

# THE STATE OF DEMOCRACY IN AFRICA AND THE MIDDLE EAST 2021

Resilient Democratic Aspirations and Opportunities for Consolidation



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International IDEA  
Strömsborg  
SE-103 34 Stockholm  
Sweden  
Tel: +46 8 698 37 00  
Email: [info@idea.int](mailto:info@idea.int)  
Website: <https://www.idea.int>

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# Contents

Foreword	iv	<b>Chapter 9</b>	
Acknowledgements	vi	<b>Policy recommendations</b>	<b>31</b>
About the report	vii		
<b>I. The State of Democracy 2021 in Africa</b>	<b>1</b>		
Introduction	1	Endnotes	33
<b>Chapter 1</b>		<b>II. The State of Democracy 2021 in the Middle East and North Africa</b>	<b>39</b>
<b>Key facts and findings</b>	<b>2</b>	Introduction	39
Challenges	2	<b>Chapter 1</b>	
Opportunities	3	<b>Key facts and findings</b>	<b>40</b>
<b>Chapter 2</b>		Challenges	40
<b>Overview of key trends</b>	<b>5</b>	Opportunities	40
2.1 Democratic development across the subregions remains uneven	5	<b>Chapter 2</b>	
<b>Chapter 3</b>		<b>Representative Government</b>	<b>42</b>
<b>Representative Government</b>	<b>9</b>	2.1 Clean Elections	42
3.1 Clean Elections	11	<b>Chapter 3</b>	
<b>Chapter 4</b>		<b>Fundamental Rights</b>	<b>46</b>
<b>Fundamental Rights</b>	<b>14</b>	3.1 Civil Liberties	46
4.1 Civil Liberties	14	3.2 Basic Welfare	48
4.2 Social Rights and Equality	16	3.3 Gender Equality	49
<b>Chapter 5</b>		<b>Chapter 4</b>	
<b>Checks on Government</b>	<b>22</b>	<b>Checks on Government</b>	<b>51</b>
5.1 Effective Parliament	22	4.1 Media Integrity	51
5.2 Judicial Independence	23	<b>Chapter 5</b>	
5.3 Media Integrity	24	<b>Impartial Administration</b>	<b>53</b>
<b>Chapter 6</b>		5.1 Corruption	53
<b>Impartial Administration</b>	<b>26</b>	<b>Chapter 6</b>	
<b>Chapter 7</b>		<b>Participatory Engagement</b>	<b>55</b>
<b>Participatory Engagement</b>	<b>27</b>	<b>Chapter 7</b>	
7.1 Protests and citizen mobilization	27	<b>Conclusion</b>	<b>57</b>
7.2 Civil society participation	27	<b>Chapter 8</b>	
7.3 Electoral participation	28	<b>Policy recommendations</b>	<b>58</b>
<b>Chapter 8</b>			
<b>Conclusion</b>	<b>30</b>	Endnotes	61
		About International IDEA	68

# Foreword

The Covid-19 pandemic started out as a health emergency that has become an overall governance emergency, because it has challenged the foundations of democratic governance across the continent. In mid-2020, International IDEA led a global call to defend democracy, in view of the emerging trend of human rights abuse, clampdown on the media, abuse of incumbency and military coups. One year down the line, the pandemic has exposed the fault lines in democratic values on the continent and given room for citizens to express their frustrations as seen in the citizens' mobilization and protests from Algeria to Guinea, Mali, Nigeria, Tunisia and Sudan.

There has been a global democratic decline over the past decade, from which Africa and the Middle East are not exempt. We expect to see a more robust assessment of the overall impact of the pandemic on democracy over the coming years. The 2021 Global State of Democracy Report on Africa and the Middle East highlights some of the observable concerning manifestations of democratic decline in the region. These include the recent resurgence of military coups as seen in Guinea and Mali; the trend of pseudo-democratic transitions as seen in Zimbabwe, Sudan and Algeria; continued attempts to erode presidential term limits as most recently seen in Cote d'Ivoire and Guinea; and the continued erosion of freedom of expression and access to information through media clampdowns and internet shutdowns; and the adoption of authoritarian measures to enforce Covid-19-related restrictions.

Amidst these challenges, citizens across the continent have demonstrated strong democratic aspirations and resilience through their continued mobilisation to demand democratic change and hold their leaders accountable. Elections remain the accepted means of transfer of power in Africa and most African countries have upheld their commitments to stand against unconstitutional changes of power. It is heart-warming to note that amidst the pandemic, majority of the countries did not deviate from the commitment to hold regular elections, as most elections were held on schedule amidst the pandemic. Election Management Bodies demonstrated their capacity to learn and adapt through the measures adopted to hold elections during the pandemic. However, there is room for

improvement in the area of adoption of special voting arrangements to expand the right to vote in our region. The competitiveness and credibility of elections on the continent remains questionable, as some incumbents took advantage of the pandemic to curtail opposition and dissent as seen in Uganda and Tanzania. It is also concerning that, electoral outcomes are often disputed, and, in some cases, these disputes have led down the path of violence and loss of lives.

The resilience of democratic institutions like the judiciary and citizens' aspirations for democracy led to some significant transitions over the past five years that are worth celebrating. These transitions in Gambia, Liberia, Malawi, Seychelles, Sierra Leone and Zambia sustain our hopes for the entrenchment of democratic values and our call for citizens to continue to demand accountability of their leaders. The role of the national and supra-national judiciary in checking executive power continues to contribute to democratic resilience despite continued attempts by executives to compromise the independence of the judiciary.

This report highlights the double-sided power of Africa's youthful population. As the world's youngest region, the power of the youth could be channelled as an opportunity to build new spaces for democratic change, if countries adopt specific measures to promote youth inclusion and participation in political processes. However, true for the Arab region but particularly, Africa's youthful population pose a serious challenge if the growing trend of unemployment and social inequality is not addressed as an emergency. A largely unemployed youthful population without opportunities for growth and development could provide fertile grounds for recruitment for violent extremist groups, human trafficking rings and perpetrators of political violence.

As the second female President of an African nation, I am particularly pleased that Africa currently has two sitting Presidents—President Samia Suluhu Hassan of Tanzania, and President Sahle-Work Zewde of Ethiopia—and two sitting Prime Ministers—Prime Minister Najla Bouden Romdhane of Tunisia, Prime Minister Victoire Tomegah Dogbe of Togo and Prime Minister Rose Christiane Ossouka Raponda of Gabon. We look forward to a time when elected female Heads of Government

become a norm on our continent. Encouragingly, the recent appointment of eight ministers out of 22 in the recently formed Tunisian government, are steps in the right direction and worthy of continental celebration.

However, there remain ongoing opportunities to deepen and expand action to meet global commitments on gender equality. Women constitute only 24 per cent of the 12,113 parliamentarians in Africa—25 per cent in the lower houses, and 20 per cent in the upper houses of parliament. In addition, curtailing violence against women on and offline as they pursue their rights to vote and be voted for and participate in political process and decision making is urgent. The adverse effects of the Covid-19 pandemic on women's political participation have been seen in their loss of income and increased reports of domestic and gender-based violence. I join my voice with other leading voices on women's rights to call on our governments and regional actors to declare a state of emergency on violence against women as we have seen in the actions of countries like South Africa and the Arab EMB Network that recently launched a regional campaign on violence against women.

The pandemic has highlighted the importance of the digital space and digital rights in Africa and the Middle East. This report highlights the observable trend of

social inequality and access to social welfare, driven by the growing digital divide. In the context of the pandemic, the challenge of fake news, hate speech, disinformation and online bullying rose to concerning levels. There is further concern about the continued attempts by governments to curtail freedoms of expression and access to information through internet shutdowns on the continent. To entrench democracy on the continent, the rights of citizens online and increased access to the internet, must be safeguarded and protected while authorities must counter perpetrators of fake news and hate messaging on social media.

This report proffers policy recommendations at national and regional levels, which I call on relevant actors to take steps for effective implementation. Our nations will become stable, cohesive and prosperous only when our democratic governance practices, gender parity and inclusion of women and youth in political governance drastically improve. I remain hopeful that the democratic aspirations within the region and the resilience shown by democratic institutions will continue to drive the democratic development on the continent.

**Dr Joyce Banda**

*Former President of the Republic of Malawi*

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## AFRICA

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## MIDDLE EAST AND NORTH AFRICA

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# About the report

International IDEA's *The Global State of Democracy 2021* reviews the state of democracy around the world over the course of 2020 and 2021, with democratic trends since 2015 used as contextual reference. It is based on analysis of events that have impacted democratic governance globally since the start of the pandemic, based on various data sources, including International IDEA's [Global Monitor of Covid-19's Impact on Democracy and Human Rights](#), and International IDEA's [Global State of Democracy \(GSoD\) Indices](#). The Global Monitor provides monthly data on pandemic measures and their impact on democracy for 165 countries in the world. The GSoD Indices provide quantitative data on democratic quality for the same countries, based on 28 aspects of democracy up until the end of 2020. Both data sources are developed around a conceptual framework, which defines democracy as based on five core attributes:

Representative Government, Fundamental Rights, Checks on Government, Impartial Administration and Participatory Engagement. These five attributes provide the organizing structure for this report.

This report is part of a series on The Global State of Democracy, which complement and cross-reference each other. This report has a regional focus, and it is accompanied by a [global report](#) and three regional reports that provide more in-depth analysis of trends and developments in the [Americas](#) (North, South and Central America, and the Caribbean); [Asia and the Pacific](#); and [Europe](#). It is also accompanied by three thematic papers that allow more in-depth analysis and recommendations on how to manage [electoral processes](#) and [emergency law responses](#) and how [democracies and non-democracies](#) fared based on lessons learned from the pandemic.

## The GSoD conceptual framework





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## CONCEPTS IN THE GLOBAL STATE OF DEMOCRACY 2021

- The reports refer to three main regime types: *democracies*, and *hybrid* and *authoritarian* regimes. Hybrid and authoritarian regimes are both classified as non-democratic.
  - *Democracies*, at a minimum, hold competitive elections in which the opposition stands a realistic chance of accessing power. This is not the case in *hybrid* and *authoritarian* regimes. However, *hybrid* regimes tend to have a somewhat more open—but still insufficient—space for civil society and the media than *authoritarian* regimes.
  - *Democracies* can be *weak*, *mid-range performing* or *high-performing*, and this status changes from year to year, based on a country's annual democracy scores.
  - *Democracies* in any of these categories can be backsliding, eroding and/or fragile, capturing changes in democratic performance over time.
- Backsliding democracies are those that have experienced gradual but significant weakening of Checks on Government and Civil Liberties, such as Freedom of Expression and Freedom of Association and Assembly, over time. This is often through intentional policies and reforms aimed at weakening the rule of law and civic space. Backsliding can affect democracies at any level of performance.
  - Eroding democracies have experienced statistically significant declines in any of the democracy aspects over the past 5 or 10 years. The democracies with the highest levels of erosion tend also to be classified as backsliding.
  - Fragile democracies are those that have experienced an undemocratic interruption at any point since their first transition to democracy.
  - *Deepening authoritarianism* is a decline in any of the democracy aspects of non-democratic regimes.

For a full explanation of the concepts and how they are defined, see Table 6 on p. 8 of the [summary methodology](#).

# I. The State of Democracy 2021 in Africa

International IDEA has dedicated two separate reports for Africa and the Middle East. The first section covers 50 African countries and includes examples and mentions from North African cases. Similarly, because of the cultural and historical relationships across the Arab-speaking countries, the Middle East section includes analysis related to North African countries.<sup>1</sup> The report presents the trends and analysis of democratic developments based on the 5 attributes and 16 subattributes of International IDEA's Global State of Democracy Indices from 2019 to 2020. The report also highlights events in the region during the first half of 2021.

## INTRODUCTION

There has been a gradual decline in democratic quality in Africa: for the first time in almost a decade, the number of countries designated by the Global State of Democracy (GSoD) Indices as authoritarian now outweighs those deemed to be democratic (Figure 1).

The shift, mainly occurring over the past few years, has undermined an otherwise remarkable improvement in democracy across the continent. In 1985, for example, there were 3 democracies and 42 authoritarian regimes; by 2015, the number of democracies had reached 22—its apex so far; in 2020, with the recent lapses, there were 18 democracies compared with 19 authoritarian regimes and 13 hybrid ones.

A closer look shows a regional trend. All but two countries designated as democracies are in the Southern Africa and West Africa regions. There are no democracies among the seven countries of Central Africa and only one each in North Africa and East Africa.

While there was some progress towards overall Representative Government across Africa, an average decline was recorded in Clean Elections. In some cases, there were complete democratic breakdowns as a result of military coups, the re-emergence of which has carried through to 2021.

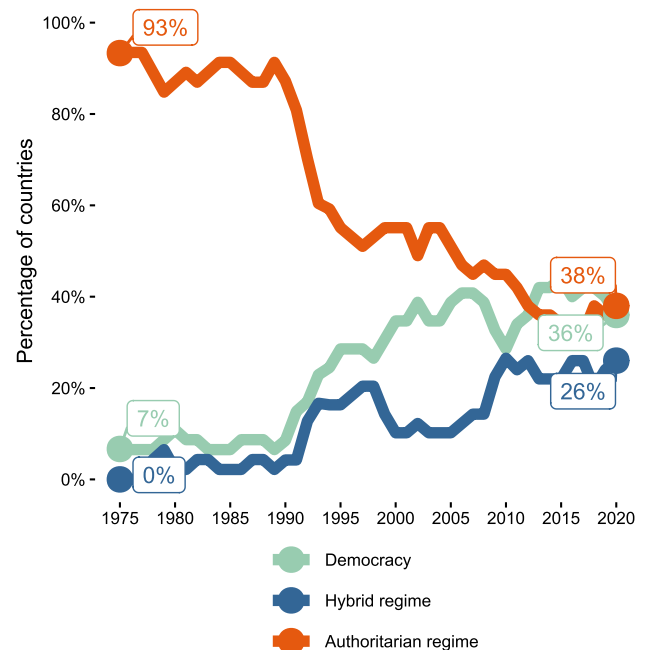
At the end of 2020, Africa was the second least affected global region in terms of the health impact of Covid-19.

However, the emergence of new variants of the virus and the poor state of health systems, coupled with the limited availability of the vaccines and vaccine hesitancy, will likely present a different picture of the health impact of the pandemic by the end of 2021. Despite the limited health impact in 2020, the pandemic exacerbated pre-existing socio-economic, security and political challenges, which contributed to the decline in democratic quality that had already begun. The impact of the pandemic was most noted in declines in Civil Liberties, especially Freedom of Expression and Freedom of Association and Assembly, and the emergence of new forms of social inequalities.

This report provides lessons and recommendations that governments, political and civic actors, and international democracy assistance providers should consider in countering the concerning trend of democracy's erosion seen across Africa, and in fostering its resilience and deepening.

FIGURE 1

Regime types in Africa, 1975–2020



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

## Chapter 1

# Key facts and findings

Recent declines in democracy have undermined some of the remarkable progress made in Africa over the past three decades, although bright spots remain. The Covid-19 pandemic, though seemingly less damaging to public health than elsewhere in the world, has added pressure on governance, rights and social inequality.

## CHALLENGES

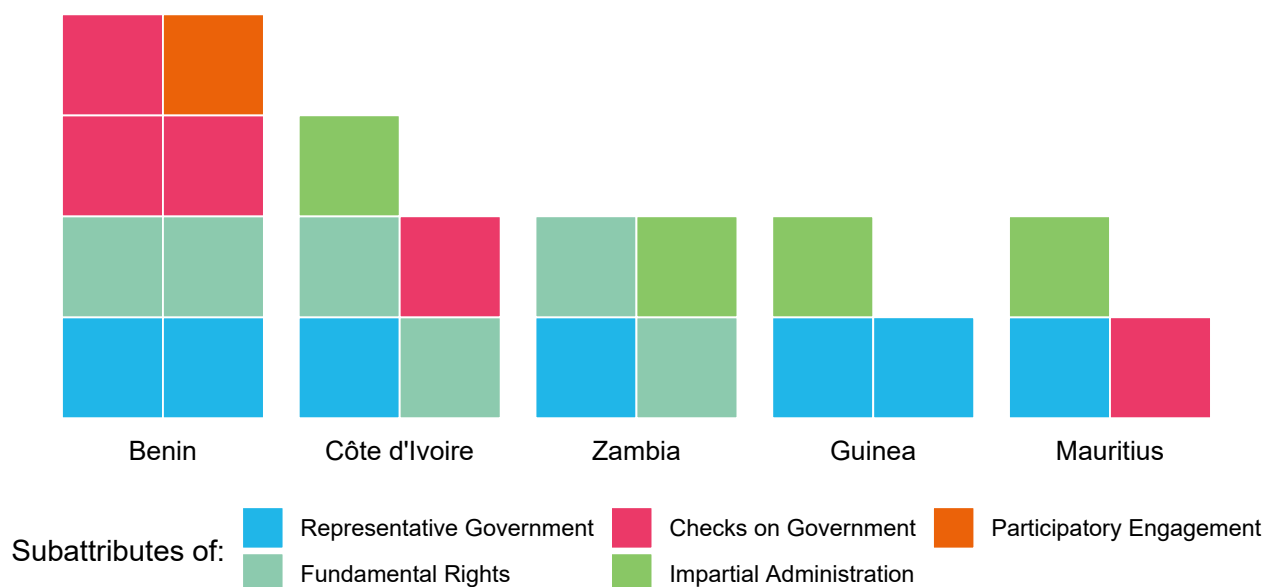
- While regular elections remain the norm for transfer of power in the majority of African countries, the democratic quality of these elections is on the decline. When taken in aggregate across the continent, the emerging trend of contested electoral outcomes, electoral violence, third term presidential agenda and clamp down on dissent are ominous for the future of Clean Elections on the continent.
  - Only four countries (Cabo Verde, Ghana, Senegal and South Africa) scored high on Representative Government.
- Attempts to erode presidential term limits present a risk to democracy in Africa by further entrenching the long-term presidencies that characterize many African countries. Presidential term limits play a crucial role in checking executive excesses and guaranteeing free, competitive elections.
  - In the five years to 2020, 13 African countries amended and/or eliminated constitutional provisions on presidential term limits.
- The re-emergence of unconstitutional changes of government and military-aided transitions is a worrying trend. In some countries, the transitions started out with citizen demands for political change, with the military stepping in to resolve the impasse between the citizens and the government.
  - Recent military-supported transitions have taken place in Algeria, Egypt, Sudan and Zimbabwe. Military intervention continued into 2021 (Chad, Mali).
- Managing the pandemic and its social fallout often led to a crackdown on freedom of expression. This move was prompted by a professed desire to stamp out disinformation about the pandemic, but more concerning were the efforts to confront citizens speaking out about broader socio-economic and governance issues and to restrict the space for objective debate on government responses to the pandemic.
  - At least 29 countries curtailed freedom of expression by criminalizing pandemic disinformation and adopting laws that restrict Internet freedom. To date, 13 countries have made disinformation about Covid-19 an imprisonable offence. While noting the importance of preserving lives and public health through the integrity of public information, these laws sometimes provided a basis for clamping down on the media and dissent.
- The pandemic exacerbated existing social inequalities and limited access to basic welfare and service delivery. Africa scored poorly in this area even before the pandemic.
  - In total, 34 African countries (68 per cent) were ranked within the world's bottom 25 per cent in terms of Basic Welfare in 2020.
- There was a continent-wide increase in violence against women. This issue was exacerbated by lockdowns keeping people at home and the loss of income and accumulated social stress at household levels.
  - Moreover, hijacked constitutional and electoral reforms compromised opportunities to address gender inequality.
- Governments relied on military forces to ensure compliance with pandemic-related rules. In some cases, this move hampered the freedom, legitimacy and competitiveness of elections.
- Use of excessive force was reported in 21 countries and the army was deployed in 9—including Angola, Ethiopia, Ghana, Sierra Leone, South Africa and Sudan—to enforce pandemic-related restrictions.

## OPPORTUNITIES

- Electoral management bodies (EMBs) ensured that 15 out of 24 national and/or subnational scheduled elections took place in 2020, showing a degree of resilience. This accomplishment was despite technical, operational and financial challenges exacerbated by the pandemic.
  - In some cases, managing elections required extra funding (USD 25 million in Malawi); in others, it required recruitment of additional personnel (Ghana recruited ‘Covid-19 ambassadors’ to support queue control and enforce compliance).
- Improvements, which can be built on, were seen in parliamentary effectiveness—providing checks on the executive, for example—and parliaments were able to adjust to function in the pandemic. Parliamentary business was suspended in at least 16 countries in the initial phase of the pandemic, but by the second half of 2020 most had reopened.
  - Three countries (Cabo Verde, Malawi and Tunisia) have recorded a consistent, high performance in Effective Parliament. However, 15 countries are ranked poorly.<sup>2</sup>
- The existence of continental and subregional democracy instruments provides an opportunity for supranational accountability. Given the appropriate political will, these institutions will further promote democracy on the continent.
  - Continental and regional courts of justice in Africa have played a role in holding states accountable for rights violations, although compliance with court rulings remains minimal.
- The African Union (AU) and subregional institutions have shown that they can strengthen national efforts to hold credible elections. The AU, the Economic Community of West African States (ECOWAS), and the Southern African Development Community developed and communicated guidelines for conducting elections during health emergencies.

FIGURE 2

Countries with most democratic declines in Africa, 2015–2020

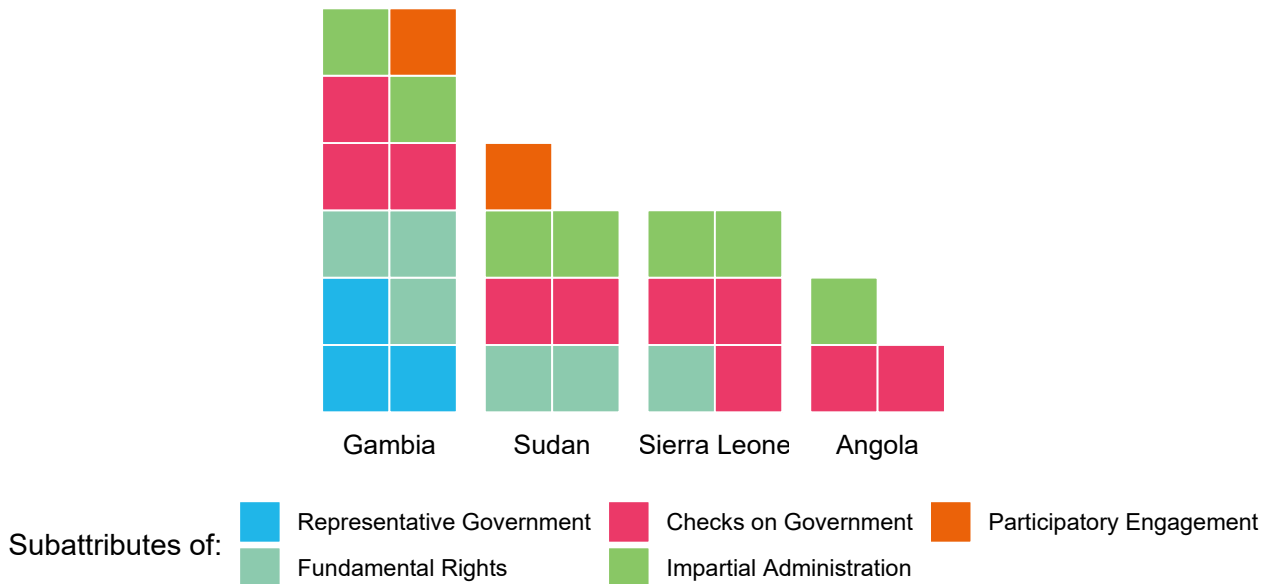


Note: Each box represents a declining subattribute.

Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

FIGURE 3

Countries with most democratic advances in Africa, 2015–2020



Note: Each box represents an advancing subattribute.

Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsd-indices/dataset-resources>>, accessed 3 September 2021.

- The proposed strategies in the guidelines are targeted at governments, political parties, EMBs, civil society organizations, domestic and international observer groups, election experts, think tanks and health institutions.
- This is a double-edged issue, however: a growing population of unemployed youth creates a fertile ground for recruitment by extremist groups and for increased violence.
- Africa’s young population with an increasing awareness of human rights provides an opportunity for citizen mobilization and increased youth participation in politics. The median age in Africa is around 19.5 years, in contrast to the average age of 62 years for the continent’s leaders.
  - The Gambia provided an example of what can be achieved when the opportunity for democracy arises (Figure 3). It registered advances in 22 different aspects, from Civil Liberties to Clean Elections.
  - The improvements followed the country’s transition to democracy in 2017, after an election where an opposition victory and international pressure ended the 22-year rule of President Yahya Jammeh.<sup>3</sup>

## Chapter 2

## Overview of key trends

This section presents an analysis of the current trends, challenges and opportunities for democracy in Africa from 2015 to 2020, with a focus on the recent impact of the Covid-19 pandemic on democratic development. The analysis covers the five key attributes used by International IDEA to evaluate the state of democracy worldwide: Representative Government, Fundamental Rights, Checks on Government, Impartial Administration and Participatory Engagement.

### 2.1 DEMOCRATIC DEVELOPMENT ACROSS THE SUBREGIONS REMAINS UNEVEN

- West Africa remains the most democratic subregion, with 50 per cent of the continent's democracies. The subregion experienced a mix of progress and decline, with transitions to democracy over the past five years, as elaborated in the report. However, by 2020, the region also witnessed significant democratic declines, which included democratic breakdown in Mali with a military coup, and the extension of constitutional term limits in Côte d'Ivoire and Guinea. This dynamic highlights the fluidity of the political context and the weakness of the democratic institutions in the subregion. The security situation in this subregion remains challenging as violent extremist groups, such as Boko Haram and Islamic State (IS), continue to operate across the Sahel.
- Southern Africa is the next most democratic subregion, with almost 39 per cent of the democracies in the continent and only 2 of the region's 19 authoritarian regimes (Eswatini and Zimbabwe). The subregion saw Zambia transition from a democracy to a hybrid regime because of the declines recorded in four subattributes (Figure 2). The peaceful democratic transition in Zambia, through the conduct of the 12 August 2021 elections, could change the country's regime type classification in the next reporting period. Of particular concern is the decline in Civil Liberties in the subregion, as seen in Zambia during the reporting period, especially before the 2021 elections. The political transition in Malawi also accounts for the democratic progress recorded in the subregion.
- East Africa has Kenya as the only democratic regime in the subregion. There is one hybrid regime in the subregion (Tanzania), while the remaining countries are authoritarian. This subregion remains an area of concern because of: the ongoing war in the Tigray region of Ethiopia, which is developing cross-border implications; the prolonged instability in Somalia; the resilience of the authoritarian regime in Eritrea, which is also involved in the war in the Tigray region; and the growing tensions between Ethiopia and other neighbouring states, particularly Egypt and Sudan, over the building of mega-dams in the Nile. Tanzania under President John Magufuli, who was elected in 2015 and re-elected in 2020, also recorded significant declines in Civil Liberties. However, the peaceful succession of President Samia Suluhu Hassan after President Magufuli's death in March 2021—as the country's first female president (and the first one in East Africa)—is a welcome development for women's political participation. Nevertheless, Tanzania's civil rights record remains concerning, especially the arrests of opposition figures under President Samia Suluhu Hassan's watch. Uganda remains an authoritarian regime, as President Yoweri Museveni won his sixth consecutive term in January 2021, amid allegations of vote-rigging, suppression of political freedom and crackdown on opposition leaders, while the human rights situation in the country continues to deteriorate. The 2020 elections in Burundi saw the departure of President Pierre Nkurunziza after his controversial third term in office, but the country remains classified as authoritarian. Rwanda also remains an authoritarian regime under President Paul Kagame who amended the Constitution in 2015 to legitimize his extended stay in office. Rwanda has sustained its low performance in three of the five main GSoD attributes.
- North Africa has Tunisia as the only democratic regime in the subregion. There is one hybrid regime (Morocco) and five authoritarian regimes (Algeria, Egypt, Libya, South Sudan and Sudan). The subregion saw two significant changes that give the possibility of democratic progress in the coming years. The resignation of President Abdelaziz Bouteflika in 2019 after 20 years in power opened the space

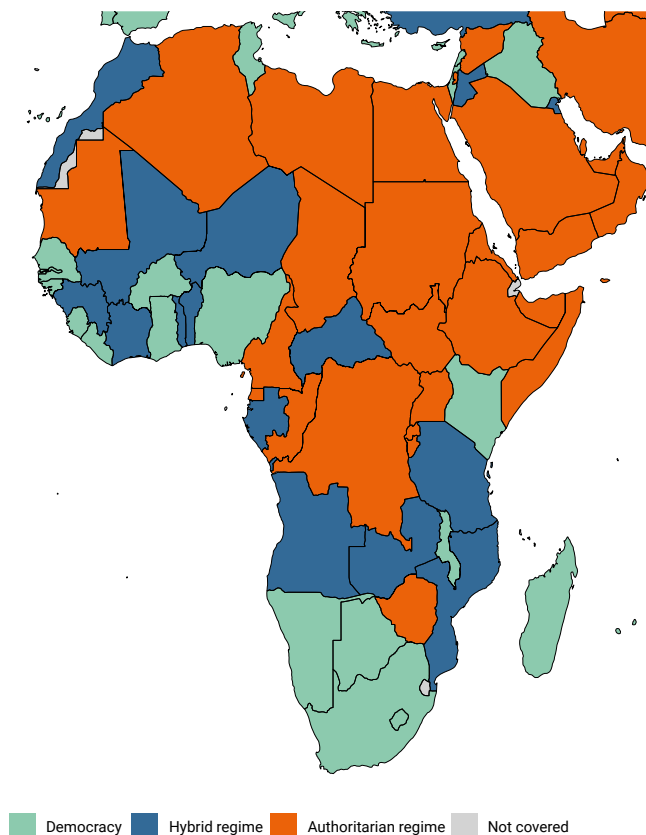
for a transition in Algeria. The 2019 ousting of President Omar al-Bashir in a coup d'état after 26 years in power had placed Sudan on the path to a potential democratic transition, but the October 2021 subsequent coup now threatens hope for the future of that transition.

- Central Africa is the least democratic subregion, with no democracies. The outlook in the subregion remains bleak, with the military coup in Chad and armed conflicts in the Democratic Republic of the Congo (DRC) and the Central African Republic (CAR). Cameroon and Chad continue to struggle with the transborder activities of violent extremist groups, especially Boko Haram.

Figure 4 illustrates these regional subregional differences.

FIGURE 4

Regime types in Africa, by region, 2020



Source: International IDEA, *The Global State of Democracy Indices 1975–2020*, v. 5.1, 2021, <<https://www.idea.int/gsoi-indices/dataset-resources>>, accessed 3 September 2021.

BOX 1

Benin: a declining democracy

Benin is an illustration of democratic governance regression in an African country (Figure 5). Not long ago, Benin was considered one of the leading African countries in terms of democratic progress and was a mid-range performing democracy. In *The Global State of Democracy 2019*, the only subattribute where Benin was listed as a priority country for reform was Basic Welfare.<sup>4</sup> The 2020 Freedom House assessment saw Benin's status decline from 'free' to 'partly free' because of a new electoral code and a series of decisions by the courts, the electoral authorities and the government, which resulted in the exclusion of all opposition parties from the April 2019 parliamentary elections.<sup>5</sup> A 2019 Afrobarometer survey also asked if Benin's democracy was as strong as its reputation would suggest as many citizens were less than enthusiastic about their democracy.<sup>6</sup> International IDEA reclassified Benin from a mid-range performing democracy to a hybrid regime in its 2019 GSoD classification.<sup>7</sup>

Since President Patrice Talon came to power in 2016, Benin has experienced a gradual decline in its democratic governance. This decline is characterized by, among other things, an aborted attempt to revise the Constitution in 2017 aimed at establishing non-retroactively a single presidential tenure of seven years. The government also took steps to use the state security forces and the justice system to isolate the main political opposition, systematically prosecuted several journalists and bloggers after the adoption of a digital law in 2018, and prohibited the right to strike for magistrates, police officers and health personnel in 2018.

The April 2019 legislative elections were neither free nor fair, as new electoral rules effectively prevented all opposition parties from participating. Turnout was very low, at 22.99 per cent; there was an Internet shutdown on election day; and security forces violently suppressed protests before and after balloting, resulting in several deaths.<sup>8</sup> Only the two pro-government parties, Progressive Union and Republican Bloc, were authorized by the Autonomous National Electoral Commission (CENA) and won seats, taking 47 and 36 seats respectively. The organization of non-inclusive local elections in May 2020 in the context of the Covid-19 pandemic worsened the declining trajectory. The elections were organized—in spite of the provisional measures of the African Court on Human and Peoples' Rights, which requested the postponement of the elections pending its decision on the case opposing candidate Sébastien Ajavon to the State of Benin.<sup>9</sup>

FIGURE 5

Benin scores in the GSoD Indices, 2010 and 2020



Notes: The x-axis indicates the score (0–1). Black lines at the ends of the columns indicate the extent of measurement uncertainty (68 per cent confidence intervals). The black dots indicate the average score across Africa.

Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gso-d-indices/dataset-resources>>, accessed 3 September 2021.



The government's response to this legal challenge was to withdraw the declaration allowing the African Court to receive complaints from its citizens and non-governmental organizations (NGOs). In the same movement, the country also deprived its nationals of the possibility of access to justice at the Economic Community of West African States (ECOWAS) Court of Justice. In its decision of 30 April 2020, the Constitutional Court of Benin held that the Additional Protocol of the ECOWAS Court of Justice, which allows Benin citizens to access justice at the regional Court, was not validly ratified and therefore not applicable to the country. Therefore, all decisions of the ECOWAS Court of Justice concerning Benin under its powers fixed by the amending protocol not ratified by Benin were declared null and void with retroactive effect.<sup>10</sup> The citizens and political opponents in Benin no longer have any means of appeal before supranational courts to contest measures that could violate their rights at the national level.

The situation escalated again with the organization of a non-competitive presidential election in April 2021, which saw many opposition figures barred from contesting the polls and President Talon's challengers seen as token candidates. This dynamic was followed by the brutal arrests of several political leaders on doubtful charges that suggest a continued clampdown on autonomous voices.

Over time, autocratization of the state in Benin is likely to contribute to political and social instability, and there is a need to closely monitor democratic developments in this country. On another note, President Talon is a good example of the so-called 'new generation of elected heads of state', who gradually erode democratic and constitutional norms.

Chapter 3

# Representative Government

*The GSoD Indices use the Representative Government attribute to evaluate countries' performance on the conduct of elections, the extent to which political parties are able to operate freely, and the extent to which access to government is decided by elections. This attribute is the aggregate of four subattributes: Clean Elections, Inclusive Suffrage, Free Political Parties and Elected Government.*

Since the 1990s, Africa has registered significant gains in Representative Government as the total number of democracies increased in the continent. However, the average performance in Representative Government (an aggregate of Clean Elections, Inclusive Suffrage, Free Political Parties and Elected Government) is low. Figure 6 shows that only four countries (Cabo Verde, Ghana, Senegal and South Africa—just 8 per cent of the countries in the region) have high performance in Representative Government. This phenomenon is due to the fact that, while regular elections remain the norm for transfer of power in the majority of African countries, the democratic quality of the elections is on the decline.

In recent years, Africa has experienced some significant government and regime transitions—through democratic elections—where the opposition won against strong ruling parties. These transitions include: the 2015 presidential elections in Nigeria that marked the first change of power in the country's fourth republic; the 2016 presidential elections in the Gambia that saw the end of President Yahya Jammeh's 22-year rule; the 2017 presidential elections in Liberia that marked the first peaceful transfer of power in more than 70 years; the 2017 elections in Angola that marked the end of President José Eduardo dos Santos's 38-year rule; the 2019 general elections and 2020 presidential elections in Malawi that saw justice restored by a landmark Constitutional Court judgment to annul a fraudulent election; the Seychelles' 2020 general election that saw a victory for the opposition for the first time in 44 years; and the recent peaceful transition in Zambia where President Edgar Lungu conceded defeat to the opposition candidate, Hakainde Hichilema.

While these transitions remain significant, the phenomenon of long-term presidencies that is

FIGURE 6

**Representative Government performance in Africa, 2020**



Note: Each box represents a country.

Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gso-d-indices/dataset-resources>>, accessed 3 September 2021.

entrenched—as a result of the gradual erosion of constitutional presidential term limits—remains a risk to democracy in Africa. Presidential term limits play a crucial role in checking executive excesses and ensuring the democratic principle of free competitive elections. However, attempts by presidents to remain in power through third-term bids continue, using either constitutional amendments, or judicial interpretations that exploit loopholes in the legal framework, or—most recently—by taking advantage of pandemic-related election delays. Presidents, in their attempts to stay in power beyond the constitutional mandate, have hijacked meaningful constitutional and electoral reform processes for selfish pursuits. Such processes have also compromised judicial independence in some countries, such as Burundi and Côte d'Ivoire, where the

presidents have sought controversial interpretations of the constitution through the courts. Such presidential term extension bids also contribute to heightened tensions and violence, as seen in Burundi (2015), Côte d'Ivoire (2020) and Guinea (2020). Presidents have also resorted to repressive authoritarian tendencies to maintain their grip on power. This was seen in the hurried corruption charges brought against President Alassane Ouattara's opponent in Côte d'Ivoire<sup>11</sup> and the arrests of several of President Yoweri Museveni's opponents ahead of the 2021 elections in Uganda.<sup>12</sup>

Somalia presents a different scenario, because there is no constitutional term limit, but presidents are selected for a four-year term. In April 2021, President Mohamed Abdullahi Mohamed, taking advantage of the delays caused by the Covid-19 pandemic and the political stalemate about the first universal suffrage elections, attempted an amendment of the electoral law to extend his stay in office after his tenure had expired in February. The controversial legal amendment degenerated into violent street protests, and the political stalemate culminated in a parliamentary vote against it.<sup>13</sup>

Table 1 provides an overview of successful and attempted presidential term limit extensions. Between 2015 and 2020, 13 African countries amended constitutional provisions on presidential term limits, while unsuccessful attempts to extend presidential term limits are also concerning.<sup>14</sup> However, it is encouraging to note that many constitutional term limits have been maintained, despite presidents' attempts to extend—for example, Burkina Faso (2014), Malawi (2003), Nigeria (2006), Senegal (2012) and Zambia (2001).<sup>15</sup> Table 2 provides a snapshot of Africa's longest-serving presidents.

The Central Africa subregion is home to the longest-serving presidents in the region; and the East Africa subregion paints a similar picture, with Kenya and Tanzania being the only countries where constitutional term limits have been maintained over the last decade. Southern Africa and West Africa were the regions least affected by the trend of long-term presidencies. The only long-serving president in Southern Africa, President José Eduardo dos Santos of Angola, who had been in power for 38 years, left power peacefully in 2017. West Africa, in particular, had succeeded in curbing the trend, with failed attempts to extend presidential terms registered in Nigeria and Senegal. However, in 2020, the presidents of Côte d'Ivoire and Guinea contested and won elections to serve for a third term.

TABLE 1

**Amendment of constitutional term limits in Africa**

<b>Attempted modification or elimination of presidential term limit in Africa</b>	
<b>Successful attempts —limit modified or eliminated</b>	<b>Unsuccessful attempts —limit retained</b>
Guinea (Conté, 2001) (Condé, 2020)	Zambia (Chiluba, 2001)
Togo (Eyadéma, 2002) (Gnassingbé, 2019)	Malawi (Muluzi, 2003)
Gabon (Bongo, 2003)	Nigeria (Obasanjo, 2006)
Uganda (Museveni, 2005, 2017)	Senegal (Wade, 2012)
Chad (Déby, 2005, 2018)	Burkina Faso (Compaoré, 2014)
Cameroon (Biya, 2008)	Benin (Talon, 2017)
Algeria (Bouteflika, 2008, 2016)	
Djibouti (Guelleh, 2010)	
Burundi (Nkurunziza, 2015, 2018)	
Rwanda (Kagame, 2015)	
Republic of the Congo (Nguesso, 2015)	
South Sudan (Kiir, 2015, 2018)	
Democratic Republic of the Congo (Kabila, 2016)	
Comoros (Azali, 2018)	
Egypt (Sisi, 2019)	
Côte d'Ivoire (Ouattara, 2020)	

Source: Africa Center for Strategic Studies, 'Constitutional term limits for African leaders', March 2021, <<https://africacenter.org/wp-content/uploads/2021/03/Constitutional-Term-Limits-for-African-Leaders-2020-table-printable.pdf>>, accessed 3 September 2021.

TABLE 2

**Africa's longest-serving presidents**

Country	Leader	Years in power
Gabon	Bongo dynasty	54
Togo	Gnassingbé dynasty	54
Equatorial Guinea	Teodoro Obiang	42
Cameroon	Paul Biya	39
Uganda	Yoweri Museveni	35
Chad	Emerging Déby dynasty	31
Eritrea	Isaias Afwerki	28
Republic of the Congo	Denis Sassou-Nguesso	24
Djibouti	Ismail Omar Guelleh	22
Rwanda	Paul Kagame	21

Source: Siegle, J. and Cook, C., 'Circumvention of terms limits weakens governance in Africa', Africa Center for Strategic Studies, 14 September 2020 (updated 17 May 2021), <<https://africacenter.org/spotlight/circumvention-of-term-limits-weakens-governance-in-africa/>>, accessed 3 September 2021.

The emerging trend of unconstitutional changes of government and military-aided transitions contributed to declines in Representative Government and its subattributes. These transitions have taken place with support from the military as seen in Algeria (2019), Egypt (2013), Sudan (2019 and 2021) and Zimbabwe (2017). There is a concerning trend of military-supported transitions in situations that started out with protests by citizens demanding political change, before the military stepped in to resolve the impasse between the citizens and government. While the military aided transition in Algeria paved the way for democratic opening there, Egypt and Zimbabwe in particular highlight a common trend for the militarization of political life, based on the long history of interrelations between the military and the ruling parties and state institutions in these countries. The situations in Burkina Faso (2015) and Mali (2021) were outright military coups, with a democratic transition following in Burkina Faso, while the transition in Mali is still unfolding. The transition in Chad was also

controversial when President Idriss Déby's death, a few days after his re-election in April 2021, led to a military transition where his son, Mahamat Déby, succeeded him as president. The international community was divided on naming it as a military coup.<sup>16</sup>

### 3.1 CLEAN ELECTIONS

Between 2017 and 2020, 90 national elections were held across the continent.<sup>17</sup> The year 2020 is noteworthy because, despite the Covid-19 pandemic, 15 of the 24 national elections that were scheduled to take place in Africa were conducted (Figure 7).<sup>18</sup> Holding these elections during the pandemic created additional technical, operational and financial challenges for electoral management bodies (EMBs). Prior to the outbreak of the Covid-19 pandemic, the majority of EMBs in Africa faced limited technical capacity, financial constraints and infrastructural challenges. Coupled with the pandemic, EMBs struggled to set up the additional facilities required for compliance with Covid-19 health protocols, such as handwashing facilities, alcohol-based sanitizers and mandatory wearing of masks at polling stations. Some EMBs, such as in Ghana, recruited additional personnel called 'Covid-19 ambassadors' to support queue control and enforce compliance with health protocols at polling stations.<sup>19</sup> These additional requirements for the conduct of safe elections during the pandemic worsened the financial constraints already experienced by EMBs on the continent. For instance, the Malawi Electoral Commission (MEC) required an additional MWK 48 billion (approximately USD 25 million) for the conduct of the rerun presidential elections in 2020.<sup>20</sup>

Overall, the Covid-19 pandemic highlighted the existing limits of emergency preparedness capacities within EMBs and created opportunities for EMBs to develop emergency management strategies. Prior to the outbreak of the Covid-19 pandemic, EMBs had faced challenges in conducting elections in the context of different forms of emergencies, such as: health emergencies in the context of the Ebola epidemic (2013–2016) experienced in the Democratic Republic of the Congo, Liberia and Sierra Leone; security emergencies experienced in Burkina Faso (2015), Mali (2012–2013), Mozambique (2019) and Nigeria (2019); and natural disasters, as experienced in 2019 when Cyclone Idai swept across Southern Africa affecting the conduct of elections in parts of Malawi, Mozambique

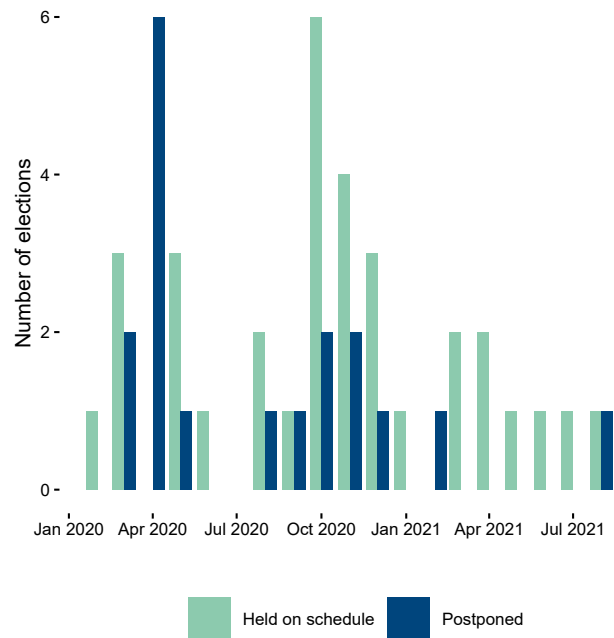
and South Africa. However, in the face of a global pandemic like Covid-19, where borders were closed and global supply chains were inaccessible, EMBs had to re-evaluate their emergency preparedness strategies. In response, EMBs have developed regulations and guidelines to manage the conduct of elections in line with national health protocols. The Independent National Electoral Commission (INEC) of Nigeria was the first EMB to publish such guidelines in May 2020.<sup>21</sup> Thereafter, other countries, including Kenya, Namibia and South Africa, published similar guidelines.

