

Human Rights Centre Clinic

Anti-Discrimination Laws in the Middle East and North Africa

Partner: [Minority Rights Group](#)

About Minority Rights Group

With more than 50 years of experience, [Minority Rights Group International](#) (MRG) campaigns worldwide with around 150 partners in over 50 countries to ensure that disadvantaged minorities and indigenous peoples, often the poorest of the poor, can **make their voices heard**.

MRG works with disadvantaged ethnic, religious, and linguistic communities, including racialized communities and indigenous peoples, to seek mechanisms to access their undivided human rights including in the manifestation and promotion of their identity. Mindful of the impact of intersectional discrimination and historical context-based structural discrimination, the organisation seeks to overcome obstacles that impede equal access to and enjoyment of human rights by communities based on their real, perceived or contested identities.

Project overview

The Human Rights Centre Clinic will review and analyse anti-discrimination laws in a selection of countries in the Middle East and North Africa region, with a focus on religion, ethnicity and language. The project will combine comparative legal research and international human rights law, with an intersectional focus.

The project will contribute to the understanding of the impact of anti-discrimination laws on minorities and indigenous peoples in the Middle East and North Africa, and will inform the research, training and advocacy by Minority Rights Group in the region.

Background

Many countries in the MENA region (especially North Africa) have undergone constitutional and legal changes following the 2011 uprisings. The constitutions of Algeria (2016, Art. 32), Egypt (2014, Art. 53), Morocco (2011, preamble), Tunisia (2014, Art. 21), and Libya (2011, Art. 6) (but also Iran 1979 (Art. 19),

and Iraq 2005 (Art. 14) both prior to uprisings) all contain the principle of non-discrimination and equality before the law. They also contain principles such as freedom of religion or belief (e.g. Art. 6 of the 2014 Tunisian Constitution, now challenged by the new 2022 Constitution, and Art. 64 of the 2014 Egyptian Constitution). Furthermore, certain countries have gone as far as to issue specific anti-discrimination laws. In 2018, Tunisia's parliament passed a law criminalising racial discrimination (law no. 50-2018). It also issued a law on violence against women (no. 56-2016) and a law against human trafficking (no. 61-2016) that can be read through a minority intersectional lens. In Algeria, a law on Preventing and Combating Discrimination and Hate Speech was passed in April 2020; however, the government has been severely criticized by human rights groups for seemingly aiming to control public speech rather than fight any form of discrimination. In Morocco, a draft law against racial discrimination was presented in 2014 by a political party and re-launched in 2022, but it has yet to see the light of day. In Iraq, a draft anti-discrimination law was approved at its first reading in Parliament in October 2016, but did not progress further following attempts by the Iraqi Human Rights Committee to strengthen the draft, and lack of consensus on its provisions or scope. In Egypt, the Penal Code was amended in 2011 to include anti-discrimination provisions. However, such amendment presents serious shortcomings: discrimination is not punishable in itself but, rather, it is punishable "when the discrimination has resulted in a breach of the principle of equal opportunities, social justice or harming public order." (Art. 161b). Turkish anti-discrimination laws can be found in five areas of its legislation: the Turkish Constitution (1982), the Law on Disabled Peoples and Amendments to Various Acts and Decrees (2005), the Labour Code (2003), the Criminal Code (2004) and the Law on Human Rights and Equality Institutions of Turkey (2016). These all offer some protection to citizens from discrimination before the law. However, in 2021 Turkey withdrew from the 2011 Istanbul Convention on preventing and combating violence against women and domestic violence.

MRG has worked in Tunisia since 2017 to advocate first for the passing of a law against racial discrimination and, then, for its implementation, through documentation of cases of racial discrimination and legal support to victims of discrimination. This goal was achieved by training a network of lawyers, who have been assigned on a regular basis to provide free consultations and legal aid in all civil and criminal matters. Over the past three years, MRG has supported dozens of cases of racial discrimination (involving black citizens as well as sub-Saharan migrants), as well as dozens of cases of discrimination against LGBTQI+ individuals and, to a lesser extent, persons discriminated against on other grounds, such as religion and disability. In Iraq, MRG has provided support to civil society and the Iraqi Human Rights Committee on draft anti-discrimination law including legislative comparative analysis. In Iran, MRG has supported lawyers in anti-discrimination advocacy, while in Egypt they also provided legal support and issued a report on access to justice for minorities.

Project Output

The HRC Clinic project's findings will be presented in a 10,000-12,000-word report, which will be submitted to MRG upon completion in June 2023. Additionally, two short blog posts (1,000 words each) will be submitted in March and May 2023 for potential publication on MRG's website, which can focus on either a thematic area or geographic zoom in.

The Human Rights Clinic project, implemented in partnership with MRG, will consist of a review and analysis of anti-discrimination law with a focus on religion, ethnicity and language, using a comparative approach in selected countries, from an international human rights law point of view.

