing implementation systems alone does not increase access to rights. For example, a study of women's access to justice in Afghanistan found that despite over a decade of expanding legal aid and strengthening protections for women's rights, few Afghan women resort to justice mechanisms outside their family or community.<sup>2</sup> Civil society is best positioned to do the challenging and long-term work of helping individuals negotiate rights within their daily lives and develop communal support for pursuing recourse. Seeking change at the individual, family, and community level should not be seen as secondary or less important than the national policies and systems in place to protect rights.

<sup>2</sup> Gaston, Erica and Tim Luccaro. *Women's Access to Justice in Afghanistan*. U.S. Institute for Peace. July 2014. [https://www.usip.org/sites/default/files/PW98\\_Women's-Access-to-Justice-in-Afghanistan.pdf](https://www.usip.org/sites/default/files/PW98_Women's-Access-to-Justice-in-Afghanistan.pdf)

## Combatting Violence Against Women in Aswan, Egypt



In the Upper Egyptian governorate of Aswan, a local CSO is combatting violence against women using creative avenues.

Recognizing that Aswan is relatively conservative, where people do not often express their problems or discuss socially sensitive issues, the CSO is working with groups of young women to process and express their experiences through writing and digital storytelling. As part of each training, participants learn about violence against women, including a pro-bono lawyer's legal perspective. This gives participants a framework within which to understand their own experiences of violence against women, a safe environment within which to discuss it with others and with trained staff that facilitate a psychologically supportive atmosphere. After beginning to discuss and process their experiences, women then channel their experiences into original creative writing. With the help of a photographer, they turn their writings into digital stories that are shown in high schools throughout Aswan as a nonthreatening way to begin addressing the social norms that perpetuate this violence. Helping women feel more comfortable sharing and talking about their stories is one step improving access to justice for gender-based violence.



### Tips to Support Civil Society Advance Social Justice at Community Levels:

- **Foster reflection, strategy adjustments, and acting on new opportunities by providing series of small grants.** If a partner is successful in developing new relationships and allies, opportunities are created that could not have been anticipated or planned. Providing a small grant for a period of 3-6 months can help guide partners in achieving short term objectives and reflecting on ways to build upon achievements. When planning long term projects, partners are more likely to stick to the types of activities inside their comfort zones and not pursue reach opportunities. Furthermore, breaking down long-term efforts into phases of small grants are better suited for allowing partners the flexibility to adjust, respond, and adapt to environments that are in flux.
- **Encourage mainstreaming rights agenda into broader movements.** IREX has found some local partners experimenting and reconfiguring the way in which they present their causes and connect to broader rights issues. For example, an LGBTQ rights partner is pursuing collaboration with a Christian-oriented organization over mutual concerns of detainee conditions. We recommend helping partners orienting their work beyond the label of their rights issues, identifying sub-issues that reflect broader community concerns, and approaching their work from a social justice perspective.



## EXPANDING SOCIAL JUSTICE AT NATIONAL LEVELS: strengthening human rights protections and improving distribution of rights

To expand social justice at national levels, civil society can advocate to strengthen human rights protections and improve distribution of rights within legal frameworks and implementation systems. Strengthening legal frameworks may include proposing legal reforms to recognize and protect the rights of all people, or recommending legislative programs to expand social justice. While this level of approach can be perceived as the most adversarial to governments, there may be opportunities to work with formal justice and security providers to improve public trust or provide a valuable monitoring role. Below are examples from Justice & Dignity partners, either implemented or planned:



**Facilitate the drafting of prison regulations across Ministry of Justice stakeholders and train prison personnel on prisoner rights.**



**Advocate to strengthen legislation on maternity leave, criminalizing all forms of domestic violence, and allowing citizenship be passed on by mothers.**



**Monitor and report on constitutional violations by the state to draw attention to the illegal and arbitrary arrests of activists.**



### The Syria Justice and Accountability Centre



The Syria Justice and Accountability Centre, established with Justice & Dignity's support, works to ensure that human rights violations in Syria are comprehensively documented and preserved for use in transitional justice and peacebuilding. Human rights documentation and supporting future transitional justice mechanisms is a long-term process that offers limited immediate rewards but is essential for long term prospects for rights accountability. The risks to individuals collecting documentation and an organization publicly advocating for justice are significant. In conflict or closed spaces, the efforts of civil society in human rights documentation, monitoring, and/or international advocacy are important for laying the groundwork for future efforts in more conducive environments.