Despite these challenges, the pandemic opened up an opportunity for EMBs in the region to introduce technological solutions and innovations. Some countries, such as Côte d'Ivoire, Ghana, Nigeria and South Africa, adopted new digital solutions for voters to verify their details in the voters' register. Other countries, such as Nigeria and South Africa, went further to introduce modalities for online registration of voters to reduce in-person contact at registration centres.<sup>22</sup> In terms of special voting arrangements to expand voting rights in Africa, countries that had existing early voting and mobile voting arrangements in place prior to the pandemic continued with these arrangements during elections held in 2020, as seen in Namibia, Seychelles and South Africa. There were no sweeping changes to special voting arrangements in response to the pandemic. However, the pandemic provided an opportunity to engage in open discussions on the issue. For instance, discussions on out-of-country voting in the Gambia, and voting arrangements for persons in correctional facilities in Uganda.<sup>23</sup>

Contested electoral outcomes and electoral violence remain major challenges for the conduct of clean elections and democracy in the region. Africa has seen the emergence of a trend of non-acceptance of electoral outcomes, which leads to lengthy judicial processes or street protests. This trend is driven by distrust for EMBs and the lack of EMB institutional autonomy and technical capacity to deliver their mandate.<sup>24</sup> Reports from international election observers on elections held over the past five years highlight various technical and operational challenges experienced by EMBs, including a lack of capacity to undertake credible voter registration processes and deliver transparent results.<sup>25</sup> These two challenges in particular are often at the centre of many contested electoral outcomes in Africa. For example, court decisions that overturned presidential elections in Kenya (2017) and Malawi (2019) cited fraudulent and opaque results management

FIGURE 7

**National and subnational elections held and postponed amid the Covid-19 pandemic in Africa, February 2020–August 2021**



Source: International IDEA, 'Global Overview of Covid-19: Impact on Elections', last updated 31 August 2021, <<https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>>, accessed 3 September 2021.

processes as major anomalies. In the context of considerable risks, and with threats from ruling regimes, these two court decisions inspired fresh hope for electoral justice and judicial independence in Africa, as they affirm the existence of functional institutions of democracy on the continent. Similarly, controversies around the credibility of voter registration formed the basis of challenges to and opposition boycott of the 2020 parliamentary elections in Guinea, while the runoff presidential elections in Liberia in 2017 were delayed because of legal challenges about the credibility of the voter register, necessitating a fast-tracked audit by ECOWAS before the elections could proceed.

The Covid-19 pandemic exacerbated existing political challenges on the continent, such as the lack of competitiveness in electoral processes. Prior to the pandemic, equal opportunity to campaign freely with equal access to the media and finances were existing challenges. The restrictions on movement and gatherings necessitated by the pandemic provided

limited options for parties to campaign freely. The competitiveness of elections was specifically affected in countries where governments took steps to enforce Covid-19 restrictions, which in some cases involved the use of force related to the deployment of security agencies. Excessive force was reported in 21 countries and the army was deployed in at least 11 countries (as of September 2021)—Angola, Ethiopia, Ghana, Liberia, Libya, Mauritania, Nigeria, Sierra Leone, South Africa, Sudan and Tunisia—to enforce pandemic-related restrictions.<sup>26</sup>

Furthermore, unequal access to the media and other resources during campaigns continues to limit fair electoral competition in Africa. This level of inequality worsened when campaigns moved online due to Covid-related restrictions on movement and numbers of people at public gatherings, or complete bans on public gatherings.<sup>27</sup> Seychelles and Uganda both banned public gatherings and mandated candidates to undertake online and media campaigns. The outcomes were significantly different, however. The elections in Seychelles were peaceful and resulted in the first change of power in 45 years,<sup>28</sup> while in Uganda, the government used the Covid-19 restrictions as a basis to intimidate the opposition. President Yoweri Museveni won a sixth term in a controversial election where opposition candidate Robert Kyagulanyi (a.k.a. Bobi Wine) was arrested and jailed for violations of Covid-19 protocols during his campaign events and protests.

The existence of continental and subregional democracy instruments provides an opportunity for supranational accountability. Given the appropriate political will, these supranational institutions can promote democracy on the continent. After decades of military rule and unconstitutional changes of government across the region, the adoption of the African Charter on Democracy, Elections and Governance (ACDEG) in 2007 (which came into force in 2012) was a watershed moment in the history of democracy in Africa, as African heads of state affirmed their commitment to democracy. While opinions differ on the effectiveness of the ACDEG as a governance accountability mechanism,<sup>29</sup> its existence and the steps taken by the African Union (AU) to operationalize the

accountability measures in the Charter and to assess elections based on the principles enshrined in the Charter are commendable and present an opportunity for further improvement. However, the full realization of the obligations and aspirations enshrined in the AU and ACDEG has been constrained by the actions of national leaders that place national sovereignty over regional norms, which creates a concerning trend.

At the subregional level, Regional Economic Communities (RECs) have also affirmed their commitment to democracy through different instruments on democracy, such as the ECOWAS Protocol on Democracy and Good Governance,<sup>30</sup> the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections,<sup>31</sup> the Intergovernmental Authority on Development (IGAD) Protocol on Democracy, Governance and Elections (which is under review) and the East African Protocol on Democracy (yet to come into force). The implementation of these subregional democracy instruments has also shown a mixed assessment, however, with West Africa and Southern Africa showing more commitment to democratic norms than other subregions that do not have regional instruments on democracy.

Regional institutions contributed to strengthening national efforts to hold credible elections amid the pandemic. With regard to specific responses to elections held during the pandemic, the AU and regional bodies such as ECOWAS and SADC also provided support to EMBs by developing guidelines for conducting elections during Covid-19 or similar health emergencies. These guides carve a new complementary niche within existing regional and subregional normative and policy frameworks for democratic elections in the context of Covid-19 and other public health emergencies in Africa. The guides offer strategies for navigating the complexities posed by such public health emergencies, with a view to ensuring that both the health of citizens and the integrity of elections are protected. The strategies are targeted at governments, EMBs, civil society organizations, domestic and international observer groups, election experts, think tanks, health institutions and political parties.

## Chapter 4 Fundamental Rights

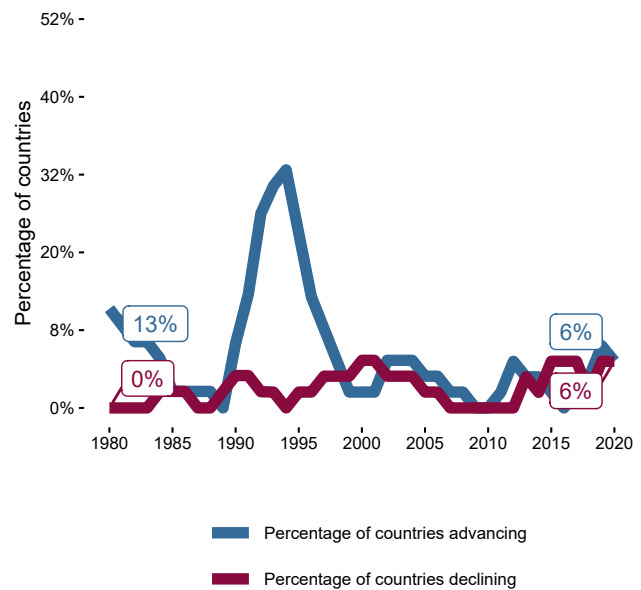
*The Fundamental Rights attribute aggregates scores from three subattributes: Access to Justice, Civil Liberties, and Social Rights and Equality. Overall, it measures the fair and equal access to justice, the extent to which civil liberties such as freedom of expression or movement are respected, and the extent to which countries are offering their citizens basic welfare and political equality.*

As Figure 8 shows, Africa experienced a remarkable improvement in Fundamental Rights after independence and with the arrival of the third wave of democracy. By 1994, a stunning 31 per cent of countries in the region were recording advances in Fundamental Rights, mainly through advances on Civil Liberties, including Freedom of Expression, Freedom of Association and Assembly, Freedom of Religion, and Freedom of Movement. However, after this positive wave, improvements and declines reached an equilibrium. Moreover, prior to the outbreak of the pandemic, five African countries recorded declines in the GSoD subattribute of Civil Liberties (Benin, Burkina Faso, Côte d'Ivoire, Tanzania and Zambia), with more countries recording declines in specific aspects of Civil Liberties, such as Freedom of Movement and Freedom of Association and Assembly, as governments began taking steps to constrain civic space during the pandemic.

The pandemic provided a basis for curtailing freedoms of movement and association, under the guise of enforcing Covid-19 protocols. Key trends observed include increased Internet dependency, which broadened the social inequality gap in the context of endemic poverty in Africa, and unequal access to basic services, such as health and education, as they were moved online. Other trends include Internet shutdowns and social media restrictions, especially in the context of public protests and elections that limited citizens' freedoms of expression and access to information. The long-term impact of the pandemic on gender equality will become clearer in the coming years. However, in the immediate term, Africa recorded some progress in women's political participation, but challenges remain as the continent continues to aspire to achieve gender equality as envisioned in United Nations Sustainable Development Goal 5.

FIGURE 8

### Percentage of countries showing advances and declines in Fundamental Rights in Africa



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gso-d-indices/dataset-resources>>, accessed 3 September 2021.

### 4.1 CIVIL LIBERTIES

The information landscape is a crucial aspect of a democracy because information is the gateway to effective citizen participation. Access to the Internet has become one of the most important means of enjoying other rights.<sup>32</sup> Internet shutdowns, therefore, create a challenge to full enjoyment of these rights. With the increasing Internet penetration and mobile network access in Africa, the Internet has become a crucial gateway for creation of online civic spaces. Over the past decade, as civic space increased because of increased access to the Internet, repressive governments have employed Internet shutdowns and social media restrictions as a new tool of repression to restrict such spaces.<sup>33</sup> Emerging trends in controlling Internet access include blanket

shutdowns, partial shutdowns, intentional Internet slowdowns, the imposition of high Internet access costs and surveillance.<sup>34</sup>

During the pandemic, governments took steps to restrict access to the Internet to curb citizen mobilization and information. Internet shutdowns are particularly detrimental during elections because they contribute to the lack of trust and reduced transparency of the electoral process, which contributes to contested outcomes. Between 2020 and 2021, election-related Internet shutdowns were recorded in Burundi, Guinea, Tanzania, Togo and Uganda. In 2020, blanket Internet shutdowns were recorded in 10 African countries, of which Kenya is the only democracy. Ethiopia implemented the highest number of Internet shutdowns in Africa over the course of 2020, including both nationwide and targeted shutdowns as seen during the Tigray conflict.<sup>35</sup> Within the context of the pandemic, the impact of Internet shutdowns became graver, as it widened the social equality gap and further shrank the space for free expression and political participation. Governments also took steps to impose restrictions on social media access—for instance, with the imposition of a special tax in Uganda (later side-stepped by citizens) and the Twitter ban in Nigeria (2021) and social media blackout during the Zambian elections (2021). These tactics were employed as part of measures to curtail the spread of fake news, limit the effectiveness of citizen mobilization and limit access to information.

The Covid-19 pandemic worsened control of access to Internet and freedom of information in Africa, as governments sought to address disinformation in relation to the pandemic and rising citizen demands and protests in response to broader socio-economic and governance challenges. At least 29 countries in Africa (58 per cent) curtailed freedom of expression during the pandemic, through the criminalization of disinformation on the pandemic and the adoption of legislation that restricted Internet freedoms, while 13 countries (26 per cent) made disinformation about Covid-19 an imprisonable offence. The media laws passed in Tanzania and the cyber laws in Uganda are examples of steps taken to criminalize disinformation. While noting the importance of preserving lives and public health through the integrity of the public information provided about the vaccine, these laws sometimes provided the basis for clamping down on the media and on dissent. It is

important to mention the emerging trends of denial of the existence of the disease and vaccine hesitancy<sup>36</sup> on the continent—both due to the poor quality of information available about Covid-19. The emerging trend of denialism was seen in Tanzania, where the President declared the country to have been ‘healed by God’ and discouraged testing and vaccination.<sup>37</sup> In Madagascar, the President canvassed for ‘alternative’ home-grown treatments that failed to address the pandemic but contributed to negative attitudes.<sup>38</sup>

While national actors, such as civil society groups, work to address the growing trend of Internet shutdowns and digital rights violations, the regional courts of justice in Africa have played a role in holding state parties accountable for rights violations. However, compliance with court rulings remains minimal. At the continental level, the African Court on Human and Peoples’ Rights holds state parties accountable for human rights violations. At the subregional level, the ECOWAS Court of Justice and the East African Court of Justice have both made significant decisions over the past five years on the issue of Internet freedoms. Specifically, the East African Court of Justice’s 2017 decision on the legality of Tanzania’s media regulatory laws<sup>39</sup> and the ECOWAS Court of Justice ruling against the Internet shutdown during Togo’s 2020 elections.<sup>40</sup>

### Personal Integrity and Security

Violent conflicts and terrorism remain key challenges to democracy in the region, impacting on the right to security of the person and curtailing the enjoyment of other civil liberties. Coming from decades of liberation struggles to achieve democratic transitions, a number of African countries remain embroiled in active conflicts. The Global Peace Index ranks Africa as the least peaceful region globally, with more than 15 active violent conflicts across the continent.<sup>41</sup> Violence on the continent is driven by, among other factors, contested election results, demands for political change, contested access to natural resources, and increased activity by violent extremist groups.<sup>42</sup> The most recent examples are the civil war beginning in 2020 in Ethiopia’s Tigray region, and the insurgency that has taken place in the Cabo Delgado region of Mozambique since 2017, which intensified over the course of the pandemic.

Over the past five years, there has been an increase in political violence and terrorist activities leading to deaths and displacements across Africa. Conflicts in



Africa have increasingly taken on a regional dimension. The Sahel region,<sup>43</sup> East Africa and North Africa are the worst hit by activities of Islamic State affiliates, Boko Haram and Al-Shabaab. In Central Africa, the conflicts in Cameroon and eastern areas of the Democratic Republic of the Congo are taking on a regional dimension, leading to an emerging population displacement and refugee crisis.

The Covid-19 pandemic, however, did not contribute directly to this increase. While it has not altered or worsened the conflict landscape, the pandemic has often proved to be distracting.<sup>44</sup> Moreover, the pandemic did have an impact on peace operations, peacebuilding and dialogue interventions, and mediation efforts—because of the restrictions on physical convening, international travel and logistics. The funding gap created by the reallocation of funds to the health sector during the pandemic has also impinged upon effective peace operations and responses to the refugee crisis resulting from conflict on the continent. In addition, violent extremist groups have taken advantage of the pandemic to further establish themselves as a viable and authoritative power by providing alternative health services to communities. As was seen in Somalia, where Al-Shabaab established a Covid-19 treatment centre.<sup>45</sup> The UN has also noted deliberate attempts by extremist groups to spread disinformation and propaganda about the pandemic and governmental responses to the pandemic.<sup>46</sup>

In terms of a direct correlation between the pandemic and the personal integrity and security of individuals, the impact was recorded more in the space of human rights violations and excessive use of force by security agencies while enforcing pandemic regulations and guidelines.<sup>47</sup> At least 9 countries (18 per cent) deployed the military to enforce pandemic measures and 21 countries (42 per cent) reported excessive police force.<sup>48</sup> Excessive use of force was reported in countries including Kenya, Nigeria, South Africa and Zambia.<sup>49</sup> In countries such as South Africa where there was a national lockdown, the police reported a drop in crime rates during the months of the lockdown.<sup>50</sup> As the lockdown was eased, crime rates increased. The increase in crime rates has also been attributed to the loss of income and increased unemployment as a result of the pandemic, as well as reduced economic opportunities for Africa's young population.<sup>51</sup>

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## 4.2 SOCIAL RIGHTS AND EQUALITY

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### Gender Equality

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**As the clock ticks down to 2030, the deadline for the Sustainable Development Goals (SDGs), African countries are still far from achieving women's 'equal and effective' participation in political decision-making. According to the first *Women's Political Participation (WPP) Africa Barometer 2021*, women constitute 24% of the 12,113 parliamentarians in Africa – 25% in the lower houses, and 20% in the upper houses of parliament. While local government is often hailed as a training ground for women in politics, women constitute a mere 21% of councillors in the 19 countries for which complete data could be obtained.<sup>52</sup>**

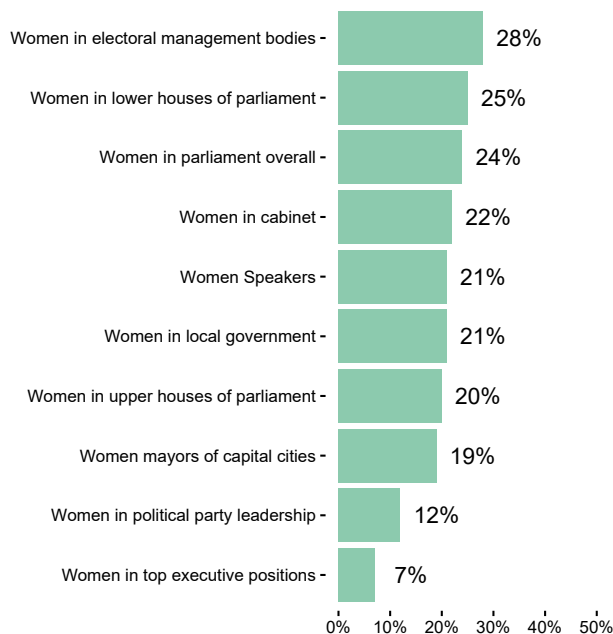
There has been ample development at the regional level of norms and standards for promoting gender equality, such as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,<sup>53</sup> the SADC Protocol on Gender and Development,<sup>54</sup> and the Supplementary Act Relating to Equality of Rights Between Women and Men for Sustainable Development in the ECOWAS Region.<sup>55</sup> However, at the national level, initiatives to promote gender equality require further attention.

The *WPP Barometer* highlights that Africa has recorded progress in women's political participation in parliaments over the last two decades; however, the continent is yet to reach the global commitment to gender equality in public life.<sup>56</sup> The *WPP Barometer* highlights that there has been a 16 percentage point increase in the representation of women in lower houses of parliament, from 9 per cent in 2000 to 25 per cent in 2020. A closer look at the figures on the subregional level shows the strongest progress within the Horn of Africa subregion, where a 25 percentage point increase is recorded, from 8 per cent in 2000 to 33 per cent in 2020 (Figure 10).

The strongest aspect of women's political participation in Africa is recorded within the space of election management, as women constitute 28 per cent of electoral commissioners across the 54 EMBs on the continent (Figure 9). This observation highlights the role of women at

FIGURE 9

**Women's political participation in Africa, 2021**



Source: International IDEA, *Women's Political Participation: Africa Barometer 2021* (Stockholm: International IDEA, 2021), <<https://doi.org/10.31752/idea.2021.21>>.

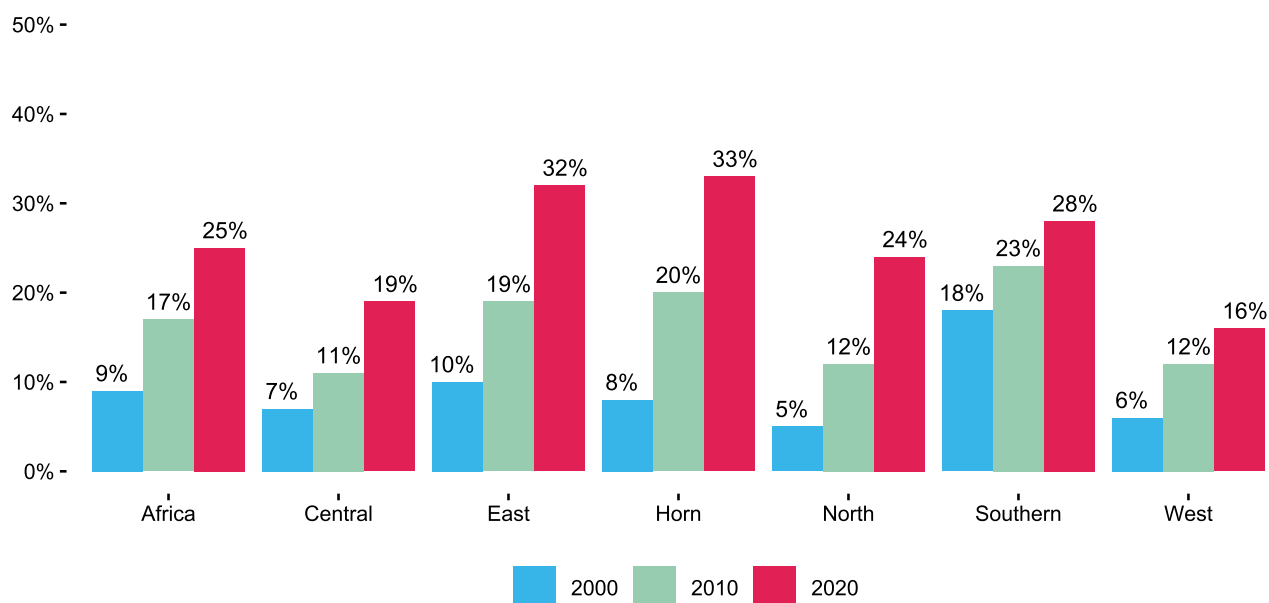
a professional level of decision-making and public life. The East Africa subregion has the highest number of women in the leadership of EMBs (45 per cent). Kenya and Rwanda's specific constitutional provisions on gender balance in appointed positions could be considered the drivers of the performance in this subregion.<sup>57</sup>

Electoral system designs are central to promoting women's political participation. Countries with proportional representation (PR) electoral systems have a higher representation of women in parliament. The WPP Barometer finds that the 18 countries with PR (e.g. Namibia, Rwanda, South Africa) have 30 per cent female representation in parliament, whereas the 10 countries with mixed PR and first-past-the-post (FPTP) systems (e.g. Senegal, Tanzania) have 25 per cent female representation, and the 23 countries with a purely FPTP system (e.g. Ethiopia, Uganda) have 22 per cent female representation.

Quotas remain a crucial means of promoting women's political participation. The lowest representation of women in parliaments is found in countries with FPTP electoral systems that do not include quotas or reserved seats. Examples include Botswana, with 11 per cent representation of women, and Nigeria, with 6 per cent female representation.

FIGURE 10

**Women's political representation in lower houses of parliament in Africa, 2000–2020**



Source: International IDEA, *Women's Political Participation: Africa Barometer 2021* (Stockholm: International IDEA, 2021), <<https://doi.org/10.31752/idea.2021.21>>.

BOX 2

### The Democratic Republic of the Congo: A challenging context for women's political participation

The historical context of political governance in the Democratic Republic of the Congo (DRC) reveals that, at the time of independence, under the influence of the Belgian administration, the participation of women in public decision-making and politics was non-existent. Despite efforts made by state actors, and the evolution of the legislative and legal framework from independence to the present day, many obstacles are slowing down the evolution of female political participation. Notable among these is the limited access by women to decision-making positions in political institutions and political careers in parties, while support of women politicians through associations is also lacking. Some important obstacles are found in the internal dynamics of political parties. Others are the result of indirect discrimination generated by the legal instruments in place which, although establishing standards and principles favourable to women, suffer from a lack of application and monitoring. In addition to these obstacles, in conflict zones, including the eastern provinces of the country, the problem of insecurity exposes women and girls to sexual and gender-based violence and intensifies their vulnerability to poverty.