The project will consist of a desk-based research and legal review to identify existing anti-discrimination legislation and policies with an impact on minorities and indigenous peoples using an intersectional approach (e.g. including mentions of minorities and indigenous peoples in laws on gender-based discrimination, laws concerning persons with disabilities, etc). It will also look at cases where anti-discrimination laws do not exist but are either debated or where specific protections exist in the constitution (e.g. Iran). The research will be complemented by interviews with experts as well as minority and indigenous peoples' representatives. MRG will be able to provide contacts and facilitate those interviews.

The assessment will likely address five aspects: (i) what are the respective laws and practices in the countries subject to review? (ii) what are the legal gaps (including in the implementation) and the debates surround anti-discrimination policies? (iii) do the selected policies in the respective countries meet international human rights standards? (iv) what impacts (positive or negative) have respective policies had on various minority and indigenous communities within their jurisdictions based on an intersectional approach? and (v) are there any lessons to learn or best practices that can be extrapolated from the analysis and applied in other countries?

In terms of geographic scope, the project shall focus on a selection of four countries in the Middle East and North Africa region. MRG suggests focusing on Tunisia and Turkey (where there are anti-discrimination laws and their implementation and shortcomings can be analysed), Iran (where language is protected under the constitution as a ground for non-discrimination), and a fourth country between Egypt and Libya, to be chosen according to the Clinic Team members' interest. In Egypt, there are constitutional provisions as well as in the penal code, while in Libya there are ongoing debates over the constitution drafting process that involve communities such Amazigh, Tebu and Touareg. Moreover, MRG has extensive experience working in Tunisia, Turkey, Iran and Egypt, which means they can easily provide contacts for interviews. MRG has not implemented any work in Libya due to the humanitarian situation but they have initiated some scoping work and established contacts with some communities.

MRG aims to use the output of the research as a publication for advocacy and strategic litigation among other purposes, subject to quality control.

Timeline

Phase 1: November – December 2022:

- Preliminary research, understanding the project and developing research/report outline.
- Identifying a list of experts for interviews and questionnaires.
- Securing ethical approval, if necessary.

- Outline and bibliography to be submitted to MRG for comments.

Phase 2: January – March 2023

- Carrying out the interviews online.
- Research and data gathering.
- Report writing.
- Submission of the first full draft to MRG.
- Blog post n. 1, potentially on the MRG website, and reposted on Essex Human Rights Centre's website.

Phase 3: April – June 2023

- Revision and finalising the report based on input from partners.
- Potential presentation to MRG and partners in London or elsewhere.
- Blog post n. 2, potentially on the MRG website and reposted on Essex Human Rights Centre's website.

Essential sources

- *Minority Rights in the Middle East*, ed. Joshua Castellino and Kathleen A. Cavanaugh, 2013 (Oxford)
- *Routledge Handbook of Minorities in the Middle East*, ed. Paul S. Rowe, 2019 (Routledge)
- Blog: [Being "Black" in the MENA region: Department for Middle East and North Africa \(fes.de\)](https://fes.de) (Houda Mzioudet)
- MRG's directory entry on black Tunisians [Black Tunisians - Minority Rights Group](#)
- Tunisia: Short film about the removal of patronym referring to slavery from a black man's surname: [Abolition of the legacy of slavery: 'Atig' no more - Minority Rights Group](#)
- [Tunisia's Law against Racial Discrimination: The Mixed Results of a Pioneering Legislation – Arab Reform Initiative \(arab-reform.net\)](#)
- Justice Denied, Promises Broken: The Situation of Egypt's Minorities Since 2014, Minority Rights Group International (2019). <https://minorityrights.org/publications/justice-denied-promises-broken-the-situation-of-egypts-minorities-since-2014/>
- Rieffer-Flanagan, Barbara Ann. "Statism, Tolerance and Religious Freedom in Egypt" *Muslim World Journal of Human Rights*, vol. 13, no. 1, 2016, pp. 1-24. <https://doi.org/10.1515/mwjhr-2015-0013>
- Mahmood, Saba. *Religious Difference in a Secular Age: A Minority Report*. Princeton University Press, 2015. *Project MUSE* muse.jhu.edu/book/64510.
- Beyond the Veil: Discrimination against women in Iran, Minority Rights Group International (2019) [MRG CFR Iran EN Sept19 2.qxp MRG \(minorityrights.org\)](#)
- Rights Denied: Violations against ethnic and religious minorities in Iran, Minority Rights Group International (2018) [MRG CFRep EN Iran Mar18 4.qxp MRG \(minorityrights.org\)](#)
- Ignored and unequal: Roma access to the right to housing and education in Turkey, Minority Rights Group International (2017) [MRG Rep TurkRoma ENG May17.qxp MRG \(minorityrights.org\)](#)

- Identity and citizenship: the situation of minorities after the 2011 revolution, Minority Rights Group International (2018) [MRG_Rep_Tun_ENG_Nov18_3b.qxp_MRG \(minorityrights.org\)](#)

Focal Point

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