### Egyptian Coalition for Women's Rights



In early 2016, 170 CSOs from 27 Egyptian governorates formed Coalition Article 19 to influence parliament to pass laws that reflect and ensure women's constitutional rights. Recently, one Egyptian CSO trained members of this coalition on how to advocate for these rights and for protecting women from gender-based violence. The coalition learned different forms of advocacy, how to plan an advocacy campaign, how to build a constituency, and why policy change is not enough when trying to advance real change. As a result of this training, participants developed an advocacy plan for how to work in concert with one another to combat violence against women. Trained CSOs have begun building local committees to support the advocacy strategy. One area of focus is the legal services available to female victims of violence. Groups are advocating to ensure women have access to legal recourse, including mechanisms and policies to protect women from violence during litigation.



#### Tips to Support Civil Society Advance Social Justice at National Levels:

- **Emphasize relationship-building and reputation development.** Organizations undertaking national-level advocacy and mobilization require unique support in understanding risks and developing tactics to survive broader repression. Coalitions become more important and partners should strive to create wide cross-cutting sector networks. In order to counter governments' isolating civil society, coalitions need to be concerned about their branding, developing new narratives about who civil society represents, and how civil society contributes to national priorities.
- **Provide targeted and sustained support to address burnout, digital security, and physical risks.** While these risks apply to civil society working at both community and national levels, they are particularly amplified for organizations with high profiles. Burnout is pervasive and Middle East civil society needs support in building resilience skills. Resilience support does not stop with one-off trainings – implementers must build in coaching and mentorship to help groups adopt strategies to improve their safety, security, and well-being within their operations and organizational systems.

## RECOMMENDATIONS

Through Justice and Dignity's experience, IREX recommends closely mentoring partners to guide reflective programming and re-thinking several concepts that are central to the way the funding mechanism has functioned.

- **Use a systems approach** – Mentor partners in analyzing the environment in which they operate and their own position. This means supporting partners in thinking about rights across all domains of social justice, the broader civil society network working on similar issues, and the incentives and interests of public actors. Link groups working at different levels and on various social justice-related issues. Mentorship should help partners identify new opportunities, troubleshoot problems that arise, and identify technical and other types of resources. Justice & Dignity has been able to connect partners to other groups and technical experts to learn about different tactics and strategies.
- **Encourage developing relationships with public actors** – Improving relationships with government actors, and the justice and security sector especially, will be critical for reclaiming space for civic activism in the Middle East. Work with local partners to identify individuals and groups open to engaging over mutual causes, and work with media to help counter narratives about the negative influence of civil society.
- **Re-evaluate vision of progress** – After the Arab Spring, the international community was eager to see civil society engagement in developing new constitutions, securing representation for marginalized groups, and reforming justice sectors. These efforts had varying levels of sustainability and were curtailed by government crackdowns. In the new Middle East context, support for community-level efforts is paramount where national structures are weak or non-existent, or where local levels of government are more open to engagement. Social and political change takes time, and funding needs to be sustained for the long-term despite slow progress because it will take time for civil society to create more space for activism. We should also calibrate how we evaluate opportunities and impact so that we value change taking place at individual, family, and community levels just as much as national change.



- **Reconceptualize “rapid” and what are opportunities** – The intention of being able to rapidly respond to opportunities should not be conflated with projects that quickly move into implementation and are short-term. The ability to be rapid actually relied on sustained contact and support for local partners. When funders and implementers identify opportunities, they commonly look for openings in democratic processes (e.g. constitution drafting, elections, national dialogues), but there are a multitude of other opportunities local organizations are creating through progress at grassroots levels. Rapid response needs to be about identifying entry points where by injecting small amounts of financial and technical assistance, we can help partners achieve impact while simultaneously building organizational capacity and cultivating networks for sustainability and resiliency.
- **Continue to support regional fundamental freedoms through flexible funding mechanisms** – Funding initiatives like Justice & Dignity allows the U.S. government to work discreetly to advance fundamental freedoms through collaborative social justice approaches. The countries in which Justice & Dignity has been most active (Libya, Egypt, Syria) are environments in which large scale programs could have attracted negative attention and not adapted as quickly to changing conditions on the ground. Large rights programming often further a formulaic approach to activities instead of emerging more organically from opportunities available to local partners. Justice & Dignity's structure allows both the implementers and local partners to experiment, reflect, and create greater space for civil society to advance rights at both community and national levels.