The 2018 general elections represented a new opportunity to obtain a more representative and inclusive government.<sup>58</sup> The country saw a significant increase in the number of women parliamentarians compared with previous years, and there was one female candidate among the 21 presidential candidates.<sup>59</sup> While Congolese women represent around 52 per cent of the population, their representation in the electoral process is paltry. Although the Independent National Electoral Commission (CENI) has not officially published statistics on the number of female candidates in the last elections, the data provided by the Permanent Consultative Framework of Congolese Women (CAFCCO) recorded 1,794 women out of the 15,355 registered legislative candidates, or 11.68 per cent, and 2,313 out of the 19,640 provincial candidates, or 11.77 per cent. Women obtained 10.1 per cent of the seats in the National Assembly and 19 of the 100 seats in the Senate.<sup>60</sup>

Since the political changes marked by the election of President Félix Tshisekedi in December 2018, the situation of Congolese women in politics has seen positive but rather timid development. The new government is made up of 27 per cent women, including Deputy Prime Minister Élysée Munembwe Tamukumwe. Although this percentage remains low, it is useful to note that women were allocated to other significant portfolios, such as the Ministry of Planning, the Ministry of Employment, Labour and Social

Welfare, the Ministry of Public Service and the Ministry of the National Economy.<sup>61</sup> Also important is the appointment of the first female member of the Constitutional Court on 21 October 2020.

Despite all these advances, the number of women in decision-making positions does not exceed 20 per cent and remains far from the ideal of parity established by the Constitution of the DRC.

#### Positive trends

*Partnerships—civil society organizations (CSOs) and media*  
There are CSOs, community radio stations (such as an all-women radio station in Kinshasa), conflict and violence alert groups at the community level that are functional in the provinces where Internews intervenes (Ituri, Kinshasa, South Kivu and Tanganyika, for example), trainers and sensitizers on issues of peace and peaceful cohabitation, and journalists trained in the production of programmes on peacebuilding.

#### *Legislation*

Various legal and regulatory texts exist, although they should be more binding—for example, the Law on Parity, the Electoral Law and the Family Code.

#### *Representation, peer learning, mentorship*

The presence of some women in the institutions and other decision-making positions (presidency, parliament, government, courts and tribunals, public and private companies, women's organizations, etc.) can be very good allies for gender advocacy.

#### Negative trends

#### *Violence/insecurity*

The instability linked to the war in the east of the country also tends to spread and affect other provinces. This war affects more women, who are victims of atrocities and violence at all levels. This problem subsists primarily at the community level.

#### *Legislation*

The existence of non-binding laws committing political actors to gender parity. This includes the Party Law and the Electoral Law.

#### *Education*

Low percentage of women attaining high level of formal education/high percentage of women lacking access to formal education.

#### *Culture/socialization*

The existence of social constraints, including restrictive cultures and beliefs (from a young age, girls are educated to maintain the house and family).

#### *Financial resources*

In the DRC, where it is estimated that more than 70 per cent of the population live below the poverty line,<sup>62</sup> women in general do not have access to the required financial means to compete in a highly monetized political arena.

#### *Wheelbarrowing*

The tendency of assigning women ceremonial or traditionally gender-stereotyped roles within political parties.

### *The effects of Covid-19 on women's rights and political participation*

Key opportunities for women's political participation during Covid-19 are similar across different countries. The pandemic presents an opportunity for women political leaders to demonstrate transformative leadership in their constituencies. These areas may include basic mobilization of resources and raising awareness among community members of the effects of the pandemic. Women's political participation is affected in the following manner:

- **Data collection and analysis:** The Covid-19 pandemic restrictions may have affected data gathering on women's political participation, in particular the registration of voters, data on perspectives of female political leadership (attitudes on the issue by the electorate), profiling of women in political leadership, collection of sex-disaggregated data by EMBs and updating relevant databases on women's political participation.
- **The role of media during Covid-19:** Since the media focuses on selling news, Covid-19 may overtake focus and attention on women's political participation. Those who are likely to be part of news sources are those with resources to provide Covid-19 relief and community assistance, while women often have limited resources to do so. For instance, the South African organization Gender Links had to postpone its media monitoring, as all news was saturated with Covid-19 response. The media needs to mainstream Covid-19 within hard stories, such as political participation and economics. It would be interesting to find out how many Covid-19 news sources are from women during Covid-19.

- **Capacity building during Covid-19:** Covid-19 presents opportunities for women's political participation to maximize the use of online tools to lead. Although capacity building may be required in some instances, it is time that online systems were used for both accountability and delivering the social contract by political leaders. Women have lagged behind in terms of accessing Internet and technology for various reasons, including a lack of economic means, which was worsened by the loss of income by women during the pandemic. Building the capacity of women to use online resources for campaigning presents a useful opportunity for profiling themselves and serving their constituencies.

Other impacts of the pandemic on women's rights and experiences:

- **Gender-based violence:** Covid-19 lockdowns showed an increase in cases of gender-based violence (GBV). The pandemic saw many women locked down with their abusers, increasing the chances of them being violated.<sup>63</sup> In South Africa, for example, President Cyril Ramaphosa declared GBV a national pandemic, as the cases continued to rise during the lockdown. Loss of income and livelihoods by many women increased their chances of vulnerability to domestic violence, especially intimate partner violence. Calls to action for GBV prevention services, including the justice system, to go digital have been met with budgetary and infrastructural limitations. This dynamic suggests that women cannot access GBV-related services, as they were de-prioritized in favour of Covid-19-related services. Women politicians faced limitations in assisting their constituency members who are survivors of GBV during lockdown due to limited availability of services. Limited public

transport for women to report GBV cases, especially in remote areas during the Covid-19 pandemic, indicates that women must walk long distances and become vulnerable to GBV perpetrators along the way. There is the need for rapid GBV and Covid-19 assessments in many African countries to understand the changing political landscape and capacity of GBV services. Some commendable practices include that of Uganda in partnership with the United Nations Development Programme (UNDP) to establish e-learning modules on GBV for police, public prosecution, and judiciary and prison officers, to respond appropriately to GBV cases.<sup>64</sup> In Somalia and Sudan, community-based paralegals and neighbourhood watch systems support the GBV response.<sup>65</sup> In Botswana, WPP groups are working with the community members in Local Emergency Operating Centres to identify GBV service needs for each community.<sup>66</sup> Women in politics and women's rights activists must remain at the centre of GBV prevention, response, treatment and integrated approaches.

- **Access to sexual and reproductive health and rights (SRHR):** As the pandemic continues, the gender gaps in access to SRHR have become more glaring. For instance, services such as maternal healthcare have been affected by travel restrictions related to the pandemic, especially in remote areas where health centres are few or non-existent. Access to SRHR has been worsened by prioritization of Covid-19 treatment over sexual healthcare.<sup>67</sup>
- **Economic empowerment threat:** The Covid-19 restrictions have negatively affected the informal sector, which was the source of many women's livelihoods before the pandemic. This loss of income is likely to leave many vulnerable to abuse and economic exploitation. As some countries prepare for elections in 2021 and following years, long-term effects of such loss of income may prevent women from accessing campaign finance and open the possibility of vote buying where democracy is under threat.<sup>68</sup>
- **Threat to education:** While Africa has made strides in ensuring gender parity in schools, the closure of education institutions during pandemic lockdown restrictions may cause declines in the gains made in gender parity in education, especially given limited access to online education in some parts of Africa. Lockdowns have also affected young

women and girls' access to education in other ways, including high levels of teenage pregnancies and an increase in the multiple roles of the girl child compared with the boy child seen during the lockdown.<sup>69</sup> Kenya also recorded an increased rate of teenage pregnancies during the pandemic when learners were out of school.<sup>70</sup> In Kenya, the risk of female genital mutilation (FGM) increased during Covid-19, as girls were out of school and safe houses created for girls at the risk of FGM were closed. However, campaigns by female politicians and the Anti-FGM Board to stop the practice of FGM continued during the Covid-19 restrictions.<sup>71</sup>

### Basic Welfare and Social Group Equality

Prior to the outbreak of the pandemic, the continent experienced a stagnation in developments around Basic Welfare and Social Group Equality. Specifically, as shown in Figure 11, 34 countries in the region (a massive 68 per cent) ranked within the world's bottom quartile in terms of Basic Welfare, while no countries ranked in the top quartile. Furthermore, in terms of Social Group Equality, only two countries in the region (Botswana and Tunisia; 4 per cent of countries) ranked within the world's top quartile, while 42 per cent ranked within the world's bottom quartile.

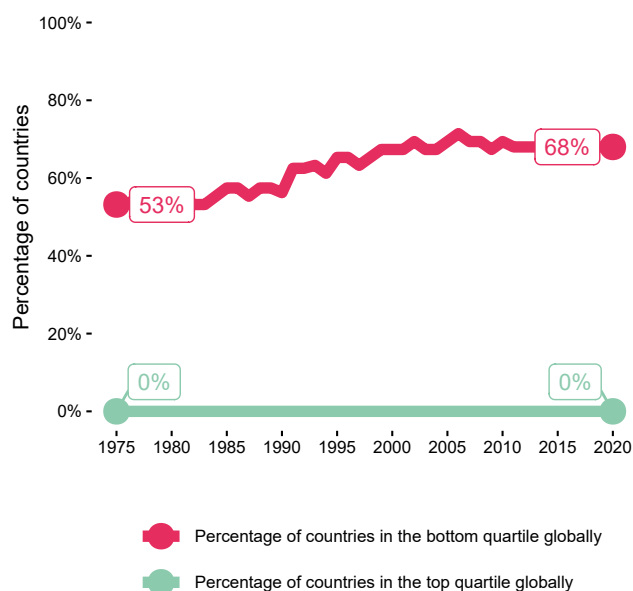
The Covid-19 pandemic exacerbated existing social inequalities and the limited access to basic welfare and service delivery. Basic Welfare remains one of the areas of low performance across the continent. The informal sector accounts for 89 per cent of employment, and small and medium-size companies account for 90 per cent of businesses on the continent. Within this context, given the restrictions imposed by the pandemic and business closures experienced during this period, the World Bank estimates the economic impact of the first year of the pandemic at 3.3 per cent contraction of economies across the continent.<sup>72</sup> The economic impact of the pandemic coupled with the pre-existing weaknesses in infrastructure and access to basic services, such as potable water, sanitation and housing, worsened the plight of the poor and marginalized on the continent.<sup>73</sup> Moreover, the reach of existing social safety nets such as unemployment grants and other benefits granted to poor and vulnerable families became quite limited due to increased unemployment as a result of the pandemic.<sup>74</sup>

At the onset of the pandemic, governments across Africa adopted strategies to limit person-to-person interactions, which necessitated school closures,

closures of businesses and shifting certain public services online. The increased dependence on online provision made Internet access a prerequisite for procuring public services and basic welfare. Contrary to expectations in the early 2000s when the Internet was projected as an equalizer, the varying levels of infrastructural development and poverty have over time created a digital divide, which has created a new form of vulnerability and inequality.<sup>75</sup> Although Internet access in Africa has increased significantly over recent years, there remains a wide gap in the level of access.<sup>76</sup> At the end of 2020, Africa's Internet penetration stood at 46.2 per cent,<sup>77</sup> and it remained the least connected continent globally.<sup>78</sup> Within the African context, where the social inequity gap is widened by poverty, the Covid-19 pandemic worsened this new form of inequality, as basic services such as health and education were moved online, further limiting access to such services and welfare.

FIGURE 11

**Basic Welfare in Africa, percentage of countries in global top/bottom quartile, 1975–2020**



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

## Chapter 5

# Checks on Government

*The Checks on Government attribute aggregates scores from three subattributes: Effective Parliament, Judicial Independence and Media Integrity. It measures the extent to which parliament oversees the executive, as well as whether the courts are independent, and whether media is diverse and critical of the government without being penalized for it.*

Checks on Government showed mixed performance across different institutions. Parliaments have adapted to the pandemic, but executive overreach remains a challenge. Covid-19 did not significantly affect parliamentary operations in Africa because parliaments were able to adapt their operations to conduct their oversight functions within a safe working environment. Parliamentary effectiveness has shown improvements in Angola, the Gambia, Lesotho, Mauritania and Sierra Leone. There were more records of attacks on journalists and suppression of the media during the pandemic, thus impacting negatively on performance in Media Integrity. The judiciary also showed overall resilience with a slight improvement in judicial independence, although this was not directly linked to the pandemic.

### 5.1 EFFECTIVE PARLIAMENT

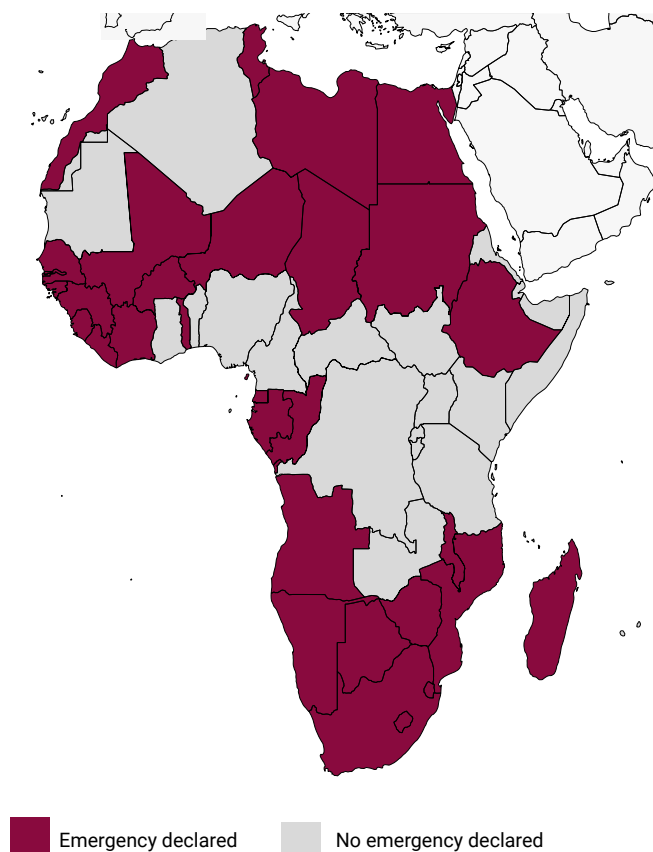
Parliaments were able to adjust their operations to function within the context of the pandemic. Parliamentary business was suspended in at least 16 African countries in the initial phase of the pandemic. However, by the second half of 2020, most parliaments had reopened, as they readjusted their operations to comply with Covid-19 health protocols, observing social distancing and sanitation requirements. Some parliaments reduced the number of sittings and some reduced the number of members of parliament (MPs) that could be present, while others adopted video-conference sittings or changed location to a bigger space to allow all members to sit safely.<sup>79</sup> For instance, the South African Parliament developed guidelines for virtual meetings and amended parliamentary procedures to allow MPs to work remotely.

Some improvements were recorded in parliamentary effectiveness. During the period under review, five countries (Cabo Verde, Malawi, Mauritius, South Africa and Tunisia) recorded consistently high performance in Effective Parliament. These are mid-range performing democracies, which also rank among the top quartile globally in this attribute. However, seven countries recorded significant declines. This group notably includes Benin, Côte d'Ivoire and Mauritius, who have been highlighted in this report as countries with the most declines in other democratic subattributes (with Benin and Côte d'Ivoire losing their democratic status). A total of 15 countries in the region (30 per cent) are ranked among the world's bottom quartile in this regard, with only 6 (12 per cent) among the world's top quartile (Cabo Verde, Ghana, Kenya, Lesotho, Malawi and Tunisia).

Positive developments in parliamentary effectiveness seen during the pandemic have included that, in some cases, parliaments were able to counter abuses of emergency powers and executive overreach. According to International IDEA's Global Monitor of Covid-19's Impact on Democracy and Human Rights, 33 African countries (66 per cent) declared a state of emergency in response to the pandemic, as shown in Figure 12. By regime type, this was broken down as 76 per cent of African democracies, 59 per cent of hybrid regimes and 58 per cent of authoritarian regimes. Of these states of emergency, 67 per cent were time-bound and had been lifted by April 2021.<sup>80</sup> Considering that, in authoritarian regimes, the executive already wields excessive powers, the impact of a state of emergency on a country was more pronounced in democracies.

Abuse of executive powers remains a challenge to democracy in the region. With an opportunity to use emergency powers in response to the pandemic, the executive in some countries, such as the Gambia and Lesotho,<sup>81</sup> invoked emergency powers in response to political occurrences to curtail the powers of parliament. Parliamentary effectiveness was weakened in some countries, such as Zimbabwe, where the executive instituted dubious recall of opposition parliamentarians. Although the pandemic provided a new avenue for exploiting executive powers, countries

FIGURE 12

**States of emergency declared during the Covid-19 pandemic in Africa**

Source: International IDEA, Global Monitor of Covid-19's Impact on Democracy and Human Rights, 29th update 18 August 2021 for all data, <<https://www.idea.int/gso-d-indices/#/indices/countries-regions-profile?rsc=%5B991%5D&covid19=1>>, accessed 20 August 2021.

with weak institutions prior to the pandemic continued along those lines. For instance, Egypt was already under emergency rule prior to the pandemic, and in response to the pandemic, parliament expanded the emergency powers.

## 5.2 JUDICIAL INDEPENDENCE

Threats to judicial independence remain a challenge, but the judiciary in some countries continued to show strength. Weak judicial independence is prevalent in the region, as only four countries (8 per cent) are ranked among the world's top quartile (Cabo Verde, the Gambia, South Africa and Tunisia), while 18

countries (36 per cent) are ranked among the world's bottom quartile. This subattribute is one of the weakest across the board on the continent, and has not evolved much since the start of the GSoD Indices: in 1975, the regional score for Judicial Independence stood at 0.39, while in 2020 this score had only reached 0.44.

However, over the past five years, courts have issued judgments that addressed executive excesses and parliamentary incapacity in contexts where the parliament has been co-opted. The landmark judgments by the Malawian<sup>82</sup> and Kenyan<sup>83</sup> judiciaries, which saw presidential elections overturned in these countries in 2020 and 2017 respectively, were defining moments for judicial independence in Africa. These two courts defied the wishes of the executive and ruling party and therefore upheld democratic principles. Beyond determining that the 2019 presidential election was significantly fraudulent, Malawi's Supreme Court of Appeal also interpreted the constitutional provisions on the electoral system. This interpretation sought to level the playing field in elections. The court's interpretation of the 50 per cent-plus-one requirement for presidential elections was significant in that the National Assembly had failed to enact reforms to address the lack of clarity in the Constitution, which was exploited by presidents to come to power without an absolute majority of votes cast. The Malawian Supreme Court judgment of 8 June 2020 served to overcome the lack of political will that had stalled the National Assembly from undertaking such reforms.<sup>84</sup> Furthermore, the decisions of the courts in Malawi to overturn the President's decision to declare a state of emergency ahead of the rerun presidential elections also give hope for improved judicial independence in the region.

Uganda is also a case where the judiciary has shown some independence, in spite of a challenging context. While the parliament is largely co-opted, the judiciary has in some instances shown strength. The 2019 judgment of the High Court in the case of the feminist and human rights activist Stella Nyanzi was one such instance. An appellate court dismissed Nyanzi's 18-month prison sentence for cyber harassment and insulting the president.<sup>85</sup> The court decision in the Ugandan presidential election appeal of 2016 also sought to address the executive's lack of political will and the co-opted parliament, by ordering the Attorney General to initiate a number of reforms that could not be waved away by political negotiation, as these were ordered by the courts.<sup>86</sup>



The year 2021 saw more landmark judgments that were indicators of judicial independence, such as the rulings of the courts in Kenya on the legality of the Building Bridges Initiative, a constitution amendment process initiative by the executive.<sup>87</sup> The ruling of South Africa's Constitutional Court that led to the imprisonment of former President Jacob Zuma for contempt of court is also noteworthy as a first in Africa.<sup>88</sup>

While there remain challenges to the independence of the judiciary in many African countries, the regional courts in Africa provide further hope for checks on executive powers. Besides the crucial judgments of the regional courts on Internet and media freedoms, mentioned earlier in this report, the ECOWAS Court has also issued important election-related judgments that put the executive in check, as was seen in 2017 in Sierra Leone, where President Ernest Bai Koroma sacked his Vice President, Samuel Sam-Sumana, on politically motivated grounds of dereliction of duty. Here, the court ruled that his removal from office was illegal and ordered the state to pay his salaries and benefits for the period of his dismissal.<sup>89</sup>

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### 5.3 MEDIA INTEGRITY

Governments have become more brazen in their clampdowns on the media. Elected governments have increasingly taken steps to stifle the media and significantly curtail freedom of the press and access to information, therefore contributing to the democratic erosion on the continent. Observable trends include enactment of legislations that restrict freedom of speech and freedom of the press; enactment of stricter licensing regulations; co-optation of the media landscape by political influences; Internet shutdowns; and criminalization of disinformation to curtail freedom of speech online. By the end of 2020, only 22 African countries had enacted freedom of information laws. In the absence of such laws to guarantee the right of citizens to information and the right to freely express themselves, governments have explored loopholes to deny citizens their rights.

In the context of rapid social media penetration and the risk of disinformation that comes with it, governments have clamped down on the media under the guise of curtailing disinformation. These moves were explained

further in Chapter 4 on Fundamental Rights. Shortly after coming to power in Tanzania, the late President John Magufuli took steps to restrict media freedoms by enacting the Media Services Act of 2016. The East African Court ruled that some provisions of the Act violated the fundamental rights of freedom of expression and freedom of the press. Ahead of the 2020 elections, the Tanzanian Communication Regulatory Authority passed new regulations that required national media houses to apply for a separate licence to broadcast foreign content. The law also restricts national media houses from collaborating with international media. Ugandan media regulatory laws also remain restrictive.

Arrests of journalists have increased significantly between 2019 and 2020, resulting in citizen mobilization and protests. The highest number of journalists have been arrested and jailed in Egypt for three years in a row. Journalists continue to be arrested, jailed and sometimes killed in the line of duty—mostly in authoritarian and hybrid regimes (Egypt, Eritrea, Ethiopia, Morocco, Somalia and Uganda). The Reporters Without Borders barometer recorded the deaths of nine journalists in the region between January 2020 and August 2021.<sup>90</sup> Suppression of the media during elections remains a challenge to democracy in Africa.

In the context of Covid-19, criminalizing disinformation about the pandemic served as the basis for arrests of journalists and withdrawal of media licences. In Zambia, for instance, a private media house, Prime TV, had its licence withdrawn for not covering the government's pandemic programmes.<sup>91</sup> The Ethiopian Government has also taken steps to further clamp down on the media in response to its coverage of the conflict in Tigray. The government arrested Yeyesew Shimelis, a journalist from Tigray TV, for comments concerning the government's Covid-19 response in late March 2020 under its disinformation law that was passed in February 2020 just before the pandemic.<sup>92</sup> The Ethiopian Government also evicted a foreign journalist affiliated with *The New York Times* for his coverage of the war in the Tigray region,<sup>93</sup> and suspended the news website of the Addis Standard in July 2021.<sup>94</sup> There were also records of arrests and harassment of journalists who covered the citizen protests and campaigns that took place over the course of 2020 in Nigeria, Uganda and Zimbabwe.<sup>95</sup>

## BOX 3

**Controversial constitution-making processes remain a challenge to democracy, yet present an opportunity for political dialogue**

A concerning trend of highly conflictual and, in some cases, hijacked constitution review processes has been observed in Africa. Controversies around constitution review and amendment processes by political actors, opposition figures and CSOs is one of the key trends in African countries over the past five years. The effect is particularly pronounced in hybrid regimes, including those transitioning from authoritarian rule, as well as those in conflict-affected and post-conflict contexts.<sup>96</sup> This trend has been worsened with the outbreak of the Covid-19 pandemic, given its effect of reinforcing distrust between citizens and political powers, as shown by controversies in 2020 in the constitution review and amendment processes in Chad, Gabon and Guinea-Bissau, and in Kenya's controversial Building Bridges Initiative that was largely driven by the executive. The hijacking of these review and amendment processes affects the legitimacy and national ownership of reforms proposed in them, and has cascade effects on other components of democratic processes in these countries, such as elections, political participation and representation, and national reconciliation.

The observed trend in controversies around the review and amendment processes are primarily simply questioning the existence of such a review, as was the case in Mali (2017), Burundi (2018), and Togo and Zambia (2019), as well as Côte d'Ivoire and Guinea (2020). The main concern is the fact that these processes automatically offer the incumbent president a legal basis to erase mandates already carried out and to run for a new term. Secondly, controversies exist around the design of the review and amendment processes. This aspect is generally characterized by bargaining between political elites in power and some interested experts, as well as a lack of proper consultations and the participation of political forces from the opposition and the inclusion of citizens (particularly women, youth and other groups that are politically, socially and/or economically marginalized in public life). This was the case in Benin, Mali, Uganda and Zimbabwe (2019), as well as in Chad, Côte d'Ivoire, Gabon, Guinea and Guinea-Bissau (2020).

Controversial constitution amendment processes sometimes also focus on the content of constitutional reviews and amendments. Three main trends are observable in this regard:

- The first trend, particularly in countries transitioning from authoritarian regimes, is the tendency to overload the processes by proposing constitutional reforms on all aspects of public life under the guise of guaranteeing the impossibility of returning to past abuses. The Draft Constitution of 2020 of the Gambia is a perfect illustration of this situation with a detailed range of provisions. Such provisions include those related to retirement package benefits for judges (Chapter X, Part IV, Section 195) and the establishment of a Commission for the Implementation of the Constitution (Schedule 4, Part 18), which duplicated the National Assembly Constitution Implementation Oversight Committee (Schedule 4, Part 19).
- The second trend is about removing or inserting specific provisions that change the political dynamics and/or bias democratic competition in countries. Key examples include: the removal of term limits in the 2018 Burundi constitutional review process; the removal of the age limit for presidential candidates in Uganda in 2019; the requirement for sponsorships from elected officials for candidates in the presidential elections in Benin in 2019; the insertion of a retroactivity clause that affects the incumbent president's term of office in the Draft Constitution of 2020 of the Gambia; and proposals to strengthen the powers of incumbent presidents in Senegal (2019), Chad (2020) and Zimbabwe (2021).
- The third trend is about how to integrate provisions from peace agreements into constitutional reforms. In post-conflict contexts, there may already be a peace agreement emerging from prior political negotiations on core principles that are to underpin any future constitutional reform process and on possible transitional arrangements for exercising public power. These arrangements (such as federalism in the 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), or regionalization in the 2015 Algiers Peace Agreement in Mali) may be difficult to implement and can fuel controversies around a constitution's review and amendment processes.

## Chapter 6

# Impartial Administration

*Impartial Administration is the aggregate of two subattributes: Absence of Corruption and Predictable Enforcement. It measures the extent to which the state is free from corruption, and whether the enforcement of public authority is predictable.*

Corruption in Africa remains high, with 40 per cent of countries in the region ranked within the bottom quartile globally, and Burundi, Cameroon, Chad, Somalia and South Sudan all scoring below 0.20. While national governments have taken steps to establish anti-corruption agencies, the independence and technical capacity of these institutions remain weak. Transparency International noted three areas where corruption is entrenched in Africa—money laundering, illicit enrichment and party finance.<sup>97</sup> Legal frameworks on anti-corruption remain weak and the capacity to prosecute even weaker. However, there have been some recent cases that highlight the importance of political will in securing the prosecution of corrupt public officials. A recent example is the 2020 judgment of an Angolan court in the corruption case against the son of former President José Eduardo dos Santo, where he

received a five-year jail sentence for illicit enrichment.<sup>98</sup> The Zondo Commission on State Capture, launched in 2018 in South Africa, looking into corrupt practices during former President Jacob Zuma's administration is another laudable endeavour to combat corruption and state capture in the country.

In the context of the Covid-19 pandemic, the influx of aid and funds further exacerbated the level of corruption and state capture in the region. Recent corruption scandals include the mismanagement of Covid-19 relief funds and procurement of personal protective equipment and other health supplies. This problem has been the case in South Africa, where the ruling party is investigating corruption within its ranks, and in Zimbabwe as well.<sup>99</sup> Corruption cases were also reported in Cameroon and Nigeria, over the World Bank Covid-19 relief loans received by these countries.<sup>100</sup> Governments have commenced public inquiries into these cases of corruption. It is unclear whether these anti-corruption efforts will lead to convictions, as previous cases of political corruption have passed without much action.

## Chapter 7

# Participatory Engagement

*Participatory Engagement is composed of four subattributes (Civil Society Participation, Electoral Participation, Direct Democracy and Local Democracy). The subattributes measure citizens' participation in civil society organizations (CSOs) and in elections, and the existence of direct democracy instruments available to citizens, as well as the extent to which local elections are free.*

Africa has experienced an increase in citizen mobilization, leveraging the online space, especially with the outbreak of the pandemic. Governments have deployed the use of force to quell protests in a number of countries.

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## 7.1 PROTESTS AND CITIZEN MOBILIZATION

In the face of the Covid-19 pandemic, Africa saw a shrinking civic space, although it was accompanied by several instances of citizen mobilization through protests to address inequalities and undemocratic leadership. The CIVICUS Monitor<sup>101</sup> noted that the most frequent civic space violations reported in Africa were arrests of journalists, disruption of protests and censorship.

West Africa, the subregion with the most number of democracies, showed concerning developments in 2020 as protests revolved around elections. In Côte d'Ivoire and Guinea, citizens mobilized in response to presidential third-term agendas. Governments in both countries responded with the use of force on protesters. The pre-election period in Togo also saw mass protests calling for an end to the Gnassingbé dynasty. Benin saw similar mobilizations that culminated in arrests of civil society actors and political figures. In Niger, protests were banned outright. Other important popular protests were recorded in Mali and Nigeria to express public frustration about poor governance and police brutality. These protests were also met with the use of force.

Marking the 10th anniversary of the Arab Uprisings, North Africa recorded an increase in citizen protests in Algeria and Tunisia. Citizen mobilization also increased in Algeria during the uprising against President Bouteflika's attempted re-election. Sudan also saw an increase in protests, which were quelled through the use of force on some occasions. In Algeria, there has been a noted improvement in civic space, as the context for CSO operations has improved and CSOs remain active in mobilizing protests while the transition there continues. Protests in Egypt were quelled by the government, and the period of the pandemic has seen an increase in citizen mobilization both on and offline. These protests were greeted by the use of force by security agencies in many African countries.<sup>102</sup>

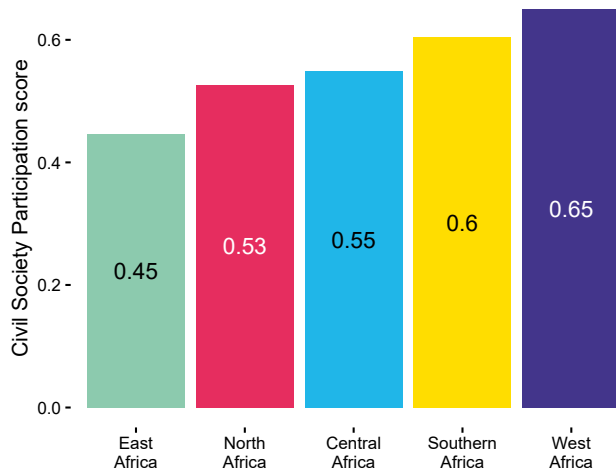
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## 7.2 CIVIL SOCIETY PARTICIPATION

Over the past decade, 11 African countries passed restrictive measures to constrain the space for the operation of CSOs, including the adoption of legislation and the introduction of restrictive procedures. These measures are introduced to regulate and in some cases restrict foreign support to civil society groups; in other cases, the measures aim to make more stringent regulations for NGO registration and restrict the content of NGO work.<sup>103</sup> These laws have been passed under the guise of national security and the need to curtail the growing activities of terrorist groups across borders. The developing trend of restricting NGO operations is more common in non-democracies, as Kenya and Sierra Leone are the only democracies that have adopted such restrictive measures. While the imposition of these restrictive measures has contributed to the shrinking of civic space in the affected countries, a positive development was also observed where attempts to impose such measures failed in five countries—Angola, Republic of the Congo, Malawi, Nigeria and Zimbabwe. In these cases, the process of introducing restrictive measures was halted either by the courts or by the parliament. These events give a positive indication of functioning democratic institutions.

FIGURE 13

Civil Society Participation in Africa, by subregion, 2020



Note: The GSoD Indices measure Civil Society Participation at the country level, using a number of indicators of the extent to which people are active in civil society organizations, trade unions, and other non-partisan organizations. This graph presents the subregional average for each of the five subregions of Africa.

Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gso-d-indices/dataset-resources>>, accessed 3 September 2021.

Figure 13 shows the levels of civil society activity in different subregions, revealing that the regions with the highest number of democratic regimes—that is, Southern and West Africa—hold the highest scores, while participation is more limited in less democratic regions.

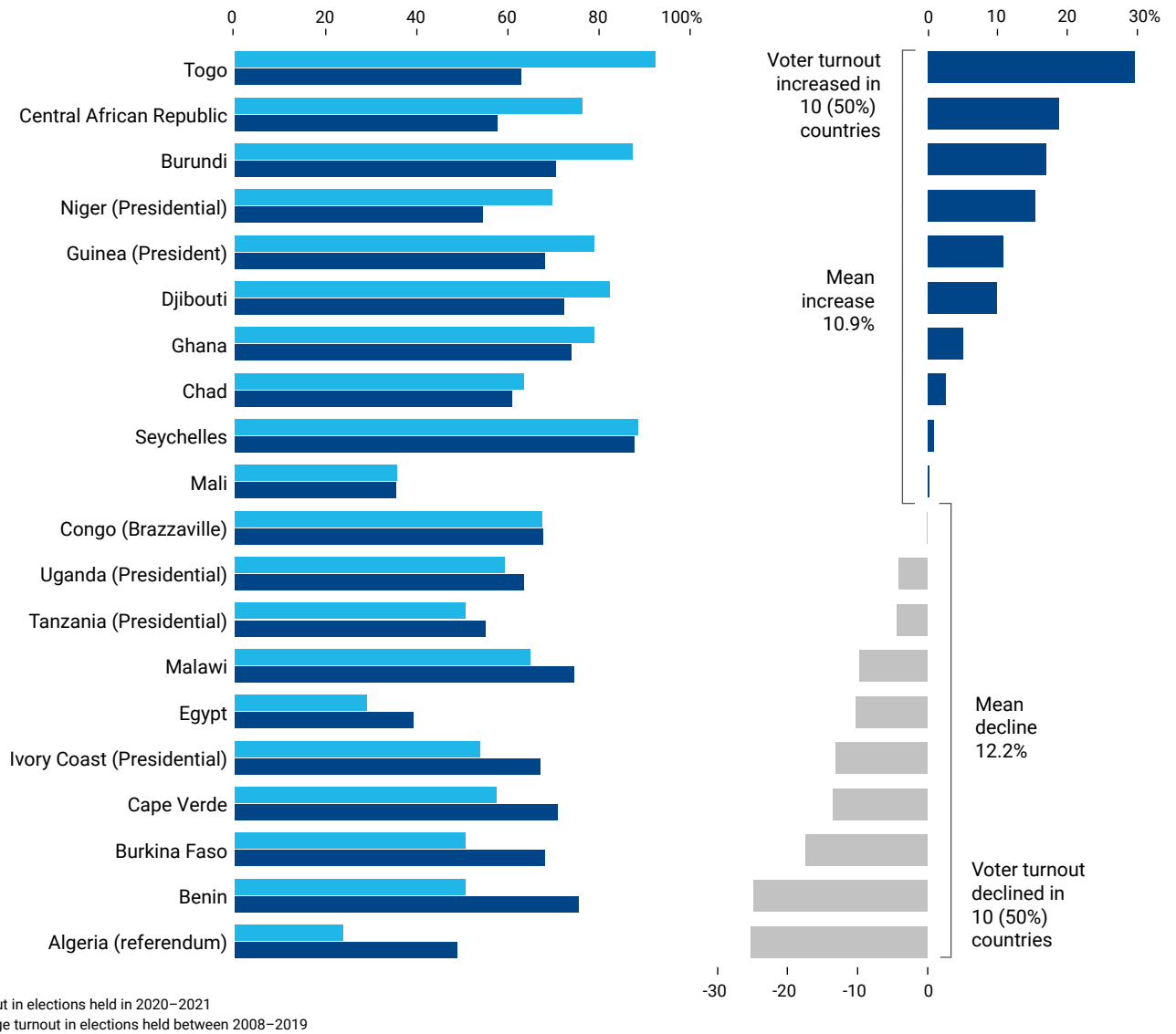
There were no new NGO laws passed in the context of the pandemic; however, there were information regulation laws that had an impact on the operations of NGOs—for example, Tanzania’s and Uganda’s laws on cybercrimes and the Ethiopian anti-terrorism laws. Civil society actors and opposition figures were arrested on the basis of such laws in the context of the pandemic.

### 7.3 ELECTORAL PARTICIPATION

Voter turnout trends during the pandemic were mixed, and did not indicate a direct correlation with the impact of the pandemic. As Figure 14 shows, while 10 countries registered an increase in turnout in elections held amid the pandemic, 9 countries suffered a decline. The countries that registered an increase were notably countries with a track record of intimidation and coercion of voters, such as Burundi. Ghana is the only democracy that recorded an increase in voter participation, which could be attributed to the level of public interest in an election that saw the immediate past president standing against the incumbent. Furthermore, the Electoral Commission of Ghana was commended for the health and safety measures that it put in place ahead of the elections and its communication of these measures.<sup>104</sup>

FIGURE 14

**Africa: Voter turnout trends during the Covid-19 pandemic**



Note: Data for 20 countries as of 31 May 2021.

Source: International IDEA, Voter Turnout Database, [n.d.], <<https://www.idea.int/data-tools/data/voter-turnout>>, accessed 3 August 2021.

## Chapter 8

# Conclusion

Democracy in Africa is gradually in decline, with contested electoral outcomes, increased insecurity, sustained attempts at reversing presidential term limits, and the re-emergence of the military in transfers of power and other forms of unconstitutional changes of government.

When placed in context, however, this decline comes after more than a decade of progress that made the continent far more democratic than at any other time in its history. The number of GSoD-designated authoritarian regimes is of concern, having risen slightly, but it remains a shadow of what it was in the 1970s and 1980s.

There are also other positives. Democratic aspirations remain high in Africa and elections remain the accepted means of ascendance to power. Electoral management bodies in 2020 showed resilience in conducting elections amid the pandemic and were flexible in adapting their operations. The peaceful transitions in Tanzania and Zambia are very positive developments on the continent. The existence of constitutional provisions to promote women's participation in politics contributes to the gradual progress recorded on that front, although opportunities remain for improvement and for the fair application of legal provisions. In some countries, such as Kenya, Malawi and South Africa, the judiciary remained firm in the face of excesses by the executive, giving hope for the protection of democracy through effective checks and bolstering public confidence to utilize judicial mechanisms to resolve disputes

rather than resort to street protests or violence. Many parliaments also showed strength in withstanding executive overreach and flexibility in their work patterns in the face of the pandemic, although there is room for overall improvement in parliamentary effectiveness. The regional judicial institutions firmly upheld the importance of Internet access and digital rights for citizens. The increasing trend of citizen mobilization across the continent showed people's resilience and democratic aspirations, in spite of the efforts of governments to close down civic space.

The impact of the Covid-19 pandemic on public health in Africa was not as drastic in 2020 as in other regions of the world. However, the third wave of the pandemic in 2021 shows a worse impact on the poor health systems of many countries, and the possible future impact looks ominous with the slow roll-out of vaccines and vaccine hesitancy across the continent. The socio-economic impact of the pandemic was more observable with the rise in unemployment and limited social safety nets to cushion the impact of the pandemic. Other issues of concern that pose a risk to democratic consolidation on the continent include the growing trend of Covid-19-related procurement corruption, police brutality and a shrinking civic space. The disruptions caused by the lockdowns at the onset of the pandemic have also led to an increase in violence against women, a drastic increase in gender-based violence, governmental excuses for cracking down on dissent, and an exacerbation of existing social inequalities.

## Chapter 9

# Policy recommendations

Reflecting on the lessons learned from the pandemic, the following points based on the observable trends in democratic development in Africa are recommendations for dealing with future risks such as health emergencies. In addition, noting that pre-existing democratic challenges remain in place, despite the pandemic, a broad set of recommendations are offered to address the gradual decline in democratic quality on the continent.

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## RECOMMENDATIONS RELATED TO PROMOTING DEMOCRACY IN THE CONTEXT OF COVID-19 AND OTHER FORMS OF HEALTH EMERGENCIES

- Governments must address the emerging trend of increased gender-based violence with as much urgency as the global health pandemic.** They should allocate specific budgets to establish community response systems for prevention and develop online portals for real-time reporting of gender-based violence. Furthermore, governments should put in place national initiatives to give justice systems the capacity to protect victims of gender-based violence and to prosecute sex offenders.
- Women's rights groups should build on the experience and lessons from the pandemic to push for gender-sensitive emergency response policies and procedures.** Disaster management strategies that are gender-sensitive will lead to the types of healthcare investments that will improve maternal health in the long run.
- Legal procedures must be defined to delineate when and how an election may be postponed.** Electoral management bodies (EMBs) and civil society groups should lead initiatives that include constitutional provisions mandating either parliament or EMBs to decide on election postponements, subject to judicial approval. Legislation should require consultation beforehand and time limits for any postponement.
- Governments and parliaments should initiate efforts to strengthen the fiscal, administrative and legal independence of EMBs and provide funding for emergencies that may arise.** Such efforts should include putting in place open, independent recruitment procedures and making provisions for direct funding beyond the election year.
- EMBs should conduct reviews to draw lessons from the pandemic, together with civil society groups, disaster management agencies and security agencies.** EMBs should develop emergency response strategies and, where necessary, initiate legal reforms to provide legal backing for such strategies, defining the minimum requirements for conducting democratic elections in an emergency.
- EMBs should leverage the opportunities created by the pandemic to open discussions on special voting arrangements and technological innovations in the conduct of elections to expand voting rights.** Such discussions should be inclusive and transparent to give voice to the views of a broad spectrum of electoral stakeholders and should address concerns expressed, before reaching a decision to adopt the use of technology in elections.
- Governments should put urgent measures in place to bridge the widening digital gap on the continent as a means of addressing the increase in inequality that has been accelerated by the pandemic.** Such measures should involve strong public–private partnerships to leverage the resources made available by big technology firms.
- The African Union and regional economic communities should support national advocacy initiatives led by civil society groups to entrench access to the Internet as a non-negotiable facilitator of other democratic rights.** Such initiatives should include advocacy for reforms to repeal laws that give governments the right to turn off the Internet or restrict access to social media platforms. The African Union should work with national governments through their different ministries of technology to act upon the commitments in its Declaration on Internet Governance.



9. **The leadership of the African Union should continue its push to bridge the gap in vaccine availability between African countries and the West.** In this regard, more countries should join the likes of South Africa to promote research and vaccine production.
10. **The Africa Centres for Disease Control and Prevention (ACDC) should work with national centres for control of communicable diseases to develop messages to counter disinformation about the Covid-19 vaccines.** The ACDC should also provide the required operational support for countries to effectively roll out a vaccination programme.
14. **Parliaments in countries that do not have specific legal provisions on affirmative action to promote women's participation in political life should prioritize the introduction of such provisions in legal reform processes, including building them into constitutions.** Such provisions include setting up mandatory quotas where opportunities for reform exist.
15. **Governments should undertake legal reforms to strengthen the autonomy of anti-corruption agencies and audit courts.** Such initiatives should include investing in capacity-building initiatives through training and operational support to strengthen the agencies' ability to effectively prosecute corrupt state officials.

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## BROADER RECOMMENDATIONS ON STRENGTHENING DEMOCRACY IN AFRICA

11. **The African Union and regional economic communities should provide support for local initiatives that seek to reverse the erosion of presidential term limits.** Such support could include the adoption of specific protocols to commit presidents to uphold the limits. This was attempted by the Economic Community of West African States in 2015 without success, but it should be encouraged.
12. **The African Union and regional bodies and mechanisms should work with non-governmental partners to strengthen conflict prevention, mediation, peacebuilding and diplomatic efforts (such as the use of Good Offices of Special Envoys and Eminent Persons) in elections considered to be at risk of violence.** Such initiatives should provide a role for respected leaders to engage with their peers to de-escalate political tensions, especially in transition and post-conflict countries.
13. **EMBs should work with civil society groups, registrars of political parties and parliaments to strengthen gender equality strategies to promote women's participation in politics.** Such strategies include establishing voluntary quotas within political parties and establishing legal provisions to prohibit violence targeted at female politicians, with specific enforcement mechanisms to deter violations. Civil society should also develop specific advocacy initiatives to address the low representation of women at all levels of government.
16. **Members of parliament, political party leaders, attorneys general, civil society groups and other stakeholders should develop inclusive and transparent constitution review strategies.** Such strategies should define who has a mandate for decision-making, set a priority list for issues to be addressed in the constitution review, and set clear timelines to avoid clashes with other institutional reforms.
17. **The Pan-African Parliament and other regional parliaments or legislative bodies should establish initiatives to advocate for the establishment of strong national legal frameworks on freedom of information and laws that protect the media as an important institution of democracy.** In this regard, these supranational legislative bodies should reach out to countries that are yet to pass freedom of information laws. Furthermore, for countries that have existing freedom of information laws, the parliaments should audit such laws against the Model Freedom of Information Law that was developed by the African Commission on Human and Peoples' Rights.
18. **The African Union should work with national professional platforms of journalists to promote the use of its newly established online portal for tracking attacks against journalists.** In this regard, the African Union, in collaboration with the regional economic communities and other relevant mechanisms, should undertake an awareness drive in its member states and train journalists in such contexts on the use of virtual private networks, especially in contexts where Internet shutdowns may limit access to the portal.

# Endnotes

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## II. The State of Democracy 2021 in the Middle East and North Africa

### INTRODUCTION

The Middle East and North Africa region is one of the least democratic in the world. Of the 21 countries analysed for The Global State of Democracy 2021 (Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, South Sudan, Sudan, Syria, United Arab Emirates (UAE), Tunisia, Yemen), only 4 are deemed to be democratic and, even then, not at the highest rank (Figure 1). Lebanon and Iraq are classified as weak democracies, while Israel and Tunisia are mid-range performing democracies.

At the other end of the scale, 14 of the countries in the region are authoritarian. Many are marked by a lack of fundamental rights, repression of free expression, and flawed elections—if any.

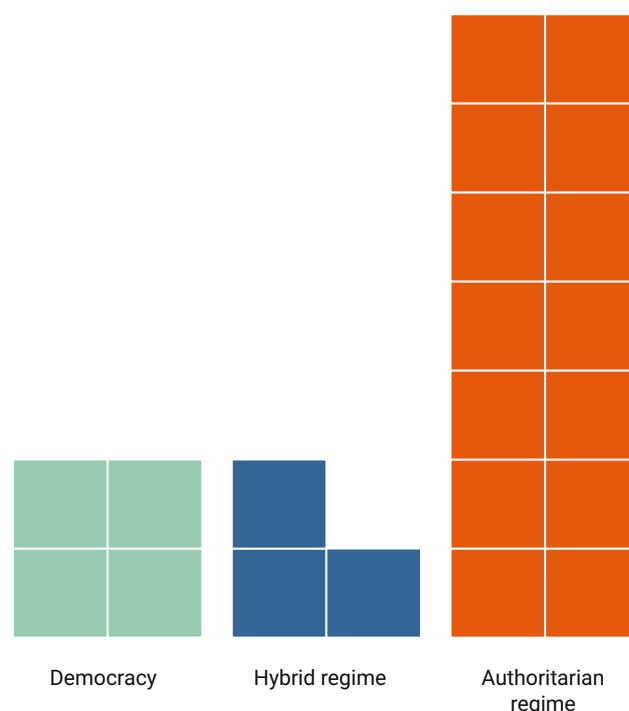
The Covid-19 pandemic has reinforced the erosion in democratic principles and the deepening authoritarianism that has accompanied a decade of economic, social and political turmoil in the region. In many places, it has underlined widespread failures in the provision of adequate public services, as well as effective citizens’ participation in political processes.

Democratic decline was marked in a range of countries, including Algeria, Bahrain and Sudan. Other countries continued to struggle with conflict and its aftermath, including Libya, Syria and Yemen.

Elections in the region remain problematic. In pre-pandemic 2019, 68 per cent of countries in the Middle

FIGURE 1

Regime types in the Middle East and North Africa, 2020



Note: Each box represents one country.

Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

East and North Africa scored below the global average on Clean Elections. In several countries, including some that are authoritarian monarchies, consequential elections are simply not held.



## Chapter 1

# Key facts and findings

The erosion of already weak democratic principles in the Middle East and North Africa is continuing, with a deepening of authoritarianism across the region. The Covid-19 pandemic exacerbated this trend, providing cover for governments to tighten control over citizens, in some cases through physical force.

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## CHALLENGES

- Elections in the region are rarely meaningfully competitive and often take place in an environment marked by restricted rights and freedoms. Ranked in terms of Clean Elections, only about one-third of the countries in the region were either at or above the average globally.
  - Many elections are held with the sole aim of keeping existing regimes in power (Algeria 2021, Egypt 2020, Syria 2021). Parliamentary elections scheduled for 2021 in Palestine were delayed indefinitely by presidential decree.
- The region's tainted track record on protecting civil liberties was even further strained by the pandemic. The Global State of Democracy (GSoD) Indices show more than half the region's countries in the bottom 25 per cent in the world when it comes to Civil Liberties.
  - Some countries used pandemic restrictions to repress citizens. Police made arrests and used excessive force to enforce lockdowns and curfews in Algeria, Egypt, Iran, Iraq, Jordan, Lebanon and Tunisia.
- Media rights deteriorated in the region, which is one of the most dangerous in the world for journalists. The Media Integrity subattribute—a key part of providing checks on government and defending rights—was below the world average in more than half of the countries in the region, with Israel and Tunisia being the only ones scoring above the average. Stringent measures were taken by governments to silence the voices they did not want to hear. Six countries (Algeria, Egypt, Libya, Saudi

Arabia, Tunisia and the UAE) have taken measures that are concerning in terms of democracy and human rights.

- Corruption plagues the region and has contributed to ongoing protests in several countries over the last decade. The pandemic opened the door to the increased use of bribery, personal connections and intermediaries as ways to access public services—to the detriment of those services.
  - Years of corruption meant that countries were severely unprepared to face the pandemic; when the first wave struck, hospitals and health centres had supply and staff shortages and lacked the organizational skills and effective systems to respond efficiently.

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## OPPORTUNITIES

- A decade of public protest has shown that demand for democracy is strong at the grassroots level. Civil society remains engaged throughout the region in seeking improved governance, accountability and standards of living. It has mobilized, since 2018, a second wave of protests to follow the 2010–2012 Arab Uprisings.
  - These recent protests have had an impact in Algeria, Iraq, Jordan, Lebanon and Sudan. In Algeria and Sudan, they contributed to the departure of heads of state who had been in power for some 20 and 30 years, respectively. In Algeria, however, the regime has since recovered a modicum of control and stability, as a result of a number of factors, including but not limited to fatigue and an absence of leadership in the protest camp, as well as state-led repression of leading opposition voices. A new constitution was adopted and a new president elected, which has allowed the state to resume many of its functions. Still, the country remains far from stable, since all the circumstances that led to the protest movement in the first place are still in existence today.

- Modest improvements in gender inclusion have resulted in more opportunities for women to serve in government. Progress is slow, but it is steady, indicating scope for growth; the latest assessment noted a positive trend towards gender equality in 12 countries in the region over the last five years.
- Within the last five years, Lebanon and the UAE have moved up to being considered mid-range rather than low in terms of their performance on Gender Equality. Iraq has made some progress—although very modest—while the number of women in the UAE’s parliament has increased from 22 per cent to 50 per cent (albeit appointed positions).

## Chapter 2

# Representative Government

*The GSoD Indices use the Representative Government attribute to evaluate countries' performance on the conduct of elections, the extent to which political parties are able to operate freely, and the extent to which access to government is decided by elections.*

*This attribute is the aggregate of four subattributes: Clean Elections, Inclusive Suffrage, Free Political Parties and Elected Government.*

## 2.1 CLEAN ELECTIONS

Most countries in the region hold elections and have electoral management bodies (EMBs) that, although mostly independent (Egypt, Iraq, Jordan, Libya, Palestine, Sudan, Tunisia and Yemen), lack capacity to administer clean elections. Much progress still needs to be made for these elections to meet international obligations and standards. Elections are free and periodic in some countries, such as Tunisia, but the framework governing political and democratic life (the law on political parties, the fight against corruption and so on) distorts the full transparency of the process. In other countries, elections are flawed from the outset, with the sole aim of keeping the existing regimes in power, as in Egypt in 2020, and Algeria and Syria in 2021. In Palestine, the 2021 parliamentary elections (the previous parliamentary elections were in 2006) were used as a political manoeuvre: elections were called, only to be interrupted on the eve of the campaign by a unilateral decision from President Mahmoud Abbas.<sup>105</sup>

Some countries envision elections as a way to emerge from a complicated transition. This is the case in Libya, where the constitutional basis for the December 2021 elections has not yet been decided. Covid-19 has further complicated this. In Iraq, overseas voting for the early parliamentary elections has been suspended due to the difficulty of organizing elections in host countries.<sup>106</sup> In Jordan, which held its parliamentary elections in 2020, the commission declared that voters who were infected by the virus were excluded.<sup>107</sup> In Morocco, municipal, regional and legislative elections were held on 8 September 2021. However, at the time, gatherings of more than 50 people indoors and more than 100

people outdoors remained prohibited,<sup>108</sup> which limited campaigning options, not to mention the question of turnout (although official turnout exceeded expectations at 50 per cent).

The structure of the electoral systems in the region also has repercussions on electoral outcomes. For example, the distribution of electoral seats, district borders, and voter and candidate eligibility requirements have translated into low levels of voter turnout before and during the pandemic and have also increased challenges related to women's participation and suffrage. Covid-19 will add further challenges to an already diminished level of women's participation in politics in the region. Before the pandemic, some countries in the region implemented quotas to ensure women's participation.<sup>109</sup> However, according to the Arab Barometer, although people in the region express a preference for greater female political participation, the belief that men are better political leaders prevails.<sup>110</sup> The uncertainty that the pandemic has brought to the region could enhance this feeling, which might be translated into less support for women as political representatives. Nonetheless, it is important to create awareness that women's participation is not only achieved when increasing the number of women in political life, but also by changing societal norms and practices that have an impact on their lives.<sup>111</sup>

The control over media outlets by the majority of governments in the region has also had an impact on elections. Governments are able to restrict journalists and media outlets in terms of what, how and when to report, probably with the aim of influencing voter turnout and intention of vote—with Iran being one of the most censored countries in the world, according to the Committee to Protect Journalists.<sup>112</sup> Governments and political parties have also used social media and social media celebrities as a means of influencing elections and attracting votes. In Iraq, some political movements that are contesting the 10 October 2021 elections are trying to attract new voters by bringing young and famous social media influencers, with thousands or even millions of followers, to their campaigns. For now, it is unclear whether this will make any difference to election outcomes in the country and whether the ever increasing abstention rate will be reversed.<sup>113</sup>

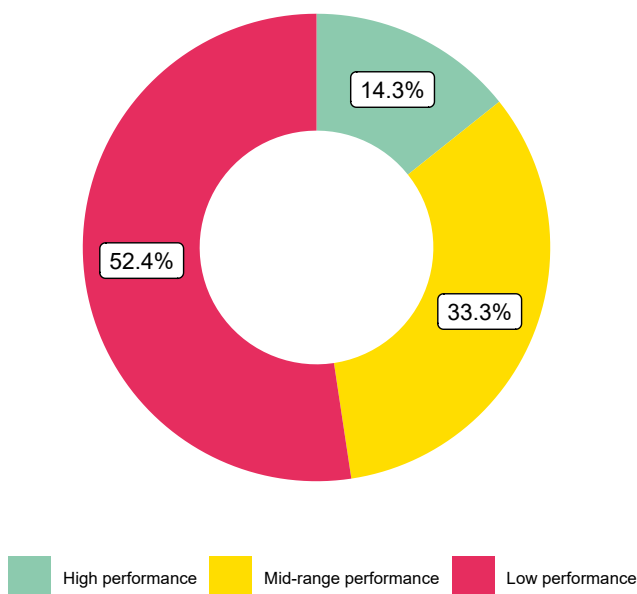
Elections in the region remain problematic (Figure 2). According to the GSoD Indices in 2020, 62 per cent of countries scored below the global average on Clean Elections. In several countries, including some that are authoritarian monarchies, consequential elections are simply not held. In many other countries, elections often lead to wildly skewed results (including, most recently, in Syria where the May 2021 elections saw the incumbent president maintain his position with 95.1 per cent of the vote). In others, weak enforcement of electoral regulations decreases public trust in the capacity of the state and the relevant EMB to properly administer elections. The reluctance of voters in the Middle East and North Africa to participate in elections often translates into low turnouts. Some of the 2020 and 2021 elections in the region saw the lowest turnout in decades. For example, the Iranian presidential election of June 2021 saw the lowest turnout (42.3 per cent) since the Islamic Revolution in 1979.<sup>114</sup> National authorities blamed the pandemic for the low turnout, and while that was certainly a factor, voter turnout had been declining well before the pandemic, mainly because most citizens have little trust in the process.

Even when elections do take place, they tend to have a limited impact on executive power because of a number of other limitations, including limitations on freedom of association. In the region, 71 per cent of countries scored below the global average on Free Political Parties. Some of the Gulf Cooperation Council (GCC) monarchies—Oman, Qatar, Saudi Arabia and the UAE—ban political parties and allow only limited scope for association through ‘societies’ or ‘blocs’. Many countries that do allow political parties place severe restrictions on their operation or even existence, making access to political power in the region hardly free or equal. The space within which political parties can express themselves is also significantly limited by institutional factors, including the broad executive authority that countries’ leaders (monarchs or presidents) hold, as well as restrictions on the media. The existence of free political parties, including both Islamist and non-religious parties, is an important step to enable democracy to potentially take root in the region.

In 2020, six national elections were held (although some were delayed) in the region, including in Egypt, Iran, Israel, Jordan, Kuwait and Syria. Local elections were scheduled in Libya and Oman, the former being held after some delays but the latter has been postponed indefinitely.

FIGURE 2

**Clean Elections levels in the Middle East and North Africa, 2020**



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gso-d-indices/dataset-resources>>, accessed 3 September 2021.

Iran held the first round of legislative elections on time on 21 February 2020, despite the fact that the authorities were aware that Covid-19 was already spreading. The elections had the lowest turnout in a parliamentary election since the Islamic Revolution in 1979, with only 42.3 per cent of eligible voters casting their votes. The last election in 2016 had a turnout of 60 per cent.<sup>115</sup> The second round was due to be held in April 2020, but it was postponed to 11 September 2020.<sup>116</sup> When it was held, campaigns were marked by bans on any form of gathering, the disinfection of polling stations and the use of masks on election day.<sup>117</sup> The turnout for the second round appeared to be very low, but no official data is available. Concerns about the presidential election in June 2021 were extensive, not only because candidates were preselected by the country’s unelected Guardians Council but because it seemed that very few Iranians would be going to the polls.<sup>118</sup> Official surveys suggested a month before the election that there would be a 39 per cent turnout (in comparison with 73 per cent in the 2017 presidential election),<sup>119</sup> which could have compromised the legitimacy of the election even further. However, the 49 per cent voter turnout was not as low as expected.<sup>120</sup>

In Jordan, general elections were held on 10 November 2020 in the middle of the pandemic. A number of tough measures were imposed by the authorities, including up to one year in prison if voters tested positive for Covid-19 and still went to the polls.<sup>121</sup> Combined with broader electoral apathy in Jordan, the result was that voter turnout was one of the lowest the country has ever experienced, at 29.9 per cent.<sup>122</sup> The new parliament's composition included significantly fewer opposition personalities and women.<sup>123</sup> The fact that the severe lockdown in the country prevented candidates, particularly women, from conducting campaigns was a factor in this outcome. Although the number of women registered as candidates grew from 252 to 360, out of 1,674 candidates across the country, the lower chamber lost 5 women and the upper chamber lost 3 women. The 2016 lower chamber had a total of 20 women, and the newly elected one just 15—the minimum number required by the quota system (one for each governorate in the country). In the upper chamber, the number of women decreased from 10 to 7 between 2016 and 2020.<sup>124</sup>

Many countries in the region held or will hold elections in 2021 (Table 1). Some postponements have already been made, although not for reasons related to the pandemic. In Palestine, presidential and parliamentary elections were due to take place in May 2021 but were postponed indefinitely after Israel announced that it would not allow for polling centres to be set up in East Jerusalem. Some observers speculated that the sitting president, who was ultimately responsible for announcing the postponement, was not in favour of elections, after polls indicated that his party would perform poorly in them.<sup>125</sup>

In July 2020, Iraqi Prime Minister Mustafa al-Kadhimi called for an early general election in June 2021 in response to anti-government protests in which hundreds of young Iraqis were killed. It was expected that parliament would not accept the date, and in January 2021 the cabinet, through a unanimous vote, postponed the elections to October 2021. In addition, the electoral commission claimed the country needed more time to be able to organize and conduct free and fair elections.<sup>126</sup> Civil society actors have attempted to mobilize politically, seeking to register new political parties, but will face very significant challenges in their campaigns. The new electoral law establishes a non-transferrable first-past-the-post system of voting for individual candidates across a number of provinces in the country, which will make it hard for civic actors and

young political leaders to break into what has become a monopoly of power. In addition, established political parties have access to very significant resources, the likes of which are not accessible to new and young candidates. Weak enforcement of campaign finance rules and other electoral regulations will also favour incumbents. Finally, the ever-present use of violence and force to support political power will no doubt dissuade many from competing and from voting.<sup>127</sup>

Although Israel's elections might be considered the freest in the region, the country faced a political crisis between 2019 and 2021, holding four national elections in the space of two years. The structure of the political system makes it difficult for a single party to win the majority in the parliament. This often encourages small parties to have a say when forming coalitions, giving the parliament a broad range of voices but making it hard to form robust coalitions. In 2019, legislative elections were to be held in November but due to the continuous dispute between members of the government, together with the then-impending corruption charges against Prime Minister Benjamin Netanyahu, it was decided to bring elections forward to April 2019.<sup>128</sup> Elections were held and no party was able to form a government; the parliament was dissolved in May and new elections were called for September that year.<sup>129</sup> The second election once again saw a political deadlock, as neither the government, headed by the Likud party, nor the opposition, headed by the Blue and White party, achieved a majority through coalitions. There were negotiations and intentions to form a national unity government, but the refusal of both parties to cooperate further ended in a call for new elections that took place in March 2020.<sup>130</sup> The third election was a virtual tie, but this time the government and the opposition reached an agreement that led to the formation of a new government. In the agreement, Benjamin Netanyahu would continue to be Prime Minister until June 2021, when Benny Gantz, the opposition leader, would take over until November 2021. But the agreement collapsed in December 2020 and new elections were called for March 2021.<sup>131</sup> The fourth election took place but reflected the deepening schism, as again no political bloc won enough seats to form a government. The Likud party once again won most of the votes, followed by the Yesh Atid party, led by Yair Lapid, who had been the leader of the opposition since May 2020. After several attempts by all parties to form a coalition, on 2 June Lapid announced to the Israeli President Reuven Rivlin that he had managed to form a coalition government. His plan was that Naftali Bennett, leader of the right-

wing party New Right, would serve as Prime Minister for two years, and Lapid would take over for the last five years of government. On 13 June 2021, this was ratified by the parliament, ending the 12 years of Benjamin Netanyahu's government.<sup>132</sup>

Prime Minister Benjamin Netanyahu's constant push for re-election thrust the country into a political stalemate that appears to have ended with a coalition government that will have to prove its robustness. Many commentators have argued that Netanyahu was motivated to seek re-election by the corruption trials that he is facing, in the hopes that his position as Prime Minister could benefit him in the trial. In fact, some political analysts have speculated that Netanyahu risked another election in the hope of fighting the charges against him before giving the power to Gantz, as was agreed, and thus broke up the government in December 2020.<sup>133</sup> And, although in March 2021 Netanyahu vowed to accept the results of the election, even if they were not favourable, by June he had adopted Trumpian overtones by accusing the newly formed coalition of being the result of 'the greatest election fraud in the history of the country, and in my opinion, the history of democracies'.<sup>134</sup>

TABLE 1

**Elections in the Middle East and North Africa in 2021**

Country	Date	Type
Algeria	12 June (advanced from 2022)	Legislative
Iran	18 June	Presidential
Iraq	June (postponed to 10 October)	Parliamentary
Israel	23 March	Legislative
Libya	24 December	General
Morocco	8 September	General
Palestine	22 May (postponed)	Legislative
	31 July (postponed indefinitely)	Presidential
Syria	26 May	Presidential

Source: National Democratic Institute (NDI), Global Elections Calendar, <<https://www.ndi.org/elections-calendar>>, accessed 22 July 2021.

## Chapter 3

# Fundamental Rights

*The Fundamental Rights attribute aggregates scores from three subattributes: Access to Justice, Civil Liberties, and Social Rights and Equality. Overall, it measures the fair and equal access to justice, the extent to which civil liberties such as freedom of expression or movement are respected, and the extent to which countries are offering their citizens basic welfare and political equality.*

### 3.1 CIVIL LIBERTIES

For years, the failure to protect civil liberties has been one of the weakest points for most regimes in the Middle East and North Africa. According to the GSoD Indices, 13 countries fall within the bottom 25 per cent in the world in terms of ranking on the Civil Liberties subattribute. In the Middle East and North Africa, where the majority of countries have large informal and cash-based economies, lockdown measures and restrictions imposed in an attempt to curb the pandemic had devastating impacts on poorer segments of society. According to World Bank estimates, Covid-19 has pushed an additional nine million people in the region

into extreme poverty.<sup>135</sup> In March 2020, Jordan imposed one of the most severe lockdowns in the world.<sup>136</sup> All public places were closed, including hospitality. Cross-border travel within the country was suspended, and all territorial borders were closed. Severe curfews were also introduced, including blanket bans on all forms of movement for several weeks at the outset.<sup>137</sup> Restrictions were eased after it appeared that the virus was brought under control. However, in November 2020, as the number of infections increased, the country moved into a period of fluctuating closure; this meant that the country was totally locked down on some days, while daily life was allowed to slowly return to some form of normality on others.<sup>138</sup>

Some countries used the restrictions to expand already repressive contexts. According to the Global Monitor of Covid-19's Impact on Democracy and Human Rights, all countries in the region have taken measures that affect civil liberties. In 81 per cent of the countries, such measures have been concerning. The aspect of democracy that merits the most concern not just in the Middle East and North Africa, but also globally, is Personal Integrity and Security, with at least 16 countries in the region having imposed related restrictions. Police have made arrests and used excessive force to enforce lockdowns and curfews in Algeria, Egypt, Iran, Iraq, Jordan, Lebanon and Tunisia. At the same time, however, once the virus started spreading in prisons, all countries in the region released prisoners in an attempt to curb infections within their facilities—although most of those granted liberty had been incarcerated for minor crimes. Once this became public, it was clear that conditions in prisons and detention centres in the region were not optimal. For example, it was reported that the unsanitary conditions and lack of medical care had helped to spread the virus in the UAE<sup>139</sup> and Iran.<sup>140</sup> It also demonstrated, in most cases, the poor conditions in which convicts live. The Egyptian Initiative for Personal Rights (EIPR) released a report in late 2020 about prison conditions and the increased number of executions during the pandemic, which had seen its highest monthly rate in modern history in October.<sup>141</sup>

#### BOX 1

##### States of emergency in the Middle East and North Africa

In the region, 38 per cent of countries have declared states of emergency since the start of the pandemic, including three democracies (Israel, Lebanon and Tunisia), two hybrid regimes (Jordan and Morocco) and four authoritarian regimes (Egypt, Libya, Palestine and Sudan). The region fell below the global average of 59 per cent in this regard. By the beginning of August 2020, one-third of countries worldwide had lifted their states of emergency, but only one country in this region. Lebanon lifted its Covid-19-related state of emergency on 2 August 2020, only to reimpose another one in the aftermath of the Beirut port explosion on 4 August.

In another attempt to prevent the spread of the virus, several countries in the region used drones, robots and apps to monitor the movement of citizens.<sup>142</sup> Amnesty International revealed that Bahrain, Kuwait, Lebanon, Qatar and the UAE had the most invasive Covid-19 tracing apps in the world<sup>143</sup> and, at least in Bahrain and Qatar, they were compulsory.<sup>144</sup> None of the North African countries have compulsory tracing apps.

## BOX 2

### Tunisia's rugged transition

Since 2011, Tunisia has been engaging in a transition from authoritarian rule to a democratic system. A new Constitution was adopted in 2014 that was the result of a multiparty negotiation, and multiple elections have taken place which saw real competition between a large number of parties and candidates. On the other hand, many of the underlying conditions that led to the 2011 uprising have been worsening in the period since, including inequality, poverty and marginalization. Many of those trends have been even more pronounced since the start of the pandemic, and the government has been unable to present any convincing plans to counter that. In that context, on 25 July 2021, President Kais Saïed triggered article 80 of the 2014 Constitution and declared a state of emergency. The precise nature of the emergency was not detailed but it was widely understood to include the government's response to the health crisis caused by Covid-19 and corruption. The President detailed a number of steps that are to be taken pursuant to article 80, including the formation of a new government that will be solely answerable to him (contrary to the provisions of the 2014 Constitution), the freezing of all parliamentary activity until further notice, and the lifting of parliamentary immunity. These measures appear to enjoy wide popular appeal, but many Tunisians have expressed serious concern at how much power has been concentrated into the President's hands and the total absence of any form of oversight. The President has not clearly established how long article 80 will remain in effect and what other measures are likely to flow from this situation, but many analysts and actors have speculated that a new constitution will be adopted, which will provide for a fully presidential system of government. In the meantime, by early September 2021, a small number of parliamentarians, government officials and members of the legal profession have been either arrested, placed under house arrest or prevented from travelling, in some cases without any form of official justification.

Several countries in the region were accused of using Covid-19 as an excuse to suppress freedom of expression even further. Amnesty International has argued that 'the Gulf Cooperation Council (GCC) states have failed to justify how these measures are necessary and proportionate for the protection of public health'.<sup>145</sup> Some governments criminalized 'disinformation' and targeted journalists, media organizations and regular citizens who contradicted government pronouncements. For example, in Saudi Arabia, the government's official reports are the only ones that can be used. The Ministry of Health decreed that only official data could be quoted and referenced. A number of governments considered that any reporting critical of official pronouncements constituted misinformation, and punished such actions with fines and hefty jail terms.<sup>146</sup> Arrests of prominent journalists have continued throughout the pandemic, particularly in Egypt, which remains one of the highest jailers of journalists in the world;<sup>147</sup> for example, the editor-in-chief of Al-Manassa (an online independent publication), and other journalists covering periodic small-scale unrest in the country, have been arrested,<sup>148</sup> signifying little movement or opening up of space for reporting during the pandemic.

Restrictions on civil liberties have an outsized impact on minority groups. For example, in April 2021, a Human Rights Watch report described the Israeli Government's policies in the occupied Palestinian territories as amounting to 'crimes against humanity of apartheid and persecution'.<sup>149</sup> Migrants also face serious obstacles in the region, especially with regard to restrictions of their civil rights. The Middle East, specifically the GCC countries, host a large percentage of migrants in the world.<sup>150</sup> Saudi Arabia and the UAE are among the top 10 destinations for international migrants, hosting the third and the sixth largest of such populations in the world, respectively.<sup>151</sup> Migrants in the Arabian Peninsula dominate the construction and domestic work sectors, where they constitute 95 per cent of the labour force. Migrants are often at greater risk of sickness and injury, since they tend to experience overcrowded living conditions, inadequate healthcare and suboptimal economic situations. Labour laws also put migrants at greater risk of human rights violations, as they are outside national labour laws and are not offered protection. One example of this is the Kafala sponsorship system, which forbids the worker to leave their employment or change employers without their employer's consent. This increases the risks of abuse and exploitation, which have already been compounded by the pandemic.<sup>152</sup> However, the pandemic has also brought reforms to the



Kafala system in two countries. In 2020, Qatar and Saudi Arabia amended their laws to benefit migrants in their countries. In Qatar, two laws were passed that might have an impact on the Kafala system. The first one abolished restrictions on migrant workers changing jobs without their employer's consent but did not remove the ability of employers to file criminal 'absconding' charges against workers who leave their job without permission. The second law introduced a monthly minimum wage. Both laws are yet to be fully implemented, but they are a step forward for migrants.<sup>153</sup> In November 2020, Saudi Arabia passed a new labour reform that came into effect in March 2021. It allows some migrant workers to change jobs without their employer's consent, but it excludes domestic workers and farmers—who are among the least protected and are more vulnerable to abuse. The reform also allows for migrant workers to request an exit permit without an employer's permission.<sup>154</sup>

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### 3.2 BASIC WELFARE

An effective government should ensure that the basic rights of its population are not merely formal aspects of the law but are in fact protected in practice. Basic rights and economic freedoms are commonly guaranteed in democracies, but rarely in non-democratic regimes. In the Middle East and North Africa region, many countries have neglected or violated basic rights and economic freedoms. This, in turn, has often translated into protests against the government as the people demand a better quality of life through the fulfilment of economic and social rights, among other things. According to the Arab Barometer, in 2018, 38 per cent of the population in the region thought their country's economic situation was bad, and 35 per cent thought it was very bad. Nonetheless, 53 per cent still thought it was either somewhat better or much better than in 2013.<sup>155</sup> Most countries in the region have faced long-term economic instability, corruption and mismanagement of resources, which have led to social inequalities. The institutional challenges some countries face include high unemployment (especially youth unemployment in the region, which reached 23 per cent in 2020 and remains the highest in the world<sup>156</sup>), poor education, high spending on security and the military, and often an ineffective and inefficient public sector. This last point has been very relevant since early 2020 and has marked, to some extent, how the countries have responded to the pandemic. Weak public health services and infrastructure have defined the Middle

East and North Africa in the last decades. The limited state spending in this sector has made private health services in the region very lucrative and quite developed, but unaffordable for the vast majority of the population. When the pandemic hit, it was unsurprising that many countries' health systems were unprepared. According to Transparency International, public hospitals were not only undersupplied but understaffed, which translated into a decrease in the already low trust in the public sector, since it became clear that the protocols for crisis management were extremely poor.<sup>157</sup>

Egypt's poor health system and infrastructure required substantial support to provide adequate healthcare and support to those infected with Covid-19. In May 2020, the Minister of Health faced significant public anger towards her office and the government in general, as anecdotal testimonies flooded social and mainstream media declaring the pandemic a crisis. Stories of bodies being left at the doorways of hospital emergency rooms and the refusal by many medical institutions to admit Covid-19 patients caused outrage. In response, the Minister announced that over 320 state-funded hospitals would be prepared to admit Covid-19 patients and provided government regulations to cap exorbitant prices being charged by private hospitals in the event they were open to treat Covid-19 cases.<sup>158</sup> In Lebanon, although the government had tried to improve the health system through its 2007–2012 National Health Strategy,<sup>159</sup> it was still very frail. Furthermore, when the pandemic hit, hospitals were beleaguered and unable to provide services to all those in need, especially after the terrible explosion in Beirut's port on 4 August 2020 that destroyed three hospitals.<sup>160</sup>

While this example of suffering health systems is the most common in the region, it is also important to highlight that the UAE's well-developed health sector was able to control the pandemic better than many countries in the world. During the pandemic, the UAE invested significantly in healthcare. Being one of the only countries in the region, if not the only one, where the healthcare sector was able to withstand the pandemic, the country chose to focus on treatment and vaccine development, as well as working towards targets to get its economy restarted amid the lifting of restrictions.<sup>161</sup> The UAE was one of the leaders in mass testing, having conducted tests throughout the pandemic, reaching the capability of testing for its entire population.<sup>162</sup> It was one of the leading countries to engage in clinical phase III trials of two major Chinese-developed vaccines, Sinopharm and Sinovac; the

regulatory authorities provided accelerated registration to the Sinopharm vaccine after successful phase III trials.<sup>163</sup> As a result, as of August 2021, it is the country that has administered 179 doses per 100 people, the most doses in the world.<sup>164</sup> On the other hand, war-affected Syria and Yemen are among the countries with the fewest administered doses per 100 people, with 2.22 and 1.04 respectively. Other countries, such as Egypt, Iraq and Sudan, are also on the lower side of the spectrum of doses per 100 people.<sup>165</sup>

Although the situation is dire, it is worth mentioning that the percentage of people receiving any kind of social assistance in the Middle East and North Africa region has risen from around 20 per cent to over 70 per cent during the pandemic.<sup>166</sup> According to the Global Monitor of Covid-19's Impact on Democracy and Human Rights, at least 11 countries in the region have adopted aid plans to help with the recovery process during and after the pandemic.<sup>167</sup> As early as March 2020, high-income countries announced recovery packages. For example, Qatar's package was worth about 14 per cent of its GDP (approximately USD 20.4 billion). In middle- and low-income countries, such as Iraq or Lebanon, public bodies established funds to collect donations and help finance the crisis, focusing on health, unemployment and supporting minorities.<sup>168</sup>

Nonetheless, the impact of Covid-19 will be deep and its consequences harsher in the already poor and vulnerable populations. An estimated loss of at least 1.7 million jobs in just the first year of the pandemic,<sup>169</sup> together with estimates from the United Nations Economic and Social Commission for Western Asia of an additional 8.3 million people falling into poverty in the region as a result of the pandemic,<sup>170</sup> is not very encouraging.

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### 3.3 GENDER EQUALITY

In March 2021, during the UN Commission on the Status of Women (CSW) meeting, United States Vice President Kamala Harris stated: 'The status of democracy also depends fundamentally on the empowerment of women. Not only because the exclusion of women in decision-making is a marker of a flawed democracy, but because the participation of women strengthens democracy.'<sup>171</sup> Research on the link between women's political participation, leadership and strong democratic governments is relatively new, but there is already strong evidence of the positive effect of gender equality

on societies.<sup>172</sup> Government ministries, decision-making bodies, political parties and civil society organizations (CSOs) should include women's voices in a bid to strengthen their democratic institutions.

Gender equality is an enormous challenge in the region, in terms of both women's political representation and the overall situation for women. Before the Covid-19 pandemic, some of the most common problems that girls and women faced in the region were early marriage, domestic violence and general violence against women. The pandemic has reversed many achievements and has exacerbated the gender gap in all spheres. The Middle East and North Africa region has one of the largest gender parity gaps in the world, at 60.9 per cent.<sup>173</sup> At the current pace, this gap is set to close in 142.4 years. According to the GSoD Indices, 17 countries in the region are in the bottom 25 per cent of the world for Gender Equality. There is strong evidence that this situation has already worsened as a result of Covid-19-related restrictions and that reversals will take a significant time to overcome.

During the last few decades, countries in the region have made very slow—modest but steady—improvements in Gender Equality. In addition, in the last five years, none of the countries in the region have experienced a significant decline. According to the Global Gender Gap Report 2021, 12 of the 17 countries in the region that were assessed between the 2020 and the 2021 editions registered a positive trend, which is an improvement on the previous period. According to the GSoD Indices in the last five years, Lebanon and the UAE advanced from being low to mid-range performers. In five countries in the region, women represent 6 per cent or less of the lower house: Yemen (0.3 per cent), Kuwait (1.5 per cent), Oman (2.3 per cent), Lebanon (4.7 per cent) and Iran (5.6 per cent).<sup>174</sup> The number of women in the UAE's parliament also increased from 22 per cent to 50 per cent in 2019, although that body is mostly appointed. In Jordan, the number of women parliamentarians declined following the 2020 elections (see Section 2.1).

Domestic violence, which was already prevalent before the pandemic, increased exponentially after lockdowns, curfews and movement restrictions were imposed. For years, under-reporting of domestic violence has been a challenge. In fact, less than 40 per cent of women who suffered from such violence reported the crime or sought any kind of assistance.<sup>175</sup> However, since the beginning of the pandemic in early 2020, the gender-based violence crisis in the region has heightened.

The increase in cases and calls for support has been dramatic, according to women's rights organizations, helplines and shelters from some countries in the region, including Algeria, Iraq, Jordan, Morocco and Tunisia.<sup>176</sup> This is likely to be the result of restrictions on movement, namely lockdowns and curfews, alongside job insecurity, large families living in cramped spaces, a reduction in services and the difficulty of reporting attacks. Putting these circumstances together with the social norms that permeate the region, where men normally take full responsibility for the family income, frustrations have translated into increased violence against women.<sup>177</sup> It was also noted by some CSOs that online violence towards women has increased, because social distancing and restrictions on gatherings have meant that perpetrators have found new spaces on social media.<sup>178</sup>

According to Plan International, the impact of the increase in gender-based violence is worsened by the overall disruption in the delivery of essential services to victims, including but not limited to health, justice and social services. Legal services such as custody and alimony have been put on hold. Across the region, clinics that work to help and support victims of domestic violence have closed, and there has been a dramatic reduction in staff at women's shelters, which worsens the reality victims face on a daily basis. The disruption in these legal services has also forced other actors, including the police, to resort to informal justice mechanisms, such as community mediation, to try to safeguard the well-being of survivors. However, these mechanisms have made women more vulnerable and increased the risks to their safety and well-being.<sup>179</sup>

## Chapter 4 Checks on Government

The Checks on Government attribute aggregates scores from three subattributes: Effective Parliament, Judicial Independence and Media Integrity. It measures the extent to which parliament oversees the executive, as well as whether the courts are independent, and whether media is diverse and critical of the government without being penalized for it.

journalists to operate in. The World Press Freedom Index from Reporters Without Borders, which provides measurements for 180 countries, shows that 7 countries in the region are among the 15 worst for journalists in the world: Libya (ranked 165th), Egypt (166th), Bahrain (168th), Yemen (169th), Saudi Arabia (170th), Syria (173rd) and Iran (174th).<sup>180</sup> This is the result of a broad range of factors, including conflict, weak rule of law and a hostile political environment.

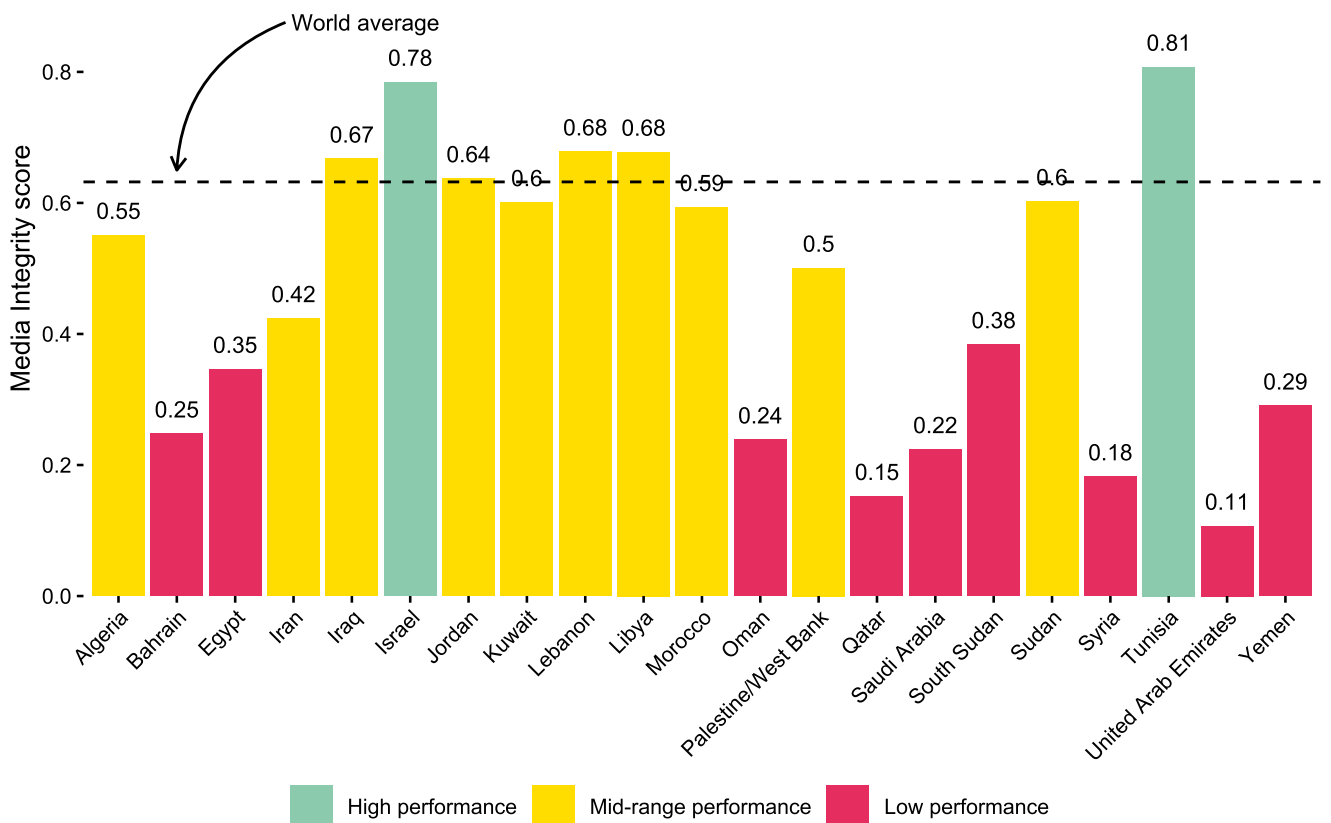
### 4.1 MEDIA INTEGRITY

The Middle East and North Africa, 2020 continues to be one of the most dangerous regions in the world for

In the Middle East and North Africa, Media Integrity is one of the most affected subattributes of the GSOD framework. Of the 21 countries in the region, 16 have experienced declines in the last five years, and in Algeria

FIGURE 3

Media Integrity in the Middle East and North Africa, 2020



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gsod-indices/dataset-resources>>, accessed 3 September 2021.

and Bahrain the declines are significant and have exacerbated the countries' deepening autocratization. In total, 11 countries in the region are below the Media Integrity world average, while Qatar, Saudi Arabia, Syria and the UAE score in the bottom 10 countries in the world (Figure 3).

Since the pandemic began, the overall environment for journalists has deteriorated further. Stringent measures have been taken by governments to silence the voices they do not want to hear. Eight countries in the region (Algeria, Egypt, Iran, Jordan, Libya, Saudi Arabia, Tunisia and the UAE) have taken measures that are concerning for democracy, human rights and for media integrity in particular. Specifically, Saudi Arabia and the UAE have both imposed high fines for individuals or media outlets showing information regarded as false, which raises concerns about how free the media is to report on Covid-19. Ten countries (Iran, Iraq, Israel, Jordan, Lebanon, Morocco, Oman, Sudan, Syria and Yemen) have taken measures that will be monitored to track whether or not they become a concerning development. For example, the Yemeni Government issued a decree to temporarily suspend the production and distribution of paper copies of government and private newspapers, purportedly to combat the spread of Covid-19 in the early days of the pandemic. Another example is the use of 'electronic armies'<sup>181</sup>, which have been deployed in the region as well to intimidate journalists and dissidents.<sup>182</sup>

Egypt's media landscape is largely controlled by the security sector. Since at least 2013, security agencies have encroached upon private media organizations, including by buying control of a majority of TV and print media outlets.<sup>183</sup> Little to no independent media remains in the country, with the pandemic proving a useful tool to encourage continued restrictions on the freedom of information and expression. As a result, media outlets mainly carried biased views that were completely supportive of the state's response to the pandemic.<sup>184</sup> Small-scale independent media organizations were attacked and suppressed in a continuation of undemocratic practices under the authoritarian regime.<sup>185</sup>

Public anger in Iraq has grown in response to partisan media across the country. In Iraq, every political group has its own media channel or resources such as radio or print mainstream media.<sup>186</sup> During the pandemic, media integrity was challenged as networks have been either physically intimidated or harassed by armed non-state actors or the security apparatus. Other media outlets have been hit with suspensions or fines. Shortly

after the pandemic began, state authorities imposed a USD 20,800 fine on Reuters and suspended its licence when it reported that the Iraqi Government was under-reporting the number of confirmed infections. The suspension was lifted in April 2020.<sup>187</sup>

The Iranian Government closed the Jahan-e Sanat newspaper in early August 2020 after it published the remarks of an expert on the national taskforce, who said that the official death toll for Covid-19 could be 20 times higher than reported.<sup>188</sup> Journalists have been arrested in Algeria, Bahrain, Iran, Jordan, Morocco and Palestine in government attempts to control what is reported about the pandemic.<sup>189</sup> Even though there is no evidence of any connection between the printing and distribution of newspapers and the spread of Covid-19, early in the pandemic some countries—such as Iran, Jordan, Oman and Yemen—suspended the production and distribution of newspapers, magazines and publications, claiming it was a precautionary measure to combat the spread of Covid-19.<sup>190</sup> This was more likely to have been an attempt to monopolize discourse on the pandemic by curtailing the right to information even further.

Citizens have found new spaces for expression, including social media networks. Protesters and journalists in the region have used social media tools to raise issues on the public agenda and to expose human rights violations. At the same time, fines and other tactics have been deployed to curb the use of social media and dissent. This has contributed to a high level of self-censorship and lack of media freedoms. Even though Abu Dhabi hosts large international networks and media, such as Reuters, The Economist and CNN, it is understood that topics and news items (notably for TV) that critique the country must be approved by regulators, while space must still be provided for 'propaganda-light' airtime in the international media.

Other checks on executive authority remain broadly ineffectual. Courts generally remain loyal to the state and do not challenge state authority other than in exceptional circumstances. There is, however, a growing realization in several countries that a renewed and genuine commitment to the rule of law must be achieved and there are ongoing efforts to make progress. According to the World Justice Project Rule of Law Index, Tunisia and the UAE advanced two positions between 2019 and 2020. The UAE has the strongest rule of law in the region, and both countries progressed in open government, regulatory enforcement and civil justice.<sup>191</sup>

Chapter 5

# Impartial Administration

*Impartial Administration is the aggregate of two subattributes: Absence of Corruption and Predictable Enforcement. It measures the extent to which the state is free from corruption, and whether the enforcement of public authority is predictable.*

## 5.1 CORRUPTION

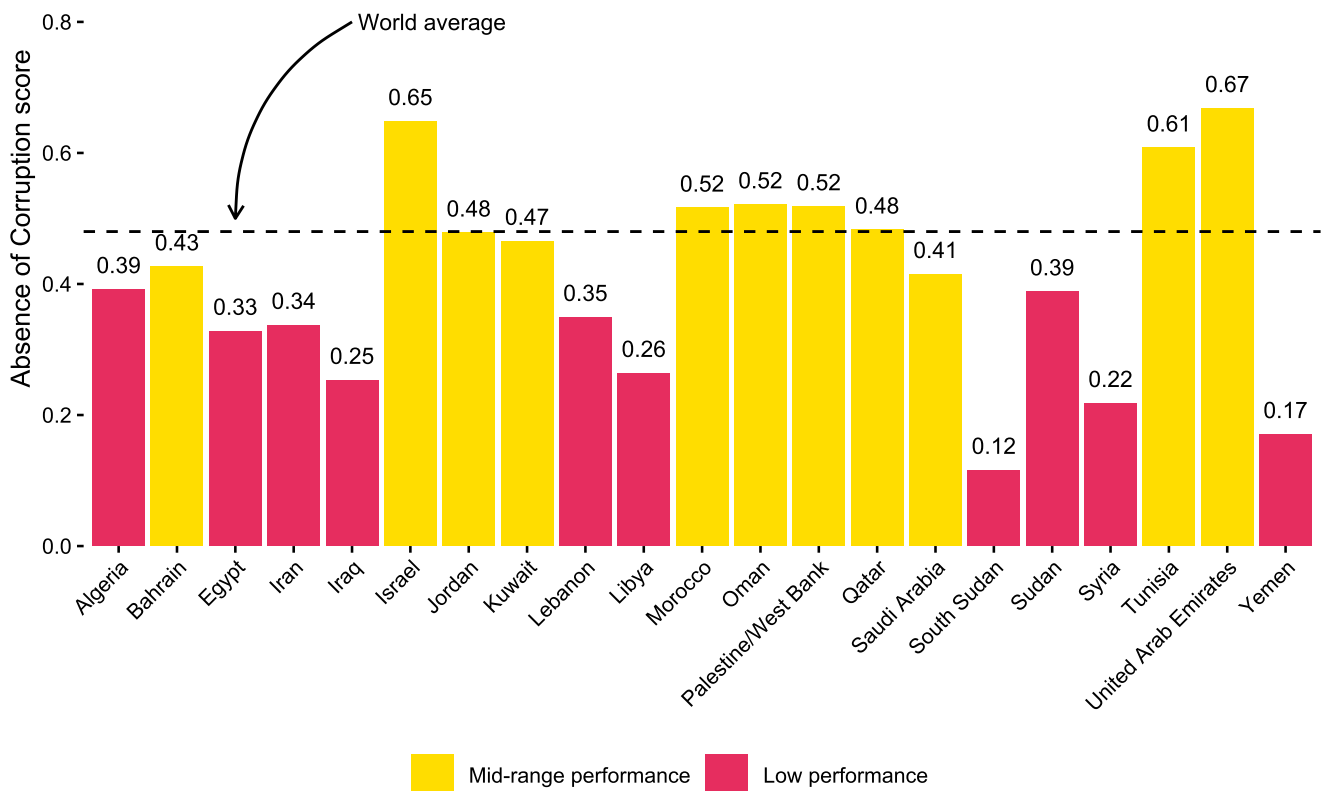
Corruption has been at the centre of public debate in the region for decades. In fact, the devastating impact of weak governments and poor policies is augmented by the contradiction of being a natural resources-rich region. The instrumentalization of religion as a political

weapon and the constant presence of armed conflict increases the need for good governance, accountability and transparency in the Middle East and North Africa. According to the GSoD Indices, 10 countries in the region are plagued by levels of corruption that exceed the world average (Figure 4). While no country has a high score on the Absence of Corruption aspect (meaning low levels of corruption), the UAE scores the highest in the region at 0.67 despite being one of the world’s few persistent authoritarian regimes.

In the Middle East and North Africa, 2011 ushered in a decade of civil uprisings demanding change. The political instability in the region, aggravated by its omnipresent governance challenges, has undermined

FIGURE 4

**Absence of Corruption in the Middle East and North Africa, 2020**



Source: International IDEA, The Global State of Democracy Indices 1975–2020, v. 5.1, 2021, <<https://www.idea.int/gso-d-indices/dataset-resources>>, accessed 3 September 2021.

any effort made by governments to tackle corruption. The low levels of trust in governments, together with the endemic corruption in the region, are two of the common denominators that have been fuelling protests for years.

According to the Arab Barometer, citizens in the region regard government officials and members of parliament as the most corrupt,<sup>192</sup> and this claim is sustained by another study from Transparency International, which states that 44 per cent of people in the Middle East and North Africa think that most or all members of parliament and government officials are involved in corruption. Politics and corruption are therefore closely linked, and vested interests work to ensure that laws passed to fight corruption remain unenforced.<sup>193</sup>

In Iraq, endemic corruption has meant that little of the country's large oil revenues are spent on public sector reform or service delivery,<sup>194</sup> especially that related to electricity, health, education and employment. The frustration of the population has been evident in the several movements demanding a change in the political elite, the end of corruption and the provision of basic rights. In an attempt to tackle such chronic corruption, in August 2020 Iraqi Prime Minister Mustafa al-Kadhimi formed a committee to investigate major cases of national corruption.<sup>195</sup> By September, several financial officers, including the former director of the national pension authority, were arrested on corruption charges. Travel bans were issued on the former Iraqi Minister of Electricity and the former head of the financial and administrative department at the Ministry of Electricity.<sup>196</sup> The committee and other anti-corruption initiatives have been criticized, however, for focusing on state officials with little to no political backing, while leaving the overall system untouched.<sup>197</sup>

Since 2016, Israeli police have been investigating corruption cases that allegedly involved former Prime Minister Benjamin Netanyahu and some of his political allies.<sup>198</sup> In February 2019, the Israeli Attorney General, as per the recommendation of the Israeli Police, announced his decision to indict the former Prime Minister following a hearing. The hearing took place in October 2019 and Netanyahu was indicted on charges of fraud, breach of trust and accepting bribes.<sup>199</sup> The trial was to start in March 2020 but was delayed by two months due to Covid-19 restrictions in Israel as the Israeli Justice Minister froze courts over the Covid-19 emergency.<sup>200</sup> Although the trial did commence, by February 2021, Netanyahu had requested that the remainder be postponed until April

2021, so that the Israeli legislative elections could take place in March—the fourth election in two years.<sup>201</sup>

The former premier's corruption cases have intensified the political crisis the country has been experiencing over the last couple of years. Three inconclusive elections were held in less than a year and the results of the elections from March 2021 were finally confirmed in June: Netanyahu, the longest-serving Prime Minister in Israel's history, will have to face his corruption charges, once the trial resumes in September 2021,<sup>202</sup> without the privileges that his position as Premier could have given him, as he was ousted by the opposition's coalition, which, unfortunately for Israel, seems far from stable. Eight parties formed the coalition: Yesh Atid (centre), Blue and White (centrist liberal), Yamina (a political alliance of right-wing parties), the Israeli Labor Party (social democratic), Yisrael Beiteinu (centre-right), New Hope (national liberal), Meretz (left) and the United Arab List. It is the first time an Arab party has been involved in the establishment of a government in Israel.

The Covid-19 crisis has made more evident than ever the high levels of corruption present in the Middle East and North Africa. It is not only political corruption, but also the use of personal connections and intermediaries to access public services—known as *wasta* in the region—which has a negative effect on public service delivery and has also been exacerbated by the pandemic. In most countries, positions in the public sector are very politicized, and often allocated on the basis of loyalty rather than merit. Because of this, many citizens resort to paying bribes to access public services, as public servants generally desire to profit from their appointments.<sup>203</sup> Years of such practices have left the countries severely unprepared to face a crisis such as Covid-19. When the first wave struck the region, hospitals and health centres not only had a shortage of supplies and were understaffed but lacked the organizational skills to respond effectively to the pandemic. With infections and deaths on the rise, the trust in the public sector plummeted even further as it became clear that it was incapable of responding efficiently.<sup>204</sup>

In Lebanon, a major corruption scandal related to the Covid-19 vaccination programme broke in February 2021. The World Bank threatened the Lebanese Government with suspending its vaccine funding<sup>205</sup> after learning that high-ranking officials, including President Michel Aoun and his close circle, received the vaccine even though they did not meet the criteria for that round of vaccination. These vaccines had been earmarked for high-risk health workers, people above 65 years, epidemiological and surveillance staff, and people aged 55 to 64 with co-morbidities.<sup>206</sup>

## Chapter 6

# Participatory Engagement

*Participatory Engagement is composed of four subattributes (Civil Society Participation, Electoral Participation, Direct Democracy and Local Democracy). The subattributes measure citizens' participation in civil society organizations (CSOs) and in elections, and the existence of direct democracy instruments available to citizens, as well as the extent to which local elections are free.*

Almost 10 years after the Arab Uprisings began, most of the factors that motivated those original protests remain in place today. In the past few years, state restrictions against freedom of assembly, freedom of association and freedom of speech have prevented significant protests from taking place in most countries. Despite these restrictions, civil society remains engaged throughout the region in efforts to improve governance, accountability and standards of living. In Tunisia, CSOs operate free from state control or influence and continue to mobilize in favour of specific causes. Most famously, in 2013 and 2014, a group of four CSOs organized a national dialogue process that enabled the country to overcome an impasse in its constitutional negotiations. Since then, civil society has remained deeply engaged, including by mobilizing in favour of defendants who do not have adequate representation in criminal cases. By way of example, in January 2021, three young men were condemned to 30 years in prison by the court in the city of El Kef for the possession, consumption and use of cannabis in a public facility. Many Tunisian organizations successfully mobilized in favour of the accused, which contributed to two of the convictions being quashed by the Court of Cassation in March 2021.<sup>207</sup>

Until the October 2021 coup in Sudan, civil society had greater scope to operate than in the past, thanks to the role that CSOs played in the overthrow of the former regime. It remains to be seen what the future of civil society there will be in light of recent events. In other countries, including Algeria, Iraq and Lebanon, CSOs formally operate free from state influence but face threats of violence from both state and non-state actors, including politicized arrests, assassinations and kidnappings. In other countries, CSOs face heavy restrictions on their work, either as a result of conflict

or because of the threat of heavy penalties being imposed by the criminal courts.

Despite these restrictions, civil society played a major role in mobilizing a second wave of protests that started in 2018 and continues to this day. These protests were motivated by many of the same concerns that inspired the original wave of protests in 2011, including but not limited to corruption and unemployment, as well as the lack of youth inclusion despite the very large young population in all of these countries. These protests took place in many countries in the region, including Algeria, Iraq, Jordan, Lebanon and Sudan. In Algeria and Sudan, the protests contributed to the departure of longstanding heads of state, namely President Abdelaziz Bouteflika and President Omar al-Bashir, who had been in power for 20 and almost 30 years respectively (although in Algeria, the regime has since recovered its control and stability). The recent coup in Sudan, however, risks the gains made over the past two years. In Algeria, Iraq and Lebanon, the general population and the protest movement have lost almost all trust in their country's political leadership.<sup>208</sup> In some cases, social movements have also lost trust in the opposition, who are now perceived to be aligned with the ruling elites. Notably, in all three countries, the protest movements largely remain leaderless. In addition, in all three countries, the movements' main objective of ushering in a new era of accountability and redefining the relationship between the individual and the state cannot yet be said to have been achieved. In Lebanon, following economic collapse and the August 2020 explosion at the Beirut port, civil society stepped up to provide assistance to the most vulnerable segments of society after the state failed to meet its obligations. Those actions were very well received by the population as a whole, but have not reversed or even halted the decline in standards of living in the country, which only public policies can reverse.

The protest movements in Sudan have adopted a different approach, which is much more structured. In December 2018, a coalition of opposition groups and CSOs orchestrated a series of protests that led to a large-scale sit-in in front of the military headquarters, which successfully caused the removal of the former



regime. The Forces of Freedom and Change coalition and the Sudanese Professionals Association continue to play important roles in the transition, although it is affected by internal splits. Despite the fact that the government is now led by a coalition between civilians and the security sector, Sudan has still not recovered from its economic crisis. In March 2020, oil prices plummeted by almost 50 per cent, causing a spike in inflation; this caused another wave of protests.<sup>209</sup> By mid-June, Sudan's Prime Minister was still warning that economic conditions would probably continue to deteriorate, and that civil protest was likely to intensify further.

After almost two years in transition, the Sudanese Prime Minister has realized the lasting impacts of certain critical issues in the political environment. In June 2021, the Prime Minister launched a political initiative to encourage the two factions of the Transitional Government to unify their efforts towards a successful democratic transition and to work together for a system that realizes equal citizenship. The Prime Minister's initiative encourages Sudanese political actors to cooperate to achieve the December Revolution's goals, including establishing election commissions, constitution-building and setting up the Transitional Legislative Council. In light of the recent coup, it is unclear if the gains made can be retained.

As the West, particularly the USA and some key EU nations, warms towards Sudan as a result of reforms, it might incentivize the country to move towards opening up the political space.

When the pandemic hit, some governments sought to capitalize on the threats to public health by enforcing curfews to deter protests. After an initial lull in protest activity, and despite strict lockdowns and other restrictions on the freedom of movement and assembly, at least nine countries in the region have experienced demonstrations during the pandemic.<sup>210</sup> Protesters are not just objecting to how governments have approached Covid-19, but also pushing for wholesale reform of ineffectual and/or corrupt political systems, and improved employment opportunities and state services.<sup>211</sup>

Protest movements that began in 2019 and 2020 and are still ongoing include—but are not limited to—the following:

- In Algeria, in February 2019, the then incumbent, President Abdelaziz Bouteflika, announced that he was running for a fifth term, and this served as a catalyst for the formation of a new protest movement referred to as the Hirak. The President was forced to resign and a new president, also an establishment figure, was elected in December 2019.<sup>212</sup> In 2020, a new Constitution was adopted, which introduced modest improvements to the country's system of government. The protest movement was not satisfied and continued to mobilize on a regular basis, despite restrictions imposed by the pandemic. As of September 2021, state institutions were involved in a multi-pronged effort to curb the protest movement, including through arrests and restrictions on speech.
- In 2019, a protest movement began in Lebanon in response to a collapsing economy and an unresponsive political class. The protest movement lost significant steam following the imposition of pandemic-related restrictions but then picked up considerably following the massive explosion at the Beirut port in August 2020. As of September 2021, protests seem to have subsided somewhat, despite the fact that none of the protest movement's demands appear to have been satisfied.
- Yearly protests in Iraq over the poor state of public services intensified considerably in 2019. A movement was established that was supported by broad swathes of the population and that continued for months. The composition of the movement changed and began to reflect the country's diversity. Female participation in the protests expanded, especially with young women who are defining their role in the movement and challenging patriarchal perceptions of gender roles in Iraq.<sup>213</sup> Security forces responded to protests with extreme violence, killing hundreds of unarmed protesters in the process.<sup>214</sup> In May 2021, a new protest was organized specifically to demand justice for protest leaders and other activists who were assassinated.

## Chapter 7

# Conclusion

Most countries in the Middle East and North Africa are still beset by the same dynamics that have dominated the region for decades: in a nutshell, undemocratic regimes that are generally unresponsive to the needs of the poorest and most vulnerable segments of society and have a strong tendency to curb basic rights. However, in the last decade it has become clear that the demand for democracy and for change is growing stronger at the grassroots level. Protests have plagued the region, with civil society demanding not only better governance but also more accountable governments. Moderate improvements regarding women's participation have also been seen throughout the region in the last few years. Although Covid-19 has reversed some of the achieved gains, progress continues at a slow but steady pace.

Nevertheless, democracy remains a distant goal. Elections do take place in the region, but they are mostly

futile and far from clean. Many elections are held with the sole aim of keeping existing regimes in power. Another challenge the region faces is the constant deterioration of media freedom. Media freedom is key to providing checks on government and defending rights, not only of the population, but also of journalists, organizations and institutions that work every day to make governments accountable for their actions.

The Covid-19 pandemic has allowed governments to impose further restrictions on people and institutions without providing effective assistance to the millions of marginalized poor. In some cases, authorities have employed increasing forms of repression.

Some countries, such as Libya, Palestine, Syria and Yemen, continue to suffer from conflict and/or occupation, with little to no hope that any resolution will be reached in the near future.

## Chapter 8

# Policy recommendations

Reflecting on the lessons learned from the pandemic, the following are recommendations for dealing with similar future emergencies.

**Governments** in the Middle East and North Africa should prioritize the following actions:

1. **Executive and legislative bodies must become more inclusive, both in membership and in decision-making.** Decision-making bodies throughout the region, including and especially high-level bodies, are not broadly representative, which has contributed to failures in the formulation and implementation of appropriate policies. These bodies must prioritize the inclusion of women, youth and other under-represented groups in their membership and processes, with a view to address the complex social challenges that are rooted in misgovernance and poor political participation and have been exacerbated by the pandemic, such as growing poverty and inequality, increased unemployment and slow progress on gender issues.
2. **Governments, with the support of regional organizations and the international community, need to invest in strengthening democratic governance in the region.** A particular focus should be in expanding the space for improved participation of women and youth in political processes, through the enactment of the requisite political and legislative reforms, and the sound implementation of existing constitutional provisions.
3. **State institutions, including governments, parliaments and independent bodies, should strive to improve the processes for policy formulation, implementation and evaluation in the democracy, elections and governance sectors.** Modern mechanisms and innovations should be deployed for that purpose, including, but not limited to, tools for engaging in post-legislative scrutiny through the systematic generation and analysis of reliable data. Analysing how legislation and policies have been implemented, as well as their associated impacts, increases the chance that future policies and legislative actions will fulfil their original objectives.
4. **Importantly, parliaments should have robust engagement with regional governments and political parties.** Together with the support of the regional organizations (Gulf Cooperation Council and League of Arab States) and the international community, they should come up with clear constitutional safeguards and good governance practices to discourage and take action against member states that manipulate constitutions and use military coups to extend their rule.
5. **Governments should prioritize the immediate improvement of basic services.** Better public health and education services and social protection systems are essential for improving the livelihoods and reducing the vulnerability of the region's millions of marginalized poor and disadvantaged communities, who have suffered the most during the pandemic and as a result of conflict and violence. To avoid any stress-induced social unrest, governments must proactively invest in livelihood-strengthening systems, predictable social safety networks, economic stimulus for small and medium-sized enterprises, and tax benefits, among other things, to cushion vulnerable groups and stimulate economic recovery.
6. **Governments should allow for greater media freedom and protection of journalists,** especially in active conflict and post-conflict situations in the region.
7. **Courts throughout the region should prioritize the oversight of the implementation of constitutional guarantees,** including but not limited to socio-economic rights.
8. **The judiciary as an independent institution (at least in some cases) should bravely and judiciously guard against executives' and monarchies' excesses and abuses of power.** The judiciary must swiftly and judiciously dispense with electoral disputes.

**Electoral management bodies (EMBs)** and other bodies that are involved in the electoral process should prioritize the following actions:

9. **Action must be taken that will improve public trust in the integrity of electoral processes and greater participation in elections.** Among other things, EMBs should adopt more transparent and effective rules on campaign finance, and should also develop more effective enforcement mechanisms of those rules, as well as robust civic and voter education.
10. **EMBs should enhance regional cooperation and networking.** This is in order to exchange views on international principles and standards, in such areas as independence, electoral justice, civic education, and gender equality and elections, and to identify the key challenges facing EMBs and other authorities in charge of organizing elections with integrity in the region, through peer-to-peer pressure and comparative experience-sharing, including from other regions.

**Civil society organizations (CSOs)**, including women's and youth groups, should prioritize the following actions:

11. **Civil society should invest in civic education.** Social movements and future political leaders benefit enormously from training on strategic planning so that their demands can be presented in a way that has an actual impact on the political process, including but not limited to the policy formation processes. A full understanding of citizens' rights and obligations, and the benefits to be gained from being involved, is the main pillar for healthy, transparent and accountable democracy.
12. **Civil society should campaign against restrictions on civil rights by raising public awareness of the limitations that are in place and of their practical impact (e.g. through the establishment of observatories).** This type of action can help focus efforts in government and civil society on a specific set of priorities and register important gains in the process. Providing the general population with an avenue to channel their demands and frustrations will go some way towards staving off uncontrollable expressions of public anger.
13. **Civil society groups should also act as trusted public agents to provide checks on the excesses of executives and monarchies, and demand better performance from EMBs.** They should be calling for

EMBs to conduct quality elections, and to enforce electoral laws (where applicable), as well as pushing for greater women's political participation in the electoral process.

14. **CSOs should also push for greater political reform** and advocate against unconstitutional changes of government, and for the enforcement of quota-based gender representation and the expansion of democratic spaces to accommodate marginalized voices.
15. **CSOs and the media should continue to demand greater regime accountability, improved governance and effective citizen political participation in state affairs.**

**Political parties**, where they exist in the region, should prioritize the following actions:

16. **Political parties must work to be proactively inclusive.** Internal party governance that is inclusive of factors such as age, gender and ethnicity should bring in support from more sectors of society and build trust, and then translate this into political parties obtaining more seats. This effort should not be limited to reforming internal regulatory frameworks; it should address the barriers that hamper change. Political parties becoming more credible and inclusive will also improve their image in the eyes of citizens, thereby boosting their popular appeal.
17. **Political party structures should, in unison with the public and other non-state actors, continue to non-violently push for greater public sensitization and stimulate public debate on political reform.**
18. **Opposition groups should also prioritize the development of modern leadership structures.** This should include a focus on the development of decision-making processes and greater inclusion of youth and women at the leadership level.
19. **Political parties, in collaboration with national parliaments, should advocate for review, reform and/or implementation of legislative provisions of electoral laws** (where applicable) to ensure that structures, including political party campaign funds, are easily accessible to women political leaders. Reforms that promote more effective participation of women in political competition will greatly boost improved leadership governance at different levels.

**The international community and regional organizations, including the League of Arab States and the Gulf Cooperation Council, should prioritize the following actions:**

20. **International and regional organizations should support efforts across the region to improve basic welfare for the poorest and most vulnerable segments of society**, including by investing in modern mechanisms that improve delivery of services—particularly in countries that have been affected by conflict.
21. **International and regional organizations should also continue to support country efforts to transition to a more democratic and stable system of government**—for example, in Libya and Sudan, depending on the state of the transition there. Organizations should engage in sustained assistance—over a period of several years—that is grounded in genuine local needs and transparent governance.

22. **The UN, the international community and the regional organizations should continue to support inclusive peacebuilding, conflict prevention and post-conflict recovery** in countries such as Libya, Palestine, Sudan, Syria and Yemen. There should be continued investment in confidence-building across different sectors, at the state, community and non-state levels, to support recovery and stabilization efforts and spur an economic revival, which is important for stability and prosperity.
23. **There should be greater coordination** between all the different mediation and peacekeeping initiatives run by the UN, the League of Arab States, the African Union, the Gulf Cooperation Council, the EU and the USA—through the Good Offices of Special Envoys and high-level representatives—in addressing the ongoing security challenges, mediation and post-conflict management, especially in fragile countries and countries in transition, such as Sudan and Yemen.

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# About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with the mission to advance democracy worldwide, as a universal human aspiration and enabler of sustainable development. We do this by supporting the building, strengthening and safeguarding of democratic political institutions and processes at all levels. Our vision is a world in which democratic processes, actors and institutions are inclusive and accountable and deliver sustainable development to all.

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## WHAT DO WE DO?

In our work we focus on three main impact areas: electoral processes; constitution-building processes; and political participation and representation. The themes of gender and inclusion, conflict sensitivity and sustainable development are mainstreamed across all our areas of work.

International IDEA provides analyses of global and regional democratic trends; produces comparative knowledge on good international democratic practices; offers technical assistance and capacity-building on democratic reform to actors engaged in democratic processes; and convenes dialogue on issues relevant to the public debate on democracy and democracy building.

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## WHERE DO WE WORK?

Our headquarters is located in Stockholm, and we have regional and country offices in Africa, the Asia-Pacific, Europe, and Latin America and the Caribbean. International IDEA is a Permanent Observer to the United Nations and is accredited to European Union institutions.

<<http://idea.int>>



**International IDEA**  
Strömsborg  
SE-103 34 Stockholm  
Sweden  
+46 8 698 37 00  
info@idea.int  
www.idea.int

Recent declines in democracy have undermined some of the remarkable progress made in Africa over the past three decades, although bright spots remain. The Covid-19 pandemic, though seemingly less damaging to public health than elsewhere in the world, has added pressure on governance, rights, and social inequality.

The report also covers the Middle East and North Africa which is one of the least democratic regions in the world. The Covid-19 pandemic has reinforced the erosion in democratic principles and the deepening authoritarianism that has accompanied a decade of economic, social and political turmoil in the region.

This Report provides lessons and recommendations that governments, political and civic actors, and international democracy assistance providers should consider in order to counter the concerning trends in the erosion of democracy, and to foster its resilience and deepening.

International IDEA's Global State of Democracy Reports review the state of democracy around the world. The 2021 edition covers developments in 2020 and 2021, with democratic trends since 2015 used as a contextual reference. This report on Africa and the Middle East is one of four regional Global State of Democracy Reports, which along with the Global Report complement and cross-reference each other. The reports draw on data from the Global State of Democracy (GSoD) Indices and lessons learned from International IDEA's on-the ground technical assistance to understand the current democracy landscape. The 2021 reports also draw heavily on data collected by International IDEA's Global Monitor of COVID-19's Impact on Democracy and Human Rights.

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